

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent, TN29 9NA - KCC/SH/0381/2011

A report by Head of Planning Applications Group to Planning Applications Committee on 24 January 2014.

Application by the Environment Agency and EDF Energy Nuclear Generation Ltd for Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent, TN29 9NA - KCC/SH/0381/2011

Recommendation: Permission be granted subject to conditions and a Section 106 Legal Agreement.

Local Member: Mr D Baker

Classification: Unrestricted

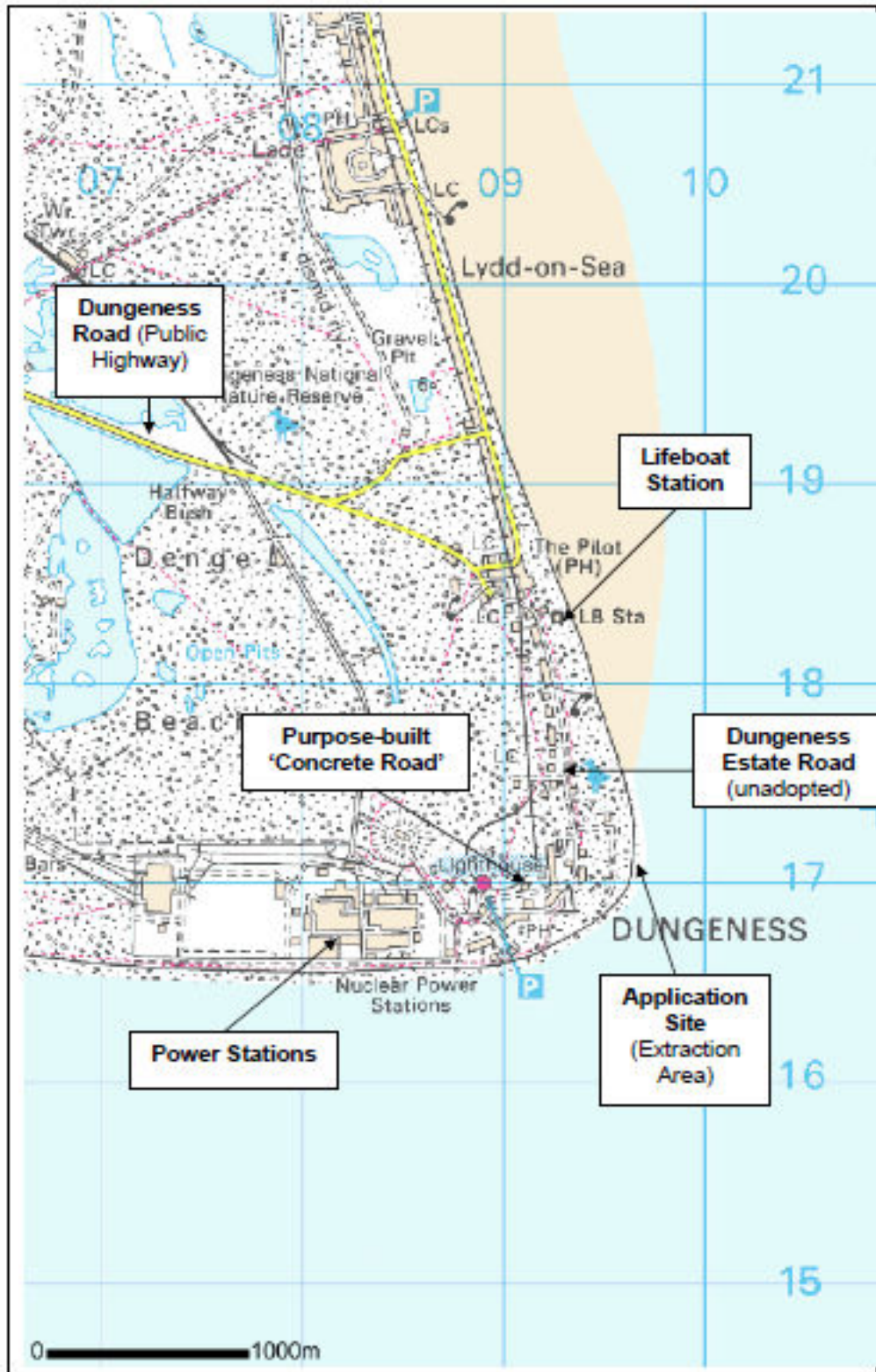
Site

1. A planning application has been submitted jointly by EDF Nuclear Generation Limited (EDF) and the Environment Agency (EA) for the recommencement of shingle recycling operations from Dungeness Point Borrow Pit Area for the purpose of flood defences along the Dungeness Power Station frontage and the Dungeness South Foreland. The application site, which is located on the Denge Marsh, lies within the Dungeness Special Area of Conservation (SAC), Dungeness Site of Special Scientific Interest (SSSI) and lies close to Pett Level Special Protection Area (SPA) and proposed Ramsar (pRamsar) site. The site also lies within the Dungeness Conservation Area (CA), a Special Landscape Area (SLA) and is within a National Nature Reserve (NNR). (See Appendix A for the extent of these designations). A number of public rights of way also exist close to the application site and proposed haul routes. A site location plan showing the borrow pit area is included below.

Background

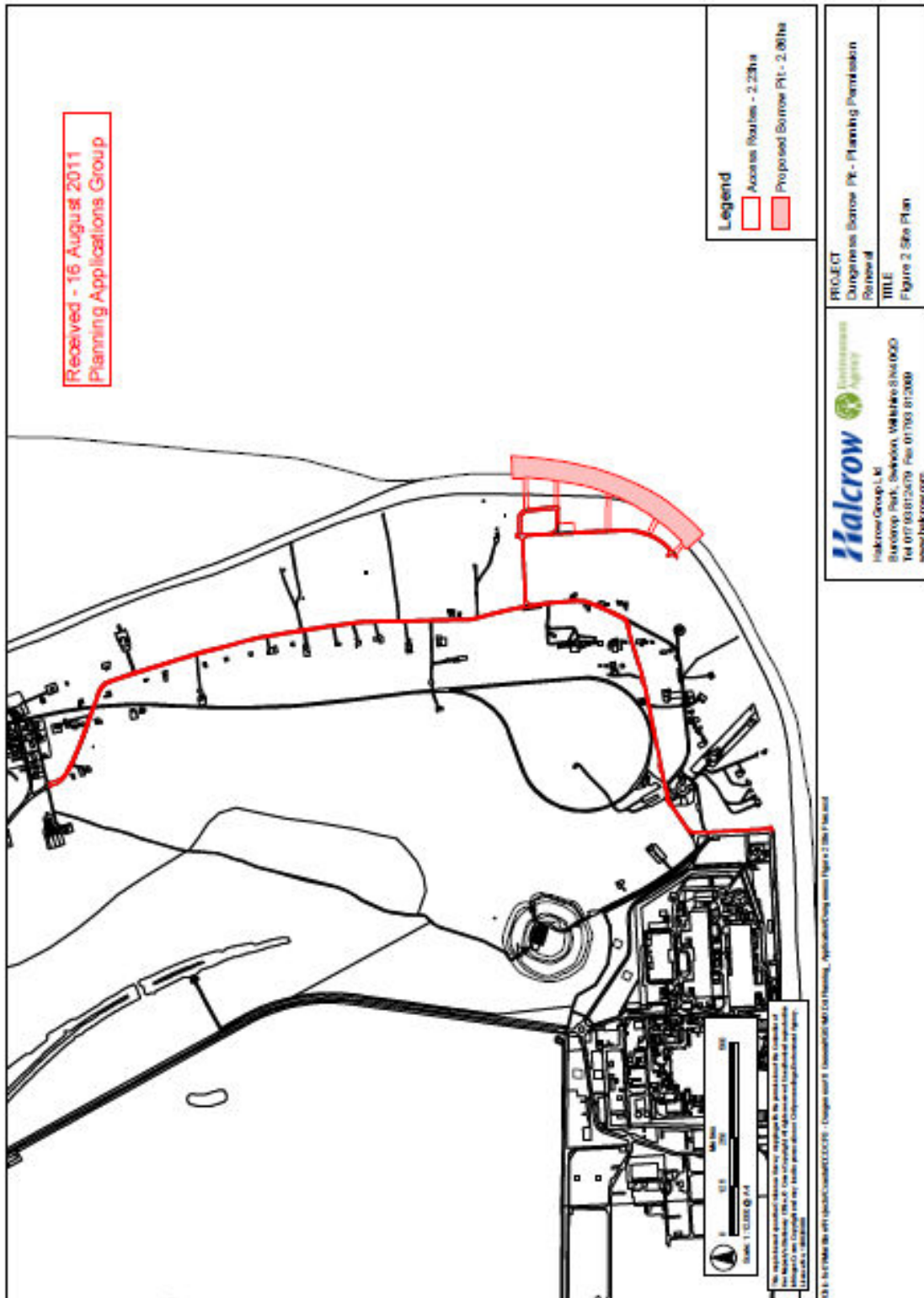
2. Much of Romney Marsh is below the present day high tide level and 14,500 homes, 700 businesses and nationally important critical infrastructure are considered to be at significant risk of flooding. Without sea defences, flooding would occur regularly along the coast line and natural shingle defences have played a very important part in reducing flood risk to the area, offering an effective and natural defence against flooding. In this area the Applicant's consider that it currently provides a more sustainable defence than building hard defences, (such as a concrete sea wall), as wave action pushes shingle along the southern coastline where it naturally accretes at Dungeness Point. By managing the beach to redistribute the shingle they can maintain the necessary flood protection for the power stations and also provide protection to the Romney Marsh and Broomhill (Camber) area.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



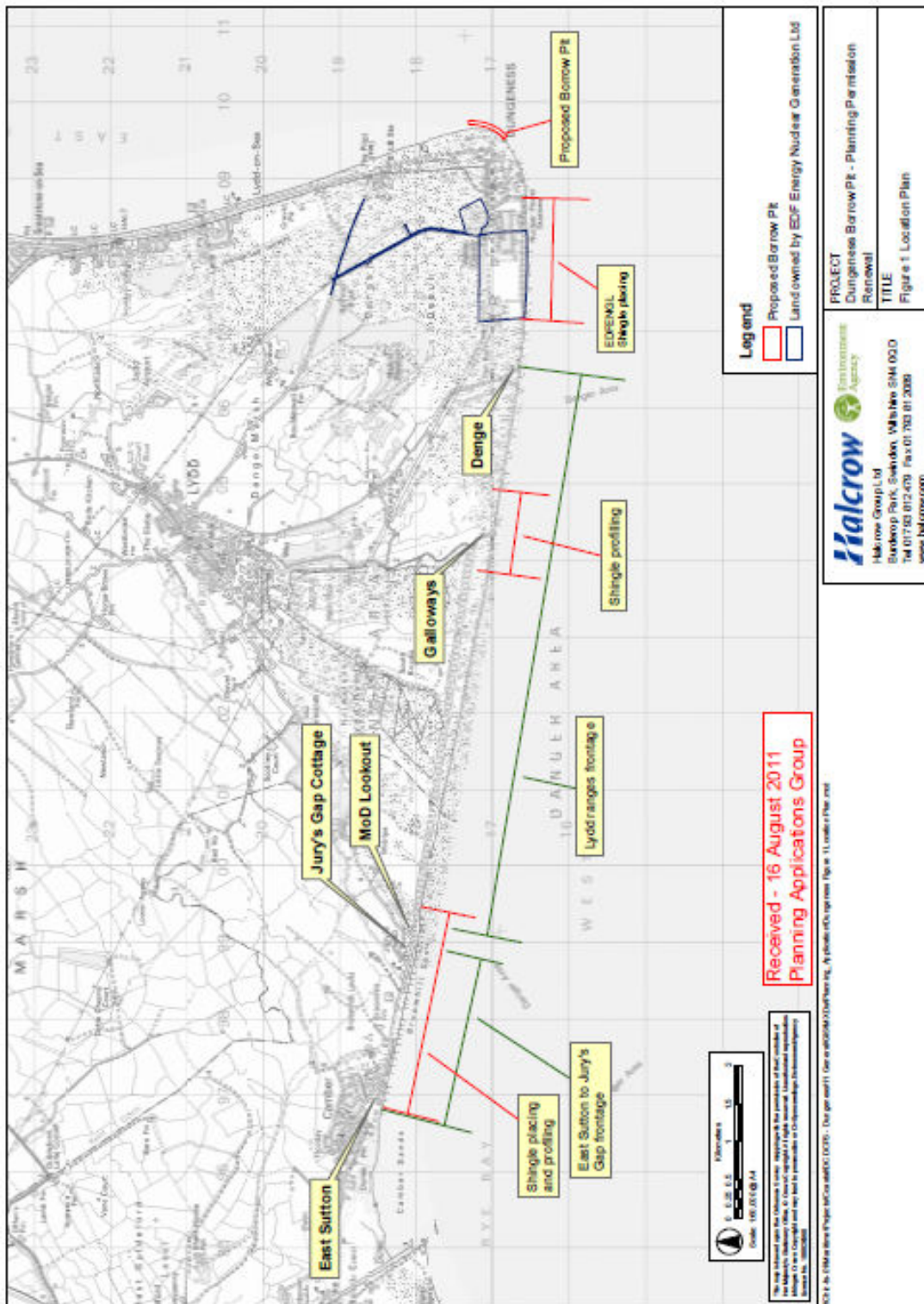
General Site Location Plan

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



Site Plan 1 –
showing proposed borrow pit area and access routes

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



Site Plan 2-
 showing the Borrow Area and
 Shingle Placing and Profiling Areas

PROJECT
 Dungeness Borrow Pit - Planning Permission Renewal

TITLE
 Figure 1 Location Plan

Halcrow Environmental Agency
 Halcrow Group Ltd
 Burdwood Park, Swanton, Whiteley, Southampton SO4 02D
 Tel: 01703 812479 Fax: 01703 812088
 www.halcrow.com

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

3. Dungeness is recognised as the UK's largest shingle structure and has the most diverse and extensive examples of stable vegetated shingle in Europe. In recognition of this, in April 2005 the site was designated SAC status under EC Directive 92/43. In determining this application, regard must therefore be had to the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 as a material consideration. Regulation 61 requires the County Council as Competent Authority to undertake an Appropriate Assessment of the implications for the conservation objectives in the event that a plan or project is likely to have a significant effect on a European site. Given the European designation, the County Council are required to consult with Natural England (NE) in order to establish whether in their opinion any such plan or project is likely to have a significant effect on a designated site.

SAC Status

4. A key environmental feature of the Dungeness peninsula is its vegetated shingle habitat which consists of ridges of shingle where the coastline was once located. As more shingle accretes seaward of these ridges the coastline has moved in a south east direction leaving some ridges land-locked.
5. Over time, the ridges have become vegetated and provide a unique habitat which supports some rare plant species. This habitat is only found in a small number of locations in Europe, therefore it is important to continue to preserve it. Having been granted SAC status in 2005 the Applicants were subsequently advised by NE that continued recycling operations in the same manner in which they had previously been undertaken were likely to have significant impacts on this important designation and that a more sustainable approach to shingle removal should be sought in the longer-term.

Planning History

6. Historically both EDF Energy and the Environment Agency (and their predecessors) had recycled shingle annually from Dungeness Point since the 1960's. A succession of 10 year planning permissions were granted in 1976, 1986 and 1996, up until August 2007 when the last permission granted for shingle extraction expired. Shingle was extracted at Dungeness Point and placed along the beach frontage of Broomhill between East Sutton and Jurys Gap and was also used to create and maintain a sea defence bund located in front of the nuclear power stations.

Impact of the SAC Designation on the Planning Position

7. In 2006 the applicants submitted an application (ref: SH/06/912) to continue their shingle recycling operation for, at that time, a further 11 years (i.e. 31 August 2017). Whilst at that time the proposal did not attract much local opposition, Members visited the site in order to allow officers to better explain the nature of the operations involved. During the course of formal consultations NE were unable to conclude on the basis of the information submitted in support of the application, whether it would be likely to have any significant adverse effects on the 2005 SAC designation. They therefore formally objected to the proposal. Having undertaken, as the Competent Authority, an appropriate assessment as required

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

under the Habitats Regulations, the County Council were also not able to be satisfied that there were no other alternative more sustainable solutions. As a result the applicants formally withdrew the application in order to allow time for them to explore with NE, whether a longer term solution could be found which would meet their requirements for the purposes of sea defence, whilst also promoting the interests of the SAC. In the meantime, as a temporary measure, in order to allow shingle extraction to continue during these discussions, a 1 year planning permission (ref: SH/05/1338) was granted in August 2006 which expired in August 2007. Since then no further shingle recycling operations at Dungeness Point have taken place.

8. Since the previous planning permission for extraction at Dungeness Point expired, the EA has been sourcing shingle from an inland quarry near Lydd at what they claim to be a considerable cost. Whilst EDF have been re-distributing the material in the existing bund in front of the power stations to maintain the size and profile required in order to maintain adequate sea defences. They claim however that new material will be required in the near future in order to ensure their sea defences can continue to be properly maintained.
9. This latest planning application, which has been the subject of two Member's Site Visits and a Public Meeting (in January 2012), is accompanied by an Environmental Statement pursuant to the Environmental Impact Assessment Regulations, which assesses the potential impacts of the development on the local environment and identifies mitigation measures which the applicants consider would ensure any impacts would be reduced to an acceptable level. Such measures are set out in more detail below.

Proposal

10. Whilst this application is a joint proposal, I feel it necessary to point out that each party has its own separate requirements and responsibilities for maintaining sea defences. The EA are responsible for flood management along the coastline in the public interest whilst EDF are required to maintain the existing sea defence bund in front of Dungeness A and B nuclear power stations as part of its own health and safety case.
11. The Applicants state that homes and businesses along with nationally important infrastructure are at significant risk of flooding and that without sea defences, flooding would occur regularly. In their view, recycled shingle offers an effective and natural defence against flooding and therefore consider that by managing the beach frontage to redistribute shingle from the Dungeness point, they can effectively maintain flood protection to the power stations, the Romney Marsh area and the Broomhill to Jurys Gap areas.
12. Both applicants therefore seek permission to recommence annual shingle recycling operations at the borrow pit area which is located to the south east of the Dungeness power stations, at Dungeness point for a period of 12 years. Operations would take place each year between the months of October and March inclusive.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

EDF Safety Case

13. In the case of EDF, the natural coastal processes taking place in the area cause erosion of the shingle beach directly in front of the Dungeness Power Stations along the southern coastline and that beach feeding is necessary in order to replenish and maintain the beach and shingle bund required in front of the power stations as part of the nuclear safety requirements.
14. EDF seek permission to extract up to 30,000m³ of shingle annually for the next 12 years in order to feed the beach frontage to the Dungeness A and B power stations, although they have stated that they will only take what material is needed in order to maintain their defences. They claim that the bund and beach area seeks to provide protection against a 1 in 10,000 year sea surge or tsunami. They state that the bund specification is sufficient to protect the power station from direct flooding due to raised sea levels during a surge or tsunami whilst an additional small wall behind the bund would divert any water that overtops the bank. In essence the purpose of the bund would be to ensure that waves would bypass the shingle bank, would be dissipated and the water absorbed by shingle ground before reaching the stations. The dimensions of the bund are specified as required by the nuclear safety case for each of the power stations.
15. Following the expiration of the last planning permission, EDF state that no new material has been added to the bund from the borrow area since 2008 and that there is now an urgent need for new material to be sourced if the power stations safety case is to be met.

Environment Agency Case

16. In the case of the EA, shingle from the borrow pit area was previously used to maintain flood defences along the Dungeness South Foreland where, through natural coastal processes, it eventually returns to the borrow pit under the influence of longshore drift.
17. The EA, in their supporting information, state that they require between 0 and 30,000m³ of shingle from year 1 of the recommencement of beach feeding operations, reducing to a maximum of 15,000m³ annually from year 3 onwards in order to maintain the Broomhill frontage which they state provides sea defence to the village of Camber and a wide area of land behind the defences. As part of their current beach management program, they state that shingle placed at Broomhill moves eastwards under the influence of longshore drift. The Broomhill stretch is built up to design levels at the beginning of each winter, monitored and replenished when necessary in response to loss of material. They state that the risk is managed by having the ability to respond to the need for more material, for example, following a storm event.
18. Following the expiration of the last planning permission for shingle extraction from the borrow area, the EA have sourced some 99,568m³ (*correct figure at the time of submitting the application in 2011*) of shingle from an inland quarry for placement along the Broomhill frontage.
19. The EA states that the standard of the existing defences along the southern shore is less than 1 in 5 years (i.e. 20% chance of inundation per year). They further state that extensive

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

low-lying areas of Walland Marsh, together with settlements such as Camber, would be rapidly and extensively inundated in the event of a breach of the defences.

20. In order to secure satisfactory sea defences for both parties, they have considered a number of options which are summarised below. However in their view only two viable options are considered appropriate and these are identified and discussed in more detail further below. Their favoured option is the recommencement of shingle recycling from Dungeness Point which in their opinion represents the most sustainable option, has in their view, the least impact on the environment and has a similar impact on local residents to sourcing material from a land based quarry in the first year. After the first year the impact of traffic movements reduces significantly as the Environment Agency will require much less shingle. This is due to longer term sea defences programmed to be put in place. This option would in their view continue to enable launching of both the RNLI lifeboat and the fishing fleet from Dungeness which would otherwise be hindered by larger volumes of shingle building up. The applicants also consider that recycling shingle in this way is not only the most sustainable option but also the most achievable having regard to the cost to the public purse.

Operational Process

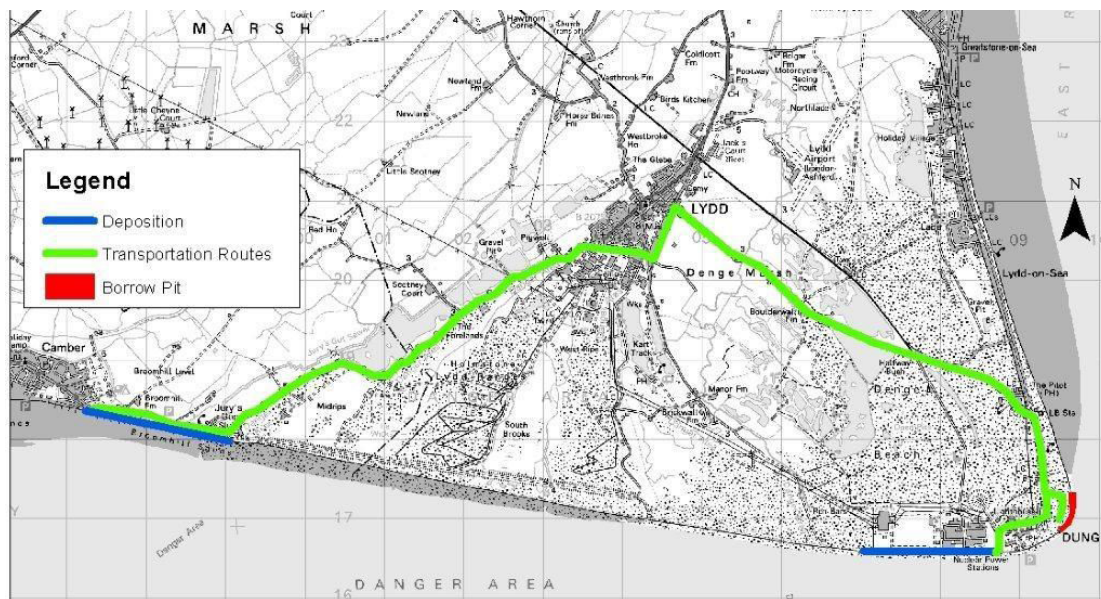
21. Whilst the working area described in the planning application covers a length of approximately 500 metres of beach, operations would only take place within small sections of the beach at any one time in a location to be agreed prior to the commencement of extraction at the beginning of each working season with Natural England. A further meeting would also take place in March towards the end of each working season to discuss and deal with any operational issues including the identification of extraction areas for future successive years. These sections would require fencing off for health and safety purposes, but would leave the remainder of the site open for access to other beach users. In operating and managing the site in this way, the applicants are also seeking to promote the growth of at least six hectares of shingle ridges by the end of the planning application period.
22. Two bull dozers are anticipated to be working on the beach daily which would push shingle up from the seaward side to loading areas on the crest of the beach where a tracked excavator would load material into vehicles for onward transportation. Extraction activity is proposed to be undertaken evenly along the length of the beach face.
23. Access to and from the borrow area would be via the existing access off the Dungeness Estate Road track down to the beach which would be depicted by temporary haulage tracks set up by the contractor to allow for safe movement of vehicles on site.
24. The applicants propose to recommence shingle extraction operations from the borrow area between the months of October to March each year, over a 24 week period. They also propose that operations (being shingle extraction and transportation of material) would take place between 0730 hours and 1600 hours, Monday to Friday only.
25. As each 'season' commences, the applicants propose to set up a compound close to the working area to contain the site welfare facilities and provide parking for vehicles and plant outside of the operating hours. Temporary structures included as part of the proposal relate

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

to a shingle bund in order to attenuate noise and visual impacts during the proposed operation and 'Heras' fencing to delineate the agreed area of shingle extraction.

Vehicles and Routing

26. In order to facilitate the proposed operations of both parties each working season, the applicants would extract shingle simultaneously from within that section of the borrow pit area previously agreed with NE. Whilst both operators propose to extract shingle from the same area they would transport material separately to their destinations via the following routes; the EA propose the use of HGV's carrying a 20 tonne payload which would transport shingle to the Broomhill frontage via the internal Dungeness Estate Road out on to the public highway (Dungeness Road) towards Lydd and along the Lydd/Camber Road to Broomhill. EDF propose the use of 30 tonne moxy vehicles which would take material from the borrow area, exit left onto the Dungeness Estate Road and along to the beach frontage via a purpose built privately owned 'concrete road' which was previously constructed and used by their vehicles to deliver material to the point of deposition. Both applicants propose to convoy vehicles in order to maintain control over the transportation of material from the site.



Plan Showing Proposed Vehicle Routes

27. The transport calculations for the haul route have assumed a working period of 24 weeks per year, therefore the daily traffic flows for the EA and EDF are proposed to be 42 movements (21 in/21 out) and 28 movements (14 in/14 out) respectively. Whilst EA vehicle numbers would reduce somewhat following the reduction of shingle required by year 3, the number of EDF vehicles would remain up to a maximum of 28 dependant upon the need to replenish the bund in front of the power station in order to meet their safety requirements.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Proposed Annual Meetings with Natural England (NE)

28. Prior to the commencement of any shingle extraction it is proposed that an initial meeting be held between the applicants and Natural England in order to agree how the SAC conservation objectives would be met with respect to the future recycling activities. Thereafter annual meetings are proposed to be held within the first two weeks of each October, throughout the duration of the operations, to review whether the SAC conservation objectives are still being met in respect of the recycling activities.
29. Topographic surveys would also be carried out in May and October (before operations recommence in the borrow pit area) each year throughout the duration of operations in order to determine:
 - The volume of extraction of each successive beach feeding season; (to ensure at least, 100,000m³ of shingle accretes over each rolling 3 year period as required by NE).
 - The division of the borrow pit area into the area to be worked in the coming winter season on the most newly accreted shingle ridge and areas of potential vegetation colonisation on established ridges to be identified and protected.
30. The survey results would be reported to an annual October meeting and a written agreement between the applicants and NE regarding the volume of shingle to be taken that winter would be confirmed prior to any extraction commencing.
31. In order to secure this for the duration of operations, the applicants are agreeable to entering into a Section 106 Legal Agreement, which would also require Natural England to be signatories.

Local Forum

32. In addition to the meetings proposed to be held prior to the beginning and towards the end of each working season with NE, the applicants also propose to set up an annual forum to include representatives from the parish council, residents association and local fisherman.
33. The Applicants have submitted, in support of the application, an Environmental Statement which seeks to assess any adverse impacts on the following, and which also includes measures to mitigate any such impacts to an acceptable level.
 - Geology, geomorphology, soils and hydrogeology
 - Human beings
 - Flora and fauna
 - Air and climate
 - Noise and vibration
 - Landscape and visual amenity
 - Water
 - Land use
 - Cultural heritage, archaeology and material assets

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- Traffic and transport
- Use of natural resources
- Cumulative impacts
- Environmental enhancements

34. Since the submission of the original planning application, the applicants have submitted further information in response to consultee responses and which also seeks to address concerns raised by local residents following the public meeting held in early 2012.

Planning Policy

35. **European and National Policy Context**

European Policy

The Conservation of Habitats and Species Regulations 2010 – assessment of implications for European sites and European offshore marine sites

Regulation 61: A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

National Planning Policy

36. **The National Planning Policy Framework (NPPF)** came into force on 27 March 2012; it replaced the majority of previous national planning policy guidance, including Mineral Planning Policy Statement 2 - Controlling and Mitigating the Environmental Effects of Minerals Extraction (MPS2) and Planning Policy Statement 9 - Biodiversity and Geological Conservation (PPS9). Of particular relevance to the consideration and determination of this application are:

Part 10 - meeting the challenge of climate change, flooding and coastal change. Part 11 - conserving and enhancing the natural environment, Part 12 - Conserving and enhancing the historic environment and Part 13 - Facilitating the sustainable use of minerals acknowledges that there should be no unacceptable adverse impacts on the natural and historic environment and human health, from mineral development. Other matters addressed in the framework primarily carry forward previous national planning policy guidance. The Noise Policy Statement for England (NPSE) March 2010 is referred to within it and remains of relevance.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. It considers that sustainable development is not just about conserving and enhancing the natural environment but also includes other dimensions of equal importance which are overarching, these being economic, social as well as environmental. It advises that these dimensions give rise to the need for the planning system to perform similar roles by amongst other matters:

- Contribution to building a strong, responsive and competitive economy;
- Reflect the needs of communities in supporting its health, social and cultural well-being; and
- Contributing to protecting and enhancing our natural, built and historic environment by helping to protect and improve biodiversity, use natural resources prudently and adapting to climate change.

Such roles are mutually dependant and the NPPF advises that those determining planning applications should seek to approve applications for sustainable development where possible.

Technical Guidance to the NPPF

37. The NPPF is also accompanied by a technical guidance document which provides additional guidance on flood risk and minerals policy. With regard to flood risk, it retains key elements of previous Planning Policy Statement 25 'Development and Flood risk' which gives specific advice on steering development away from areas at risk of flooding, depending upon the vulnerability of the proposed use. This guidance is an interim measure pending a wider review of guidance to support planning policy.
38. In terms of the proximity of minerals workings to communities, MPA's (Mineral Planning Authorities) are expected to ensure that plan proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. Residents living close to mineral workings may be exposed to a number of environmental effects and particular care should be taken in respect of any conditions they attach to a grant of permission for working in proximity to communities.
39. The Framework makes it clear that mineral planning authorities should ensure that unavoidable dust and noise emissions are controlled, mitigated or removed at source. It further recognises that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties.
40. Those making development proposals should carry out a noise emissions assessment, which should identify all sources of noise and, for each source, consider the proposed operating locations, procedures, schedules and duration of work for the life of the operation. Proposals for the control or mitigation of noise emissions should consider:
 - the main characteristics of the production process and its environs, including the location of noise-sensitive properties;

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- proposals to minimise, mitigate or remove noise emissions at source;
- assessing the existing noise climate around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
- estimating the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
- monitoring noise emissions to ensure compliance with appropriate environmental standards.

41. **Marine and Coastal Access Act 2009** – provision for a continuous route around the English coast with an adjacent margin for open-air recreation on foot.

Paragraph 99 of **Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation** - Statutory Obligations & Their Impact Within the Planning System states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'*

Natural Environment and Rural Communities Act (2006), *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."*

Development Plan Policy

Minerals Policy

42. **The Kent Minerals Local Plan: Construction Aggregates (Adopted December 1993): Policies Saved After 27 September 2007**

Policy CA9: Proposals for Borrow Pits (to meet the specific requirements of infrastructure projects) which are within an area subject to a primary planning constraint should be given appropriate consideration at the time of examining the particular project giving rise to the need for the Borrow Pit

Policy CA18: Before granting permission for the working or supply of construction aggregates, the County Council will require to be satisfied that noise, vibration and dust from both the site and haulage vehicles can be satisfactorily controlled.

Policy CA19: Where the external appearance of the workings would be materially affected by fixed plant and buildings, the County Council will require that approval is given for the siting, design and external appearance of fixed plant and buildings.

Policy CA21: Where proposals to work or supply construction aggregates could adversely affect a Public Right Of Way, the County Council will take

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

account of the interests of its users.

43. **Shepway District Local Plan Review** policies CO4 (Special Landscape Area), CO6 (Undeveloped Coast), CO8 (Ramsar), CO9 (SSSI), CO10 (Dungeness National Nature Reserve), CO11 (Biodiversity Protection), CO14 (Protection of Nature Conservation Designations) , BE3 (New conservation areas) and BE4 (Conservation Areas).

Emerging Policy

44. **Draft Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Consultation (January 2014)**

Policy CSM1: Sustainable Development

When considering mineral development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and the associated Technical Guidance.

Mineral development that accords with policies in this Plan and subsequent Plans will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework (para. 37-41) indicate that development should be restricted.

Policy DM2: Sites of International, National and Local Importance

Proposals for minerals and waste development will be required to ensure that there is no significant adverse impact on the integrity, character, appearance and function, biodiversity interests, geological interests, heritage interests or amenity value of sites of international, national and local importance, including:

- (a) Internationally designated sites including Ramsar, SPAs and SACs (European Sites).
- (b) Sites of Special Scientific Interest (SSSIs).
- (c) Local Wildlife Sites (LWS).
- (d) Local Nature Reserves (LNRs).
- (e) Biodiversity Action Plan priority habitats.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- (f) Land that is of regional or local importance as a wildlife corridor or for the conservation of biodiversity.
- (g) Areas of Outstanding Natural Beauty (AONB) and their settings.
- (h) Regionally Important Geological sites (RIGS).
- (i) Protected woodland areas including ancient woodland and aged and veteran trees.
- (j) Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas.
- (k) Local waterbodies.
- (l) Conservation Areas and listed heritage assets (including their setting).
- (m) World Heritage Sites, scheduled monuments and non designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments.
- (n) Registered historic parks and gardens.
- (o) Land or buildings in sport, recreational or tourism use, unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning gain.

45. Consultee Responses

Shepway District Council: No objection is raised, however the District Council wish to make the following comments:

- 1 Shepway District Council acknowledges that this scheme is similar to previous schemes for Dungeness Borrow Pit, which the Council has commented on under Y05/1338/SH and Y06/0912/SH. However Shepway District Council is aware that this scheme is for a longer time period than previously considered and therefore significant regard should be given to the prolonged impact on the environment over a greater length of time. In this instance the Council recognises that the application being a joint application also involves an area outside of the district and therefore can only comment upon the works within its boundaries.

The principle issues that need to be considered in the determination of this application are the impact on the biodiversity and natural beauty of the area, together with the socio economic impacts of not extracting and recycling the shingle. It is advised that significant consideration should be given by the determining Authority to government guidance contained within Mineral Policy Statement 2: Controlling and mitigating the environmental effects of minerals extraction in England together with Planning Policy Statement 9: Biodiversity and Geological Conservation (*note: MPS2 and PPS9 have been revoked by the NPPF*).

The site has a number of designations. Firstly it is a Special Area of Conservation (SAC) and a Site of Special Scientific Interest and the area is also within the proposed RAMSAR and Special Protection Area and as such Local Plan Review policies CO8, CO9 and CO14 apply. These policies require that development that would significantly affect the integrity of such a site should be refused and that

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

priority should be given to the international importance of the area. There are two exceptions – that there is no alternative solution and there are overriding public considerations. Where development is permitted, impacts must be minimised and full compensation for remaining adverse effects provided.

Clearly, as the accompanying reports from Halcrow indicates, there would be implications for the site and its various designations. The report concludes that there would be a harmful effect on the shoreline habitats however, the Council also recognises that the proposed works are to be accompanied by a significant array of biodiversity mitigation measures (as set out in Appendix E: Appropriate Assessment) and an environmental action plan that are intended to minimise the environmental impacts before, during and after works. It is recommended that these measures are put in place and secured by planning condition if planning permission is granted.

The application and subsequent reports have considered alternative options but have concluded that all would have a comparable impact on the SAC. It is therefore strongly recommended that the determining Authority in such circumstances be guided by Natural England in respect of the wider consequences of such an effect, or indeed and other such harmful effect not highlighted by the Halcrow work. In this instance owing to the environmental sensitivity of the area the Council recognises the need for an Environmental Impact Assessment and Appropriate Assessment.

The area including the shoreline is also designated as a Special Landscape Area (SLA) and the Dungeness Estate is a Conservation Area whereby local plan policies CO4 and BE4 apply. Within such areas the conservation and enhancement of the natural beauty of the area takes precedence unless a case can be made that the economic or social well being of the area outweighs the need to give long-term protection to the area. In the case of the Conservation Area the determining Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The Local Planning Authority accepts that similar works have already been carried out over the years and does not consider that the overall natural beauty and heritage asset of this area has been detrimentally affected. Therefore, the Local Planning Authority does not consider further works on a similar scale would present demonstrable harm to the visual amenity and natural beauty of the area.

Shepway District Council is also aware of local concerns regarding heavy vehicular movements, the potential damage to the local road infrastructure as well as general noise and disturbance. Therefore, if this is considered to be the case, the local Planning Authority recommends the determining authority be guided by Kent Highway Services and if possible repairs to the roads are carried out regularly whilst the scheme is in operation to resolve the problem. In addition, it is recommended that measures to minimise noise, dust and traffic congestion are all secured by planning condition and their efficiency evaluated regularly, if planning permission is granted.

Access to the beach is also important for the purposes of tourism and leisure as

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Dungeness is a popular tourism attraction within the district. It is recommended that restrictions over public access to the beach are kept to a minimum whilst not compromising on public safety and that public rights of way are kept open where possible and this be secured by planning condition if planning permission is granted.

Therefore in conclusion balanced against the direct nature conservation impacts and other material considerations are the potential effects in terms of inundation by the sea, particularly in respect of the effects on residential properties, and more especially in terms of the long-term safety and operation of Dungeness Power Station, which is of significant and much wider public interest. In this instance the Council places considerable weight of the need to give long-term protection to the wider public and therefore on balance, it is the view of the Council that no objection be raised to the proposal subject to the conditions recommended above and the views of Natural England.

Natural England: No objection is raised subject to mitigation measures, monitoring and an operations plan which should include annual meetings to ensure SAC objectives are being met. NE also request that a schedule of borrow area management meetings be secured either by way of appropriately worded conditions or by legal agreement which would take place in October and March each year in order to ensure that the SAC conservation objectives are met as well as to establish the volume of shingle for the next beach feeding season along with the division of the borrow area. NE advise that having regard to the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010, the County Council as competent authority must carry out an appropriate assessment.

Kent Highways and Transportation: No objections are raised on highway grounds subject to a restriction on HGV movements.

Jacobs (Air Quality and Dust): Jacobs raise no objection stating the following:

From the information provided in the Environmental Statement, it is apparent that there are some residential properties in close proximity to the borrow pit and along the transport routes.

The comparison of base traffic against development traffic indicates that the likely increase in traffic generated by the shingle transportation would not have any significant impact upon the local road network and therefore no further consideration is required.

Dust generated by the excavation and transportation of the minerals could have a detrimental impact upon the residential properties as they lie within 200m of the borrow pit and transport routes. The mitigation measures proposed would suitably limit any impact.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Jacobs (Noise & Vibration):

Noise

No objections are raised subject to conditions - *“Noise levels at all representative receptors are predicted to not exceed the LOAEL (Lowest Observable Adverse Effect Level) or SOAEL (Significant Observed Adverse Effect Level) criteria, with the exception of those properties facing onto Dungeness Road. For these receptors, adverse noise impacts are likely.”* However, those impacts are put into context when considering the position whereby EDF could bring shingle to the power station frontage should planning permission be refused for shingle recycling to re-commence stating that *“similar or greater noise levels would be expected at these receptors. I therefore advise that given noise emanating from the site is unlikely to result in an adverse impact, and with the opportunity to restrict HGV movements through the Dungeness Estate, I would not object to this application on noise grounds.*

In considering the above, it shall be noted that all predictions are subject to a number of assumptions, e.g. plant source noise, percentage on-times, speeds of HGVs, topographical information, atmospheric conditions, etc. Although we can make comments on the likely impacts arising, the actual noise levels will inevitably alter slightly to that produced through a theoretical exercise. Therefore, should permission be granted, I would certainly look to apply a number of conditions to ensure adverse impacts do not arise. These would be on the following basis:

- (i) Noise emanating from all plant associated with the shingle extraction and vehicles using the haul road shall not result in an increase in ambient noise level of 3 dB or more at any residential property.*
- (ii) The Applicant shall demonstrate that the above condition is achieved through onsite measurements within one month of operation. Thereafter, monitoring shall be undertaken every 3 months. The methodology for such monitoring shall be agreed with the local planning authority.*
- (iii) The total combined number of HGVs accessing or leaving the site shall be restricted to a maximum of nine movements in any one hour; with HGV movement will be restricted between 08:00 and 16:00 hours.”*

Vibration

No objections are raised stating: *“The NVIA (Noise and Vibration Impact Assessment) uses impact criteria contained within BS 6472:2008. Our previous comments requested that an assessment be undertaken in accordance with BS 6472:2008 and that the resulting Vibration Dose Value (VDV) should fall below $0.4 \text{ ms}^{-1.75}$ which in accordance with this Standard represents “Adverse Comment Possible”. The vibration assessment demonstrates that vibration resulting from the HGV vehicles would fall well below $0.4 \text{ ms}^{-1.75}$. In fact the assessment shows that a VDV levels would fall below those of “Low Probability of Adverse Comment” in accordance with BS 6472:2008.*

The vibration predictions contained within the NVIA assume a robust road surface without any defects, e.g. pot holes. The NVIA therefore, recommends that any such defects be repaired prior to site operation. I would endorse this, and furthermore, I would look for a condition which requires the upkeep of Dungeness Road in areas near to residential premises, to the point

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

where it meets Battery Road. This would ensure vibration levels emanating from HGVs are minimised.

Despite the unlikely occurrence that vibration from the proposed HGV movements would result in adverse comments, I would recommend the following condition be applied:

Vibration, when measured and assessed in accordance with BS 6472 at the closest residential premises to Dungeness Road, shall not exceed a VDV_{day} of $0.4ms^{-1.75}$."

Lydd Town Council: Whilst the Town Council supports the need to protect the power station they recommend that the application be refused. The TC consider that the application has been driven by what Natural England consider to be acceptable or allowed within the SAC. They also comment that in their view the EA should take shingle from an area closer to the Lifeboat Station. They have also raised concerns in relation to the impacts of vehicles using Lydd roads. In their letter dated 19 February 2013 Lydd Town Council support the comments made by Councillor Tony Hills (in his letter received on 22 February 2013) which can be summarised as follows:

- The EA do not know for sure where shingle accretes
- There is a build up of shingle behind the 'boats' down to the lifeboat station; it makes sense to recycle shingle from where it is accreting
- The 'ness' wants to migrate towards the north east making the borrow pit obsolete
- Shingle by way of wave action is 'self grading' currently there is only 'fret' and grit at the 'borrow pit' – the larger more valuable flints are further down the beach. There is no mention in the summary document that the larger flints absorb more wave energy, putting 'small stuff' down as a sea defence is a waste of time and money.
- We have to defend the power stations sites. If we wish to keep the east bay in the best condition with all the concerns over the rising beach levels, mud and water quality at Littlestone, we have to move a lot more shingle, in my opinion up to 100,000 cubic metres a year if not more.
- The summary document does not change matters, the proposal is flawed.
- Local people are and will be against this application for the blight it will create, disturbance, noise etc.

The flood risk to the Marsh is real, for the last 10 years or more the EA has been emasculated by NE placing the Marsh at unreasonable risk. This application should be withdrawn. A new process should take place at work with the local communities as soon as possible. The EA should 'man up' and be honest and frank over the risks as well as the 'dead hand' effect these designations cause, people must come first.

Cinque Port Town of New Romney: The Town Council wish to make it clear that they support the need to protect Dungeness 'B' Station from flood risk but also state that *"this is a joint application to achieve two aims. Sadly NE do not realise the severity of the situation and will not agree to other locations around Dungeness for shingle recycling due to their concerns that it could create more damage to the Special Area of Conservation. NE is supported in this by the EA who consider that the massive build up of shingle behind the lifeboat station (and the*

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

boats) is too unstable to guarantee successful extraction. We disagree on the way forward in this matter. We believe the logical way forward is to review year by year the growth and 'quality' of the shingle and recycle from where the shingle builds up to keep the 'ness' in the best possible shape; this will reduce the negative effects to Littlestone and the east bay of the 'new' point created by erosion and long shore drift.

The fundamental concerns have not changed; the Council consider that 12 years is too long for this application as from 2016 the EA would only be allowed to gather between 0 to 15k cubic metres of shingle per annum until the end of the planning applications life in 2023. This is woefully short of what would be needed to protect the Marsh (and the SAC). The EA are currently utilising between 30k and 40k cubic metres per annum to re-shingle the beach between Dungeness and Jury's Gap. The shortfall would have to be made up from buying in shingle from the quarries. The estimated cost we believe are around £12 per cubic metre recycled from the beach at Dungeness as compared to £34 from the quarries on the Marsh and further inland. The EA stated they have funding to re-shingle the frontage until 2015 but beyond that nothing has been agreed.

The EA (and the Council) could find themselves 'locked out' of affordable shingle that is required to slow down the erosion and flood risk behind the MOD ranges. This is a threat to all until the EA manages to implement new sea defences for the southern shore (Lydd Ranges).

It has been estimated that 500,000+ cubic metres of shingle would be required to re-shingle Lydd Ranges (working in conjunction with an armoured and raised 'Green Wall').

Halcrow has declared that the erosion rate on the Lydd range frontage is in excess of 100,000 cubic metres each year, so each year the EA delays in this defence we lose another metre plus through erosion and each year we gain 100,000 metres of shingle behind the boats at Dungeness.

The Town Council is of the opinion that EDF and the EA should reconsider this application and enter into more meaningful dialogue with NE to allow more shingle to be recycled from where it is accreting."

In summary the Town Council recommend that the application is refused.

(A letter received from the Town Council dated 15/2/2013 again refers to a note prepared by Councillor Tony Hills which is summarised above).

Rother District Council: No objection is raised.

Kent Wildlife Trust (KWT): No objection is raised subject to the imposition of planning conditions/agreements to secure the following.

- The permission is time limited in order to provide an opportunity for further review in the light of changing circumstances.
- An ambitious programme of monitoring the condition of key habitat and species indicators (to be agreed with Natural England) to enable the authority to be satisfied that the accretion occurs as predicted and to inform the next review.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

KWT welcome the commitment to a baseline survey of the beach, including the borrow pit site and two 'control' areas to either side. Annex 1 appears to offer the sort of monitoring regime that is justified in this case, although the County Council should satisfy itself, of course, that it is acceptable in its range and detail to Natural England.

RSPB: Raise objections to the proposal on the basis that in their view the granting of this application would have a significant impact on the Dungeness peninsula. The RSPB do not consider that their concerns have been addressed by the applicants. Their principle concerns are summarised as follows:

- This application will give rise to up to 72 lorry movements a day along the Dungeness Road, Monday to Friday between the hours of 0730 and 1600, October to March, which constitutes the main wintering bird period.
- Dungeness Road, which effectively runs through our reserve, will be congested by these lorry movements, and access to our reserve is likely to be impeded, during a busy time of the year for the Dungeness Reserve.
- There will be a likely risk to the safety of visitors crossing Dungeness Road, and the safety of residents and visitors at the point/Dungeness Estate.
- The increase of lorry movements is likely to have an impact on green tourism in the area, especially on the Dungeness Peninsular. This has been steadily increasing in recent years and will be put at risk.
- We do not consider that the impact on the local eco-tourism and other local economy been assessed as part of this application.
- Alternatives to road transport of shingle, for example barge movements, should have been fully assessed as part of this application, and considered for the preferred option for extraction.
- Obtaining shingle from a local commercial quarry would be preferable to extracting shingle from the pit, to avoid potential damage to the nature conservation value of the site, and interference with people's quiet enjoyment of the site.
- With the localism agenda, we are concerned that the views of local people are fully taken into account with regard to this application.

RSPB: Noise

As set out in Appendix C of the submission: Noise and Vibration Impacts, the predicted changes in noise levels on the haul route are from 'negligible' up to a 'major adverse' change. This is with noise impacts set out as an average measurement (LA_{eq}).

Noise impacts should be set out as peak noise events (e.g. LA_{max}) rather than using average measurements.

We recommend that the applicant should present modelled LA_{max} noise contours during operation, and consider these in relation to the location of ecologically sensitive areas and residential housing. Without this information, it is not possible to understand what the likely impacts are, and design effective avoidance/mitigation measures.

Visitor surveys show that people visit the Dungeness area for its tranquillity and beautiful

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

landscape. This proposal will impact on visitors' quiet enjoyment of the site, and visitor experience, through increased noise and vibration.

Environment Agency (as consultee to the planning service): No objection in principle stating that they consider the protection of people and properties from flooding as essential. The EA consider that the information submitted and proposed mitigation measures proposed adequately address the protection of the water table in the area.

Kent and Essex Inshore Fisheries and Conservation Authority: The KEIFCA would like to see the following points clarified or assessed by the applicants:

- An in-depth assessment and analysis of fisheries resources within the ES
- The socio-economic impact of the proposed project with regards to commercial fisheries – KEIFCA would like to see the sustainable development of the industry within the district in relation to the project considered within the ES
- The socio economic impact of the project on fisheries and the fishermen that depend on them considered within the ES and suitable mitigation incorporated
- Should the project be agreed KEIFCA would like to see further consideration of demarcation of the footprint and safe access in order to cause minimal disruption to shore angling in the area considered in the ES
- Further clarification of criteria and guidance for contractors involved specifying a typical beach profile in the Dungeness SAC, given that the morphology of this dynamic landscape is highly valuable in relation to prevalent weather systems
- A forum established to allow continual dialogue between EDF Energy, the EA and representatives of the fishing industry throughout the life time of the project to ensure that the management of the extraction is fulfilling its objectives and is not having unforeseen negative impacts of the fishing industry and its ability to work safely off the Dungeness coast.

Ramblers: No objection is raised to the planning application, however they draw attention to the Marine and Coastal Access Act 2009 which makes provision for a continuous route around the English coast with an adjacent margin for open-air recreation on foot. They request that as much of the site as possible be kept open to the public during the period applied for.

Biodiversity Officer: No objections are raised.

PROW: No objection is raised.

Landscape Officer: No objection raised on landscape grounds.

Dungeness Residents Association: Objections are raised on a number of grounds which are summarized as follows:

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- Tourism – the District Council promote Dungeness as a tourism area which brings income to the area.
- The Dungeness Estate Road is a narrow road used by anglers, tourists, birdwatchers, camera clubs and students amongst others. Given the road width is only 3 metres wide, this has safety implications at times when heavy goods vehicles are passing local residents and visitors to the area.
- The existing bund in front of the power stations, in their view, is still well within the safety recommendations. If EDF requires shingle top-up, the local fishermen have suggested an alternative solution to utilize shingle already accumulating on the beach in front of the bund which in their view is a viable and cheaper option.
- It has been demonstrated that a shingle defence bund is not effective
- Whilst not opposed to the protection of Broomhill which is in Sussex, however they are opposed to shingle extraction from Dungeness for this purpose. In any event the shingle from the borrow area is of such low quality that it would not be fit for purpose.
- A permanent sea defence such as a rock groyne is cheaper and more environmentally friendly
- Beach replenishment over the summer months may produce limited sea defence, however carried out of the winter months provide no sea defence as material is swept away as soon as it is deposited.
- Rother District Council have stated that the removal of shingle from Rook point would be unacceptable in traffic terms therefore why would KCC consider it acceptable to allow large vehicles through the Dungeness community for the benefit of another County?
- Visual and audible Impacts on residents of operations during the winter daylight hours
- Vibration impacts from HGVs using the proposed haul route close to residential properties
- Disruption to residents quality of life for a 12 year period
- A permanent defence solution is supported
- Disputes the statement that shingle extraction would only be carried out during the winter months to minimize impacts on spawning fish. They further indicate that marine life has blossomed since shingle extraction ceased.
- No marine study has been undertaken by the applicants.

East Sussex County Council (Director of Economy, Transport and Environment):

“Camber village and the surrounding area are vulnerable to flooding from the coast. The extraction of shingle from Borrow Pit at Dungeness and its transportation to the Broomhill frontage (East Suttons to Jury’s Gap) is necessary to ensure that the village of Camber is provided with cost-effective and viable protection from coastal flooding. As such, East Sussex County Council lends its support for the extraction of shingle at Dungeness and its deposition at the Broomhill frontage as part of coastal protection works.

The appropriate use of soft engineering methods such as this is to be welcomed. Although opponents to this scheme may implicitly favour ‘hard engineered’ structures, these often prove to be expensive to maintain and are not best placed to deal with increasing sea levels and more frequent storms.

Whilst ecological concerns have been voiced by objectors over the extraction of shingle at Dungeness Point, it should be noted that Natural England (the Government’s advisor on

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

biodiversity matters) has not raised an in principle objection to this application. Indeed, the proposed mitigation measures ensure that shingle continues to accrete at the Dungeness Point area, thus maintaining the natural coastal processes required for the vegetative shingle of the SAC and the geomorphological features of the SSSI.

It should be noted that the programme of shingle recycling will contribute to efforts to provide coastal flood protection to the Power Stations at Dungeness. Whilst the Power Stations at Dungeness are not within the jurisdiction of east Sussex County Council, we do however support 'appropriate and sensible' efforts that assist in protecting such nationally important infrastructure from coastal flooding and thus ensuring its safe and continued functioning."

Camber Parish Council: The Parish Council support the planning application stating:

"Since the construction of the Power Station at Dungeness in the 1960's the operators together with the Environment Agency efficiently and effectively transferred the shingle from the Borrow Pit to Broomhill and Jury's Gap until 2007. Since then the Environment Agency has imported shingle from a local quarry at huge cost to the taxpayer. Broomhill and Jurys Gap are amenity beaches which are vital for the tourist industry upon which Cambers economy heavily relies and the unsuitable shingle material placed on the beach since 2007 has caused extreme 'cliffing' and consequent injuries to both visitors and fishermen. Using the far more compatible shingle from the Borrow Pit and re-establishing the recycling operation would not only restore the appearance of the foreshore but ensure that the SSSI designation remains protected in these locations.

Due to the economic situation the planned new sea defences at Broomhill have now been postponed with no guarantee for the future and until funding for more permanent defences can be found, the shingle will remain our only defence. With a flood risk of as little as 1:5 years at various locations within our area we are very vulnerable to inundation and in the event of a breach, the time and money spent by the Environment Agency improving the sea defences from Dymchurch to Littlestone will be wasted if the sea is allowed to encroach from the rear.

Camber Parish Council gives its full support to the planning application and hopes that Kent County Council will respond favourably."

Following the Parish Councils initial views a further letter was received by KCC in February and November 2013 which further indicate their support as summarised:

- The unanimous decision of the Council is one of support for the proposal of shingle recycling. The recycling of shingle is vital for the protection of many homes and the wellbeing of local people.
- Since the construction of the power station at Dungeness in the 1960's the operators together with the Environment Agency efficiently and effectively transferred shingle from the Borrow Pit to Broomhill and Jurys Gap until 2007.
- Since then the EA has imported shingle from a local quarry at huge cost to the taxpayer.
- Broomhill and Jurys Gap are amenity beaches which are vital for the tourist industry upon which Cambers economy heavily relies and the unsuitable shingle placed on the beach since 2007 has caused extreme 'cliffing' and consequent injuries to both beach

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

visitors and fishermen.

- Using far more compatible shingle from the Borrow Pit and re-establishing the recycling operation would not only restore the appearance of the foreshore but ensure that the SSSI designation remains protected in these locations.
- It is also considered that the recycling of shingle is a far more sustainable approach than the alternative of inland quarrying.

Romney Marshes Area Internal Drainage Board: A letter of support has been submitted stating:

“The integrity of the sea defences along the whole coast is vital to the work of the Board in undertaking its duties to prevent flooding not only to homes and businesses within its district but also the valuable agricultural land on the marsh – much of it being grade 1 land. Some of the land such as the Dowels at Appledore lies at a level of 0.3m above Ordnance Datum Newlyn implying that should a spring tide of 3.6m breach the defences there could be 3.3m of salt water over the land.

Much effort and expense has been spent by the Environment Agency in improving the sea defences from Littlestone to Dymchurch. The final phase to protect the whole of the marsh has been delayed due to government cutbacks in funding and shingle feeding to the vulnerable Denge to Broomhill frontage is vital to the protection of the whole marsh. Should the EA have to import shingle from inland quarries it would be at a far greater cost to the taxpayer and be a waste of valuable building resources. Also, importing shingle from outside sources would surely affect the conservationists’ concerns regarding natural development of the Dungeness foreshore.

Although the Dungeness Power Station appears well defended, the defences immediately to the west of the site are in very poor condition being continually eroded by the effects of spring tides coupled with south westerly gales. When the sea breaches this length, as it surely will in the very near future, the power station switch house could be inundated by sea water, which will be funnelled by the geophysiology of the beach behind. This point is plainly obvious when approaching Denge Outfall by road – the dramatic drop in crest height has increased over the past few years.

Previous breaches in the defences along the Denge frontage have resulted in salt water affecting the aquifer used by the Veolia water company and flooding land to the extent that it nearly reached the buildings at Lydd Army Ranges.

The Environment Agency and its predecessors successfully operated the same shingle recycling operation on behalf of themselves and the power station operators from the proposed site with little opposition since the power station was constructed in the mid 1960’s. Having formerly been employed by the EA and its predecessors since 1969 I can attest to the consideration given to the residents and fishing community during shingle feeding operations.

I have concerns regarding the quantities of shingle proposed for the Denge frontage and from experience and the fact that the proposed Broomhill scheme has been postponed would suggest that more shingle will be required. I would hope that the foreshore would be carefully monitored and adjustments made to quantities as appropriate”.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Ministry of Defence: The MOD supports the application stating that shingle replenishment is an essential ongoing programme which must be continued until delivery of more permanent sea defences.

Department of Energy and Climate Change (DECC): No comment has been offered in relation to the planning application however, it appears that a quote from a DECC report has been used out of context and generated on the *Love Dungeness* website. This resulted in numerous generic letters of representation being submitted to the County Council in and around January 2012. An example of this letter is included in Appendix C.

In response to these letters, the DECC state the following:

“I have not been able to find the exact quotation cited by Love Dungeness on their website in the material we published on Dungeness in the Nuclear National Policy Statement and the associated Appraisal of Sustainability and Habitat Regulations Assessment but from their website it is clear that those are the documents they are referring to.

Those documents referred to in the proposal to include Dungeness on the list of sites for new nuclear power stations to be built. They have no reference to the shingle recycling proposal which you are considering and should not be taken as referring to it.”

Local Member

46. The Local Member was notified of the planning application on 19 September 2011. A change in local administration saw Mr D Baker elected as the local member in 2013. Mr Baker has responded to the planning application with a suggestion that shingle could be transported by way of a conveyor system to the Broomhill frontage to avoid transporting material by road through Lydd. This option is discussed further below.

Publicity and Notification

47. 108 individual properties were notified of the proposal, two site notices posted and an advertisement placed in the local paper. Following the receipt of further information additional site notices and/or neighbour notification has been carried out.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Letters of Representation

48. Since being submitted in 2011, this application has been subject to a number of consultation exercises. Whilst some 976 letters of representation have been received overall, some individuals have made formal representations to the Authority more than once or letters have been duplicated using 'standardised' letters generated from the 'Love Dungeness Campaign' website (example letters in Appendix C).

49. In addition to the above, the following has also been received:

- A petition received on 19 October 2011 with 128 names and addresses
- A petition from the Dungeness Angling Association received on 16 December 2011 with some 1,494 signatures
- An online petition which closed on 29 December 2011 with some 2,015 signatures.

50. In summary letters of representation raise the following concerns:

- Loss of recreational use
- Loss of access to the beach area
- Impact on anglers
- Negative impact on tourism in the area
- Impact on the local economy
- Impact on local residents from:
 - Number of vehicle movements generated
 - Roads insufficient to allow vehicles to pass safely
 - Further damage to the existing roads
- Safety aspect of vehicles passing
- Estate Road is not suitable for heavy commercial use
- Impact of traffic visiting the lifeboat station and prospect Cottage
- Noise nuisance
- Dust
- Vibration (request to install monitoring equipment and air sensors plus annual structural surveys of properties along the vehicle route to assess any damage
- 12 years period is too long and the applicant should be requested to apply each year
- Loss of revenue to the area from sea anglers
- Dungeness is important to anglers from both a national and local perspective
- Disruption and loss of landing and launching of vessels
- Dredging or on shore quarrying offer a better alternative to avoid significant impact on the SAC and SSSI
- Concern is raised that the applicants have simply chosen the cheapest option available.

51. Letters of support

A total of 16 letters of support have been received and which can be summarised as follows:

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- Shingle recycling is a cost effective and practical solution to coastal erosion and should not have ceased.
- Flood protection of both the residents of Camber and the power stations are crucial.

Discussion

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. This planning application seeks the re-commencement of shingle recycling operations at Dungeness Point for the purposes of providing flood defences along the frontage of Dungeness Nuclear Power Stations A and B, and also along the Dungeness South Foreland from East Sutton to Denge as shown on Site Plan 2, page C1.4 of this report. Such operations had previously taken place on an annual basis since the mid 1960's up until when the most recent planning permission expired in August 2007. Unlike when previous applications of a similar nature were considered, of particular relevance to this current application is the formal designation by Natural England in (April 2005) of the site and its surroundings as a Special Area for Conservation (SAC) which now affords the site European status in terms of the enhanced level of protection given to such areas.

This application will therefore need to be examined having regard to both European and National Guidance alongside the relevant development plan policies applying to the site together with any other relevant material considerations arising from formal consultations and publicity.

53. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. There are three dimensions to sustainable development: economic, social and environmental. The NPPF advises that the planning system should, amongst other matters:

- Contribute to building a strong competitive economy;
- Support strong, vibrant and healthy communities and support its health, social and cultural well-being.

In addition the planning system should contribute to and enhance the natural and local environment by amongst other matters:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and
- Preventing both new and existing development from contributing to or being put to unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Planning policies and decisions should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, and coastal change.

I consider the main determining issues against which it can be determined whether the proposal represents sustainable development are:

- Need and alternatives
- Sustainable Transport - *highway impacts*
- Conservation and enhancement of the natural environment – *appropriate assessment, landscape impacts, conservation area, noise and vibration impacts, beach access, public rights of way, coastal access path*
- The conservation and enhancement of the historic and economic environment – including *tourism*

Need and Alternative Options

54. The Applicants state within the application that shingle movement is a natural process hence the need to maintain adequate sea defences to protect homes, businesses and nationally important critical infrastructure across Romney Marsh. They state that much of the area is below high tide level and as such doing nothing to manage the sea defences is not an option.
55. The Applicants have assessed what they consider to be options for sourcing shingle, having regard to suggestions made by consultees, including Lydd Town Council, as well as local residents following the initial consultation process and public meeting. Lydd Town Council in particular, whilst concerned with the future flood risk to Romney Marsh, supports the need to protect Dungeness B Power station but raise questions as to why shingle could not be taken from closer to the lifeboat station.
56. A number of options have been investigated by the applicants and as such have been identified as either viable or non-viable options. These are set out and summarised as follows:

Options	Assessment of Options
a) Recycling shingle from the Lifeboat Station	<p>Extraction of shingle from a location south of the Dungeness Lifeboat Station, which is to the north of the proposed borrow area and falls with the SAC designation.</p> <p>The Applicants consider that there would not be sufficient volumes of shingle to meet the maximum extraction requirements and that in any event operations would disturb an area at Dungeness which has previously been undisturbed. In order to achieve this a concrete</p>

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	<p>track would need to be constructed to permit road-going vehicles access to the beach face and which would be a permanent feature. NE have indicated that in their view, it would be difficult to mitigate for the impacts of extraction at this point and that there would be permanent damage to the SAC as a result. In addition NE consider that there would be insufficient shingle in this area – non viable option</p>
<p>b) Recycling shingle from combination of both Dungeness Point and Lifeboat Station</p>	<p>The Applicants consider that this option would have the same impacts as recycling from the Lifeboat Station. The impact on the environment was assessed by Natural England who recommended that it was best to limit potential habitat impact to one site only – non viable option</p>
<p>c) Dredging shingle from the Channel</p>	<p>Dredging material from the sea or continuing to source shingle from an inland quarry has been raised as an alternative solution to beach feeding by a number of local residents, including by the RSPB. The Applicants recognise that works may have an impact on the local tourism economy if not properly managed and have reiterated that all shingle recycling operations are proposed to take place over the winter period and during the normal working week (i.e. Monday to Friday) during which times tourist numbers and visitor figures are anticipated to be lower.</p> <p>Notwithstanding this, the Applicants have considered a number of alternative solutions to beach feeding including the possibility of mooring a barge off Dungeness Point and loading it with shingle using land based plant. The barge could then carry the material to both the EDF Energy and Environment Agency sites where the shingle would be unloaded and profiled.</p> <p>The applicants do not consider this option to be viable as:</p> <ul style="list-style-type: none"> • A barge would have to travel through the Ministry of Defence Danger Area. Working within the non-firing dates

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	<p>would not allow enough time to complete the works.</p> <ul style="list-style-type: none"> • Unlike road-going vehicles, a barge could not be used during bad weather. This could lead to costly delays when no work could take place. <p>Using a barge would require a similar number of land based plant, but this option would also involve the hire of a barge and a tug to move the barge between the sites. Although cost is not the only consideration, this option would be more expensive than using road-going vehicles to move the shingle – non viable option</p>
<p>d) Using material deposited on beach at Dungeness power stations</p>	<p>‘Storm beaches’ deposited in front of the power stations are not a viable source of material as the timing and volume of deposition is weather dependent, and therefore more difficult to predict – non viable option</p>
<p>e) Use of a barge to transport material offshore</p>	<p>Barges are more difficult to operate in stormy weather. As shingle beach management usually takes place over winter, poor sea conditions are more likely to occur. This, in combination with working around the MoD Danger Area, would extend the working period and put our staff at increased risk – non viable option</p>
<p>f) Place rock armour around the coast</p>	<p>Another suggestion raised at the public consultation was to reinforce the sea defences along the coastline with rock armour.</p> <p>The placement of rock onto a predominantly shingle section of coast would require anchoring to hold it in position and this carries substantial additional costs.</p> <p>The Environment Agency is planning long term improvements to the sea defences around the coast of Romney Marsh. This includes a 1.7km section of rock armour which will cost up to £30 million. However the existing defences need to be maintained until the new scheme can be delivered, and once completed the new defences will require ongoing beach management.</p> <p>Due to the significant costs and works involved,</p>

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	<p>this is more suitable to a long term flood risk management scheme rather than the short term maintenance of the existing shingle defences, which is the focus of this planning application – non viable option</p>
<p>g) Install groynes along the coast</p>	<p>Groynes are designed to slow the movement of beach material along a section of coastline. As material moves along the coast it builds up within the groyne bays. Once the bays are full, the material spills over and continues along the coastline. Shingle recycling still takes place in areas where there are groynes because this material must be recycled or it is lost from the cycle. But groynes placed directly into shingle defences can promote erosion at the landward most limit of the groyne. As the predominant wind direction on Romney Marsh is south westerly this would cause the wave to run up the western face of the groyne leading to wave breaking over the top of the groyne and scouring the shingle away as the wave retreats back to the sea.</p> <p>Much of the coastline covered in this planning application is designated for natural coastal processes. Installing groynes would interrupt this – non viable option</p>
<p>h) Recycling shingle from Dungeness Point – (current proposal)</p>	<p>The applicants consider that recycling shingle from Dungeness Point is the most sustainable option, has the least impact on the environment and has a similar impact on local residents to sourcing material from a land based quarry in the first year. After the first year the impact of traffic movements would reduce significantly as the Environment Agency will require much less shingle due to longer term sea defences beginning to be constructed. This option would in their view, continue to enable launching of both the RNLI lifeboat and the fishing fleet from Dungeness which would be hindered by larger volumes of shingle building up. It is also considered to be the most affordable option – viable option</p>
<p>i) Using material from a land-based quarry</p>	<p>Since the expiration of the last planning permission, raw material has been sourced by</p>

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	the EA from a inland/land-based quarry. – viable option
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Alternative solutions to sourcing shingle put forward by members of the public

57. A number of local residents have raised concerns as to whether the applicants have exhausted all the alternatives to shingle extraction available to them. A number of suggestions have been put forward and which were again raised at the public meeting. In particular two options were suggested:

A new extraction area south of Dungeness Lifeboat Station

58. Local residents have suggested that a new extraction area to the south of the life boat station could be a viable alternative. It is suggested that there would be sufficient volumes of accreted shingle in the area to use in isolation or in combination with the proposed borrow area. Having viewed the aerial photos of the area there appears to be some accretion of shingle in this area however it falls within the designated SAC, SPA and SSSI and has no existing access to the site. In order to gain access to the beach area the applicant would be required to construct a concrete haul road which in Natural England's view would cause considerable and permanent damage to the remaining shingle structures and shingle vegetation still existing in the area and therefore contrary to the nature conservation objectives. Whilst the applicants accept that there is some accretion here, they indicate that having investigated the option in further detail, there would be insufficient shingle in this area alone to support the maximum required leaving them in the position of needing to source shingle elsewhere. The applicants indicate that using the area to the south of the lifeboat station in combination with the proposed borrow area on a rotating basis would allow for intermittent accretion of shingle ridges and recovery of annual vegetation at each site. However I agree that using both sites would lead to an increase in the disturbance in the total length of beach frontage to be disturbed and accept that this would not be a preferred option.

Shingle from the beach seaward of the bund in front of the power station

59. Following the public meeting, the option of sourcing shingle from the beach seaward of the bund in front of the power stations has been explored further. Local residents have suggested that shingle in front of the bund could simply be pushed up to replenish the bund using a dozer. The applicants have considered this option and accept that this would be a cheaper alternative however indicate that this activity in itself would be problematic for a number of reasons which are summarised below:

- Berms formed during particular weather conditions can be overwashed or flattened which could result in there being no reserve of material.
- The working area would need to be closed for public access
- The applicants have calculated that there would need to be at least 10 campaigns of activity for sufficient volumes of material to be retrieved from the beach. Each campaign of activity would last a number of days (estimated at 10 working days with two bulldozers working at low tide only) and there would need to be a period of time between each

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

campaign for the beach to re-build. On the assumption that the recovery period would be 2 weeks, the minimum total duration for this activity would be a 40 week period. The applicants further state that there is unlikely to be sufficient beach building conditions arising during 10 months of the year and that this option would not meet the shingle volumes required.

- From an operational point of view there could be safety concerns with regard to plant operating in the tidal zone with limited access to dry land.
- The applicant states that there are buried structures on the beach which in the event that damage is caused to vehicles, could leave them vulnerable to the tide and waves
- Whilst this area of beach is excluded from the Dungeness SAC, extraction from this section could adversely affect the SSSI and impact on the accretion within the SAC

60. Whilst the Dungeness Residents Association (RA) do not oppose the need for protection of the power station they have raised objections to the proposal in their letter dated 28 October 2011 and have suggested that in their view the EDF sea defence bund in front of the power station was (at the time of writing) '*well within its safety recommendations*'. They consider based on the extensive knowledge of the local fishermen, that in the event this bund needs topping up material is already available to EDF on the seaward side, to the west of the bund. The RA have criticised the applicants for not giving this option due consideration. Whilst this area falls within a designated SSSI, the applicants have considered this option and have dismissed it on the basis that this material forms part of the storm beach which in their view is a critical component of a functioning beach which causes waves to break further out to sea thus dissipating their energy before reaching the bund defences. The applicants further explain that extracting material from this area would steepen the beach and over time would increase erosion to the defences thereby increasing the amount of shingle required by EDF in the longer term. In addition to this, the applicants consider that the availability of material in this location being weather dependant is highly unpredictable.

61. Since the last planning consent expired the Environment Agency have been sourcing shingle from a land based quarry in order to maintain the sea defences along Broomhill Sands. In the event that planning permission to recycle shingle from Dungeness Point is refused, both EDF Energy and the Environment Agency would in their opinion, having considered the viability of a number of options have no alternative but to use/obtain shingle from a land-based source. I agree with the applicants assessment of the alternative options set out above and concur that the recommencement of shingle recycling from Dungeness Point currently represents the most viable and deliverable means of ensuring the necessary quantities of materials are available when required for sea defence purposes. Whilst the EA have recently had to rely on obtaining materials from a land-based source, having regard to advice in the NPPF, I would question whether this could be considered the most sustainable option or represents the most prudent use of a finite resource. In my opinion in order to secure their long-term conservation, finite resources should be carefully husbanded to ensure they are exploited to their full potential. Furthermore in using a land-based source, whilst there would be no impacts from vehicles on the Dungeness Estate Road associated with the EA's operations, EDF would be able to transport materials via this route to the power station site in order to meet their required materials with potentially little or no restriction on the number of lorry movements, working hours and noise and vibration levels. In addition, material would have to be delivered in a smaller vehicle than could be used

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

from Dungeness Point as it would have to travel on the wider road network. This could lead to further increases in vehicle movements and the need to transfer material into off road vehicles for placement on the bund, leading to potential increases in noise vibration and dust levels.

62. In considering the above alternatives and the possibility of shingle being obtained from a land-based source for sea defence purposes and having regard to the sustainability principles set out in the NPPF (the presumption in favour of sustainable development), I would find it difficult to support any argument that shingle obtained from a land-based source would be a sustainable use of minerals or that the suggested alternatives represent sustainable development. Therefore having concluded that the only viable option would be to recommence shingle recycling activities from the borrow pit, consideration must now be given to a number of other planning matters in assessing their capacity.

Promoting Sustainable Transport

63. Whilst the NPPF recognises that transport policies have an important part to play in facilitating sustainable development and the wider sustainability and health objectives, it also recognises that different policies and measures will be required in different communities and that opportunities to maximise sustainable transport solutions will vary from urban to rural areas⁴.
64. In the case of this site, the borrow pit area is located at Dungeness Point and is served by a concrete road immediately to the west of the planning application site. This road flows onto the unadopted private Dungeness Estate Road and would be the sole route for road vehicles and moxy trucks associated with the proposal travelling to and from the site. The applicants wish to recommence shingle recycling activities in a similar manner to that which they undertook prior to 2007 which would involve a combined total of some 70 daily vehicle movements (35 in/35 out) to and from the borrow pit area in the first season of operations commencing. The Applicants recognise that there is much local concern relating to vehicle numbers and associated impacts as well as the potential health and safety aspects of vehicles using the Dungeness Estate Road. In addition to assessing alternative options to shingle recycling at the point (as discussed above), in the event that Members accept the argument to recommence shingle recycling at the Point as the most sustainable option available to the Applicants, the methods for transporting material have been explored further.
65. As part of the alternative options explored to shingle recycling at Dungeness Point, the Applicants have dismissed the option of sea dredging or using a barge to move shingle. Given operations would take place between the winter months of October to March, both methods present health and safety problems. Two alternative options have been suggested, the potential use of a conveyor system or bringing in shingle by rail:

Conveyor System (Alternative Solution for Shingle Transportation (David's Plan))

⁴ Para 29, NPPF

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

66. Following the most recent Members site visit in July 2013, a suggested alternative for transporting shingle from the proposed borrow pit area to both the power station frontage and Broomhill to Jurys Gap was put forward for consideration by the Applicants.
67. The Plan, put forward by the Local Member, David Baker, accepts the need for shingle recycling in itself, however it seeks to reduce the potential impact of EA vehicles on Lydd residents. Following extraction from the borrow pit area, it is suggested that a stockpile of shingle be held at a designated area to the west of the Power Station. Shingle could then be continuously loaded onto a conveyor belt via a storage hopper for onward transportation along the entire beach frontage to Jurys Gap and which would thus avoid any vehicles using the public highway. Whilst it is suggested that this option is 'environmentally clean', it does however present a number of problems.
68. Whilst the Applicants have considered the practicality and cost implications of this option NE comment that they have worked closely with both the EA and EDF over a number of years to negotiate the solution now proposed. They consider that using a form of conveyor system presents a number of very significant environmental challenges stating that the Lydd ranges are protected by a range of international and national nature conservation designations. They further state that:
- "The habitats are unique and of a very high quality. Key organisations such as the MOD, EDF and the EA have worked hard to ensure these vulnerable habitats are conserved whilst meeting the range of demands placed on them. Although it is difficult to assess the full impact of a conveyor belt system without understanding the details relating to its nature, size, location, construction and operational aspects, it is reasonable to say that a range of impacts would be likely and given the distances to be covered and the potential location, these are likely to be significant. From experience of working on proposals and activities on the Lydd Ranges, it is also fair to say that the challenges in addressing or avoiding these impacts be great".*
69. Whilst a conveyor system has been previously discussed as a possible alternative for transporting shingle to Jurys Gap, this has been dismissed for similar reasons to those set out above. Notwithstanding this, shingle for both the EA and EDF would still need to be transported to the point of loading by HGVs, which would not allay local concerns regarding potential impacts from vehicles passing along that stretch of the Estate Road.
70. Notwithstanding the concerns raised by NE over the potential impacts on the features of interest, in my opinion the use of a conveyor system along the beach frontage also raises two further fundamental issues. Given its route would run along a natural active coastline this would present both security and health and safety issues especially along that part which has public access. Furthermore I consider any such system in this location would be difficult, if not impossible, to properly maintain resulting in disruption to supply at the very time materials would be required to maintain sea defences.

Rail

71. In the absence of a current planning consent the EA have had to import material to use along the Broomhill frontage from an inland quarry. Notwithstanding the sustainability

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

argument associated with using valuable mineral resources for sea defences, there has been a suggestion that shingle could be imported by rail to the power station and then placed along the sea defence bund located in front of the power stations. However given the railway line terminates to the north of the Dungeness Estate (on the Dungeness Road), in the event that EDF were to use this option, the only way to bring shingle to its final destination would be to transfer material to HGVs and transport it to the power station via the internal Dungeness Estate Road.

72. In the event that Members accept the argument to recommence shingle recycling as the most sustainable option available to the Applicants, I consider that given all other options for transporting shingle have been exhausted, that the use of HGVs would be the only reasonable option available in this case. Having regard to this, an assessment needs to be undertaken as to whether vehicle numbers generated would be acceptable and safe along the proposed routes whilst having regard to the way in which the applicants propose to manage this process.

Highway Impacts

73. Whilst the NPPF promotes the use of sustainable transport where possible it also provides advice on development which generates significant vehicle numbers. Whilst opportunities for sustainable transport modes have been considered having regard to the unique nature and location of the site, the Framework advises that safe and secure access to sites should be achieved for all people. Improvements within the transport network that cost effectively limit the significant impacts of the development (for example noise/vibration) should also be considered.
74. Local residents and visitors to the area have raised concerns in relation to the potential impacts from the number of traffic movements associated with the proposed development. Linked to this aspect are concerns over the potential for pedestrian and vehicle conflict and concerns as to the current state of the Dungeness Estate Road.

Proposed Vehicle Numbers

75. Both Applicants propose that shingle recycling operations would take place over a 24 week working period, between the months of October to March only. The proposed development would generate the following number of vehicle movements in the first year of recommencing shingle recycling:

EDF - 28 daily vehicle movements (i.e. 14in/14out)
EA - 42 (21in/21out)

76. The EA propose that their shingle requirements would reduce from 30,000m³ in the first year to (up to) 15,000m³ by year 3 therefore the number of vehicles movements would be reduced to a maximum of 22 (i.e.11in/11out).

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Year of operation	Environment Agency daily movements	Environment Agency hourly movements	EDF Energy daily movements	EDF hourly movements
1	Up to 42	Up to 5.3	Up to 28	Up to 7
2	Up to 38	Up to 3.5	Up to 28	Up to 7
3	Up to 22	Up to 2.8	Up to 28	Up to 7
4	Up to 22	Up to 2.8	Up to 28	Up to 7
5	Up to 22	Up to 2.8	Up to 28	Up to 7
6	Up to 22	Up to 2.8	Up to 28	Up to 7
7	Up to 22	Up to 2.8	Up to 28	Up to 7
8	Up to 22	Up to 2.8	Up to 28	Up to 7
9	Up to 22	Up to 2.8	Up to 28	Up to 7
10	Up to 22	Up to 2.8	Up to 28	Up to 7
11	Up to 22	Up to 2.8	Up to 28	Up to 7
12	Up to 22	Up to 2.8	Up to 28	Up to 7

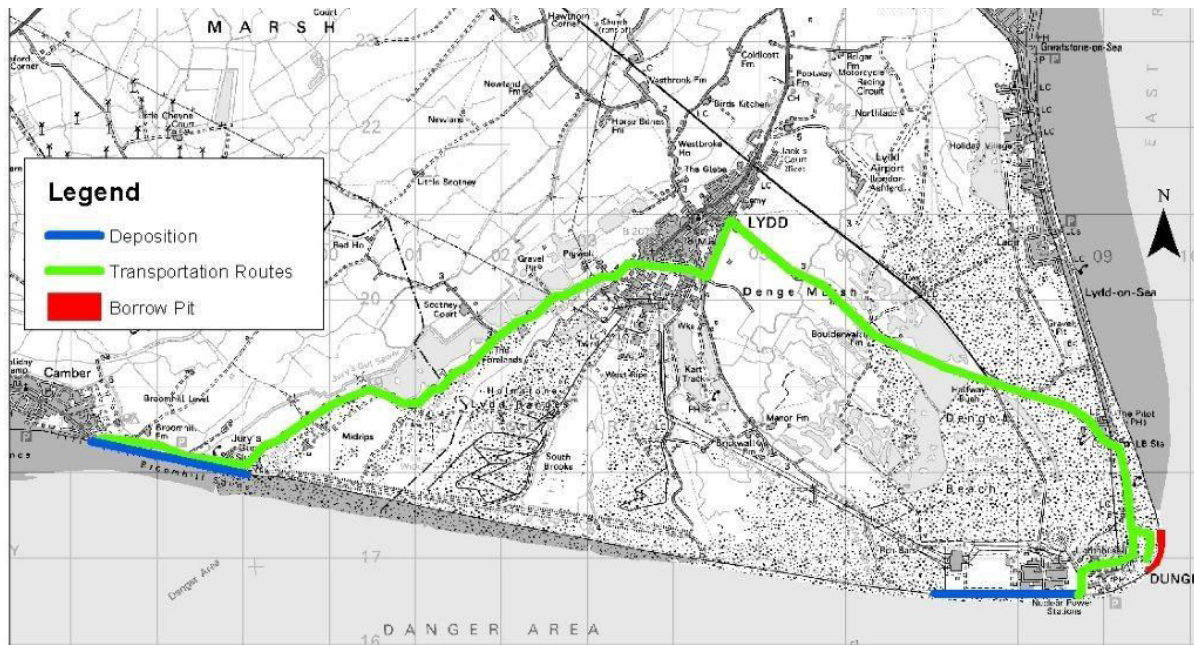
Table 9.2 – Daily and hourly lorry movements

77. Kent Highways Services (KHS) have been consulted on the proposal and consider that the number of proposed vehicle movements on the highway is acceptable based on the information submitted. However KHS recommends that both the maximum number of daily vehicle movements and the total amount of shingle to be recycled in any six-month period should be restricted to the figures stated in the application. Having regard to policies as set out in the Framework I am satisfied that in the event that Members grant planning permission then both vehicle numbers and shingle extraction volumes can be restricted by the imposition of suitably worded planning conditions.
78. KHS have concluded that any increase in traffic as a result of this application is not in their view significant on the basis of the % increase on the highway network, when having regard to the principles set out in the NPPF. I would therefore find it difficult to conclude on the basis of vehicle numbers, that a highway objection could be sustained.
79. Pedestrian/vehicle safety concerns are ones which continue to be raised by local residents and whilst I am satisfied that alternative modes of transporting material from the borrow pit area, including transporting by barge and conveyor are not practicable, the framework still looks to achieve safe access for all.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Vehicle Routing & Safety

80. In order to deliver shingle to the beach frontage both in front of the power stations, and to Broomhill Sands/Jurys Gap, material would have to be taken along two separate routes in order to deliver the required material to both locations. Both routes are illustrated below.



Map showing EA and EDF vehicle routes

EA Route

81. Given the need for shingle placement along the Broomhill frontage, the EA are proposing to transport shingle using 20t road vehicles, from the borrow pit area northbound along the Dungeness Road, via Battery Road towards the roundabout junction with Robin Hood Lane, Manor Road, Ness Road and Harden Road. They would then proceed along Robin Hood Lane, bear right onto Tournay Road and towards Jury's Gap Road until reaching Broomhill Sands. The applicant estimates that based on a normal operational day and assuming a working period of 24 weeks, the EA would generate some 21 daily lorry loads in order to meet their requirements along the estimated 16km route. This would equate to 42 movements per day in year 1.
82. However, the EA's shingle requirements would be reduced to 20,000m³ in year 2 and 15,000m³ during year 3 (and thereafter) which would result in a reduction in trips to some 22 movements per day.

EDF Route

83. EDF propose to transport shingle to the power station frontage using 30t moxy trucks from the borrow area southbound via the Dungeness Estate Road and turning right onto an unnamed purpose-built private road (i.e. the concrete road) towards The Old Lighthouse.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Vehicles would pass within 9 metres of a property named Mizpah which appears to have an unofficial access off the EDF purpose built concrete road.

84. Vehicle routes for both operators would include the use of sections of the Dungeness Estate Road which is of concern to local residents in relation to safety particularly where there could be potential conflict with large vehicles and pedestrians and/or visitors to the area. Given the Dungeness Estate Roads are privately owned, as referred to above Kent Highways Services have not offered any advice on the safety aspect in relation to this. However, it is recognised that large vehicles using this route could give rise to pedestrian/vehicle conflict and therefore some further consideration would need to be given to the management of this in the event that planning permission were to be granted. Whilst the applicants did not consider this to be a problem when the borrow area was operational previously and that there were no recorded incidents, they do however accept that given the local concerns raised in relation to this latest application, particularly at the public meeting, further consideration of this aspect is required.
85. As indicated above, it is proposed that both EDF and the EA use the Dungeness Estate Road in order to transport shingle from the borrow pit area to their final destinations. EA vehicles would head north-bound towards Lydd via Dungeness Road and EDF vehicles would travel in a westerly direction towards the power station frontage via a purpose built concrete road. Concerns raised in relation to possible conflict therefore relate to both routes.

Safety

86. In terms of the EDF route, I would draw Members specific attention to objections raised in relation to vehicles using the purpose built and dedicated concrete road (*as marked on the plan below*).



87. The concrete road is one which was purpose built by EDF (or their predecessors)

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

specifically for vehicles to use in relation to the beach feeding activities when they commenced many years ago. Having visited the area on several occasions it appears that use of this road by the general public has escalated following the termination of shingle recycling activities and the deterioration of the condition of the Estate Road. Having assessed the current condition of the existing estate road which runs in front of the Public House (and in parallel with the concrete road), it is clear that given the poor state of repair of this route, the concrete road has since become a more favourable route for visitors. A number of photographs have been supplied to the County Council which attempt to demonstrate that by recommencing shingle recycling activities using the dedicated road, EDF vehicles would compromise pedestrian safety.

88. Both applicants would require the use of the Dungeness Estate Road to enable vehicle access. The estate road has in place a 20mph restriction on all vehicles using the road. Whilst they consider that operations would recommence in the same way as have taken place previously, the applicants have sought to address concerns relating to safety of other users and have proposed that vehicles travel in convoy in order to minimise any potential conflict. A control vehicle would travel at the front of any convoy to regulate speed and to halt the convoy should any issues or obstruction be encountered on route.

Repairs to the Dungeness Estate Road

89. In previous years, after shingle has been extracted from Dungeness Point the Environment Agency and EDF Energy have carried out repairs to the Dungeness Estate Road. In the time since extraction has been suspended, maintenance of the road has decreased somewhat and its condition has deteriorated.
90. In the event that planning permission is granted for the re-commencement of shingle recycling, the Applicants have agreed to repair annually, sections of the Dungeness Estate Road used by them, together with the concrete road before any shingle recycling recommences the following year. A pre and post works condition survey of the Dungeness Estate roads will be undertaken to demonstrate that this has been fulfilled. At the end of the 12 year shingle recycling period, the Applicants also propose to repair any damage to the road caused by their operations within the Dungeness Estate. This will, in the Applicant's view, also significantly reduce noise and vibration caused by proposed traffic movements. An appropriately worded planning condition could be imposed to secure those repairs should Members resolve to grant planning permission.
91. The Applicants indicate that they have no plans to make any pre-work repairs to the Broomhill (via Lydd) route given in their view, the traffic movements proposed are considered to be a very small percentage of the overall road usage. This is a view supported by KHS.
92. In addition, a number of concerns have been raised as to the potential vibration impacts from vehicles and day to day operations on nearby residential properties and along the vehicle route. This is discussed in more detail below.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Conserving and Enhancing the Natural Environment

93. Section 11 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by, amongst other matters, protecting and enhancing valued landscapes, geological conservation interests and soils as well as recognising the wider benefits of ecosystem services⁵.
94. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including the following:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - the following wildlife sites should also be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites⁶.
95. Shepway District Council (SDC) refer specifically to policies CO4 and BE4 of the Borough Local Plan within which such areas the conservation and enhancement of the natural beauty of the area takes precedence unless a case can be made that the economic or social well being of the area outweighs the need to give long-term protection to the area. SDC further state that the "*LPA accepts that similar works have already been carried out over the years and does not consider further works on a similar scale would present demonstrable harm to the visual amenity and natural beauty of the area.*"

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010

96. Where a project is likely to have a significant effect on conservation objectives of a European designated site (either alone or in combination with other plans or projects), and it is not directly connected with or necessary to the management of the site, the

⁵ Para 109, NPPF

⁶ Para 118, NPP

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations) require that the Competent Authority carry an appropriate assessment of the impacts.

- 97. Whilst the process of EIA and Appropriate Assessment are legally separate, they require similar data. The ES submitted with the application therefore provides much data on which the Appropriate Assessment can be based. However the Applicants have submitted a document with additional information specifically to inform the Appropriate Assessment process.
- 98. The purpose of the appropriate assessment is to assess the implications of the proposals in respect of the site's 'conservation objectives'. The County Council, as the Competent Authority, takes advice from Natural England as to the impacts and mitigation proposed towards achieving these conservation objectives. The conclusions of the assessment should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site. Planning permission should not be granted unless the assessment has concluded positively.
- 99. The application site falls within the habitats which form part of the designated sites listed below:

Designations
Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) Dungeness Special Area of Conservation (SAC) Dungeness to Pett Level Special Protection Area (SPA)
Dungeness Romney Marsh and Rye Bay potential Special Protection Area (pSPA) and proposed Wetland of International Importance under the Ramsar Convention (Ramsar Site)

- 100. Natural England have been consulted formally on the planning application and have advised that of principle concern for this application are the interest features of the SSSI and SAC and pRamsar site and that the interest features for the SPA and pSPA are unaffected by the proposed development.
- 101. On this basis, and given the sites designation and interest features, NE have provided detailed advice on the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 which states amongst other matters:

“61.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.”

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

102. NE have clarified that in their view the potential impacts of the proposed Borrow Pit operations are as follows:
- Direct and indirect impact on Annual Vegetation of Drift Lines (AVDL)
 - Direct and indirect impact on Perennial Vegetation of Stony Banks (PVSB)
 - Reduced shingle accretion on the eastern shore. This has the effect of reducing the area of accreting shingle and therefore shingle habitat which displays the successional stage between AVDL and PVSB on newly created shingle ridges
103. As referred to above during the course of formal consultations in relation to the 2006 planning application, NE were unable to conclude on the basis of the information submitted in support of the application, whether it would be likely to have any significant adverse effects on the 2005 SAC designation. They therefore formally objected to the proposal and having undertaken, as the Competent Authority, an appropriate assessment as required under the Habitats Regulations, the County Council were also not able to be satisfied that there were no other alternative more sustainable solutions. The Applicants formally withdrew the application until such time as they considered they were able to address NE's original concerns through detailed mitigation and monitoring measures which form an integral part of this latest proposal.
104. Natural England have since worked with the applicants to secure changes to how the site would be worked, monitored and annually reviewed in the event that any future planning permission were to be granted. The changes proposed in this latest application provide sufficient information and assurance to draw a conclusion that no adverse effects on the integrity of the SAC or pRamsar would occur as a result of this operation.
105. NE consider that the application, as proposed, avoids and reduces the impact on the interest features of the site and the coastal processes that support those features. They advise that the mitigation measures, together with the proposed monitoring and annual review programme would enable the applicants to actively monitor and manage the operation impacts on the site in order to ensure that the operations proposed would have no adverse effects on the SAC or pRamsar site integrity.
106. In summary, a formal Appropriate Assessment (attached under appendix E) has been undertaken by the County Council, in consultation with NE who have also been formally consulted on the planning application. They have provided detailed comments having regard to the sites designation status with regard to the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. They have raised no objection to the proposed development stating that in their view the interest features would be unaffected by the proposal subject to those strict mitigation and monitoring measures specified in the application (and above) being fully secured and implemented as an integral part of the development. In the event that Members resolve to grant planning permission for the proposed development I therefore consider that with the imposition of appropriate planning conditions to secure the mitigation and monitoring measures and following advice from the County Solicitor a s106 Legal Agreement to secure the meetings (the agreed Draft Heads of terms are set out under Appendix D), the interest features would be protected for the duration of operations and can conclude that there would be no adverse effects on the SAC or pRamsar site integrity.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Landscape Impacts

107. Shingle recycling activities have been ongoing since the 1960's and until as recently as 2007 formed part of the local scene at Dungeness. However whilst much of Dungeness is classified as a Special Landscape Area (SLA) this is a non-statutory designation that recognises the unique characteristics of the peninsula. Policies CO4 and CO6 of the Shepway District Local Plan requires that proposals should protect or enhance the natural beauty of the SLA. The site also adjoins the Dungeness Conservation area. As referred to above, the NPPF requires the planning system to contribute to and enhance the natural and local environment including protecting and enhancing valued landscapes.
108. The applicants have undertaken a Landscape and Visual Impact Assessment (LVIA) which was submitted in support of the original planning application. However a further LVIA was submitted in October this year which serves as a formal replacement to that originally submitted as part of the environmental statement.
109. The borrow pit comprises naturally accreted shingle as it is located on the shingle beach to the south of the Dungeness peninsula and the LVIA acknowledges and sets out the landscape designations and character within the study area.

Assessment of Landscape Effects

110. The submitted LVIA assesses the potential effects on landscape elements and character, which could result from the proposed development. The assessment identifies the key characteristics of the area as follows:
- Extensive flat landform surrounded on three sides by the English Channel
 - Landform and landscape elements strongly unified;
 - National and international nature conservation importance;
 - Local landscape importance, designated for its natural beauty;
 - Domed bands of shingle running parallel to the coast indicating successive accretions;
 - Extensive open views in all directions – both to sea and across Romney Marsh;
 - Location of Dungeness power station;
 - Location of the much visited garden at Prospect Cottage designed by the late film director Derek Jarman;
 - Perceptual qualities that can be exhilarating and breathtaking or hostile depending on the weather;
 - Open qualities and limited development contribute to a sense of tranquillity;
 - A unique combination of a very unusual landform and an eclectic mix of industrial, working and residential development;
 - Built development includes the large scale development of the power station, historic buildings such as the Lighthouse, weather-boarded fishermen's huts, and old railway carriages used as residential properties;
 - Scattered development on the shingle is notable for its unplanned and unfenced character which is in stark contrast to the power station
 - Boats and other associated structures scattered on the shingle beach give a working quality to the landscape

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- Change has been a constant factor in this landscape as a result of the dynamic system of coastal erosion and deposition.
111. The Applicants have identified the key components of the proposed development as:-
- Operational activities - principally shingle pushed into a pile by a bulldozer and an excavator loading shingle pile into lorry;
 - Temporary structures on the beach including bunds of shingle created to attenuate noise and visual impacts during operation, 'Heras' fencing around the area of shingle currently being extracted;
 - Temporary timber tracks over the shingle ridges from application site to concrete Road;
 - 5 no. loaded vehicles gathering on access road once loaded and lorry movements in convoy – 2 EDF vehicles moving along access road, left onto Dungeness Estate Road then onto the Power Station access road. 3 Environment Agency (EA) vehicles plus a control vehicle moving along access road, turning right onto Dungeness Estate Road then travel to Jury's Gap via outskirts of Lydd; and
 - Welfare facility, Maintenance Area and Parking – comprising a fenced hard standing area with toilet and parking for cars. The excavator and bulldozer would be stored overnight and at weekends, but EDF's vehicles would be stored at the Power Station and the EA's vehicles at their Depot at Jury's Gap.
112. The potential landscape effects have been identified as:-
- Temporary loss of shingle from the beach and changing beach profile; natural processes would redeposit the shingle over the following year;
 - Loss of vegetation from shingle ridges;
 - Changes to the existing topography through the creation of shingle noise bunds; and
 - Effects on the existing landscape character from temporary fencing, movement of lorries, the presence of the welfare facility, maintenance area and parking and storing of vehicles which although not uncharacteristic might reduce the sense of remoteness and tranquillity.
113. The Applicants have designed the proposal to remove only the most recently deposited shingle which lies between the vegetated ridges and the sea. They consider that the potential effects on the character of the wider landscape would be limited to the temporary effect of fencing and bunds immediately around the site, parking and tracks between the site and Dungeness Estate Road, and lorry movements through the wider landscape.
114. The operational works are proposed to take place between the months of October and March each year for a maximum of 8 hours per day, for 5 days per week. During the summer months vehicles, fencing and the welfare area would be removed entirely. At weekends during the operational period the lorries would be parked elsewhere, although the bulldozer and excavator would remain parked within the welfare facility. Overall it is considered that the application site has low to medium susceptibility to the proposed change, as the shingle would be re-deposited by natural processes; there would be no

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

loss of landscape features of value; and impacts on the wider landscape would be temporary.

Visual Effects

115. It is considered that with the exception of the welfare facility, associated parking and vehicle movements there would be limited views of the operations taking place on the application site. It is considered that many of the residential properties are weekend/holiday cottages and there are higher numbers of visitors to the beach and other attractions such as the Old Lighthouse and Prospect Cottage during the summer months. Operations within the application site should be viewed in the context of existing fishing activities near the site and the associated fishing boats, containers and vehicles that are currently present on site. There would be views of the movement of vehicles as they transport shingle from the application site to the Power Station and Jury's Gap. However vehicle movements would be intermittent, using convoys to limit the frequency of movements, and would only occur during the winter months. Vehicle movements would also be seen in the context of existing vehicle movements along the Dungeness Estate Road used by local residents and visitors to the area.
116. Having undertaken an assessment of the overall significance of visual effects for each of the viewpoints identified, consideration has been given to the value, susceptibility and sensitivity of visual receptors and the magnitude of change. The findings in the assessment identify the significance of visual effects generally are assessed at minor/negligible, minor/moderate with 'moderate' from a viewpoint on the beach area (to the northern end of the application site).
117. By way of mitigation the applicants propose a series of measures, including those set out below, in order to minimise the visual impacts of the proposed development on the landscape:
- Machinery within the borrow pit would be partially screened from landward views due to the presence of the beach crest restricting views of the borrow pit.
 - Working areas would be kept to a minimum at any one time. It is better that working areas are concentrated to minimal areas rather than spread over larger areas for longer periods.
 - Hoarding would not be used, as this would exaggerate the presence of the construction site. The presence of construction vehicles dotted along the site at working areas, would be less visually intrusive than a long stretch of hoarding.
 - Temporary storage of materials as visual barriers would help to relieve visual intrusion without the need for additional visual intrusion of hoarding.
 - Visual intrusion from construction activity is reduced by being restricted to seasonal working during the winter months (October to the end of March).
 - Convoys of vehicles are proposed to reduce noise and vibration, but this would also help to minimise the disturbance of the view by keeping the movement of vehicles concentrated rather than a constant stream of traffic leaving the site.
 - Tidy working areas and site compounds will be maintained at all times even when there would be no work on site.
 - The presence and storage of materials and machinery for construction would be

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

kept to a minimum at all times.

- The landscape and visual impacts are short term and temporary as they would be experienced during construction only between October and March.
- Extracted areas would be left undisturbed following the extraction in the winter months to be allowed to naturally replenish.

118. The Practice Guide to the NPPF offers advice as to how relevant and effective planning conditions can mitigate environmental impacts and whilst it identifies mineral extraction as a temporary use of land, albeit a long-term use, it also identifies the principal impacts of mineral working and the environment on which they may have an effect. These include:

- Visual intrusion into the local setting and the wider landscape; and
- Landscape character.

119. Taking into account the advice provided by the County Council's own landscape advisor, who raises no objection in principle to the planning application, I consider that the key factors would be to secure, by way of appropriately worded planning conditions, those measures set out above which would also ensure that working areas identified for each successive season are kept to a minimum. In my opinion the proposed development remains consistent with those relevant development plan policies referred to above, together with those set out in the NPPF.

120. Provided the working of the site is secured by way of appropriately worded planning conditions, together with the ongoing annual meetings between the applicants and NE to establish working areas year on year, which are to be secured by a separate legal agreement, I consider that there would be no unacceptable visual and landscape impacts should planning permission be granted.

Noise & Vibration Impacts

121. Local residents and visitors to the area have raised concerns in relation to the potential noise and vibration levels caused by the proposed works, particularly from plant noise and vehicles using the Dungeness Estate Road. The applicants included within their original ES, supporting information on noise and vibration impacts. Further technical notes were produced by the applicants dated 8 December 2011, 10 December 2012 and 24 February 2012 and a technical report in January 2012.

122. In terms of considering noise impacts from the proposed development, advice is set out in para. 123 of the NPPF. Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
123. The NPSE (Noise Policy Statement for England) provides some guidance on the extent to which noise levels are likely to have impacts on the health and quality of life. In measuring such impacts the following concepts are applied:

NOEL – No Observed Effect Level - this is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level - this is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level - this is the level above which significant adverse effects on health and quality of life occur.

The three aims as set out in the NPSE are:

- To avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.
- The second aim is to mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. This largely refers to a situation where the impact lies somewhere between LOAEL and SOAEL and requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life whilst taking into account the guiding principles of sustainable development.
- Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

Noise

124. In the absence of the NPSE providing any specific noise levels to define whether NOEL, LOAEL or SOAEL are exceeded, the County Council's noise consultant advises on the standard approach for determining the magnitude of noise impacts that have been used in the UK for a number of years which is based on the premise that subjective response to noise from a new source is proportional to the change in overall noise level as a result of development. He considers that in environmental assessment terms, a change of 3 dB LAeq,T or more is often considered a significant impact as this is regarded as the smallest audible change that can be perceived over a period of time. He also notes that for construction schemes, an increase of 5 dB LAeq,T is deemed a significant impact. In considering the nature of the proposal and the subsequent timescale requested he considers that the following criteria be applied in determining the impact of the application:

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

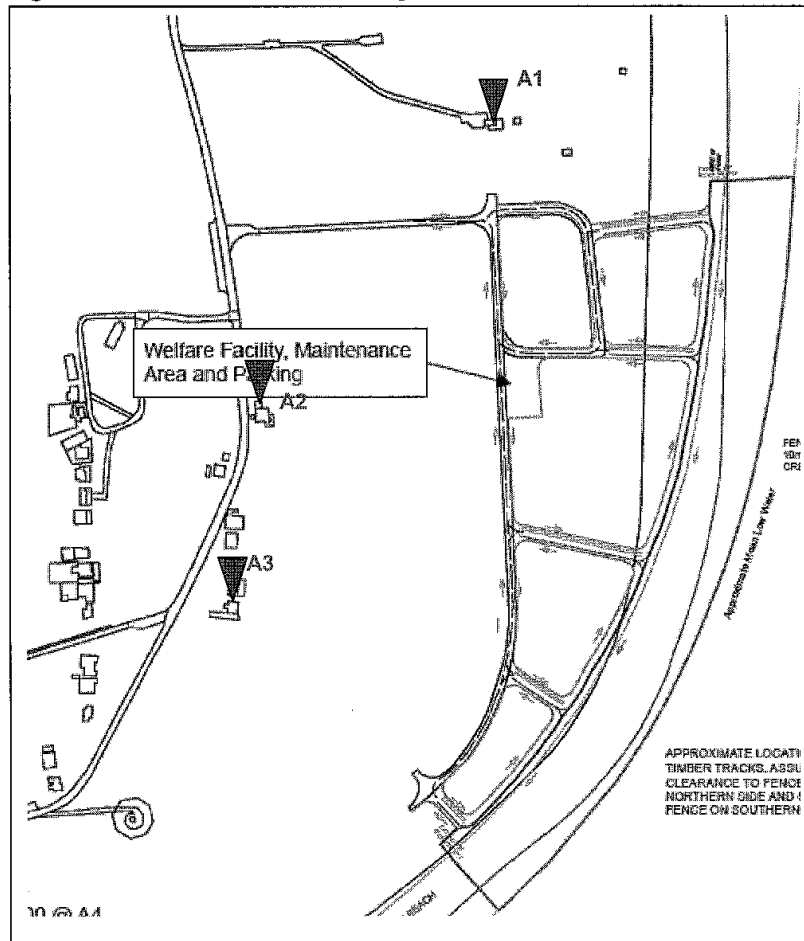
LOAEL – the increase in ambient noise level at any residential premises resulting from plant associated with the application site exceeds 3 dB $L_{Aeq,T}$.

SOAEL – the noise level at any residential premises resulting from plant associated with the application site exceeds the existing background by more than 10 dB. Plus the change in ambient noise level exceeds 3 dB $L_{Aeq,T}$.

125. The applicants propose that shingle recycling operations would take place between the hours of 0730 and 1600 hours on weekdays and would be restricted to between the months of October and March inclusive. It is proposed that an excavator and dozer would be operational on the beach and which would load shingle into vehicles for onward transportation via the Dungeness Estate Road. The applicants have carried out assessments on the potential noise and vibration impacts associated with this activity.
126. The Applicant's noise assessment submitted as part of their planning application describes the existing ambient noise climate as *"typically rural and the dominant noise source is from road traffic on the local roads"*. The assessment identifies the closest residential receptors to the site as being properties A1, A2 and A3 as shown below.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Closest Noise Sensitive Receptors to the proposed Borrow Pit Area⁷



127. The distance between the nearest residential properties and the site and haul routes are set out below:

Property	Approx. distance from borrow pit	Approx. distance from haul routes
A1	120m	50m
A2	270m	4m (from EDF haul route) 120m (from EA haul route)
A3	220m	10m (from EDF haul route) 240m (from EA haul route)

128. The applicant states that whilst those properties have a view into the proposed site compound, their view of beach feeding operations would be largely obscured given works would take place to the seaward side of the beach ridge which would also act as some form of noise barrier.

⁷ Figure 1, page 2 - Halcrow Document dated 10 December 2012

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

129. Ambient noise levels have also been measured for the Dungeness Road, Tournay Road, Jury’s Gap Road and Broomhill Sands, all of which are along the proposed vehicle route. Those levels were measured as follows:

Summary of measured ambient noise levels April 2005, free-field

Location	L_{Aeq}, 3hour dB	L_{A10+3 hour} dB	L_{A90}, 3 hour dB
Dungeness Road, near Lighthouse	51.9	51.8	39.3
Dungeness Road, Lydd-on-Sea	58.4*	63.7*	34.2*
	50.4	51.4	33.5
Tournay Road, Lydd	59.4	61.4	43.5
Jury’s Gap Road	62.8	66.8	39.6
Broomhill Sands, Camber	62.6	66.9	38.9

* this measurement was influenced by the power station

130. For the purpose of predicting the likely noise impact on the nearest sensitive receptors, potential noise generators are likely to be associated with plant and equipment on site and noise generated from vehicles being loaded and travelling to their final destinations via the haul road. Proposed activities are divided into the following:

- **Excavation** – at the borrow pit, it is proposed that bulldozers would push shingle from the beach into the loading area. An excavator would then load shingle into trucks for onward transportation.
- **Transport** – EA trucks would transport shingle from the borrow pit area, north along the Dungeness Estate Road, along Jurys Gap Road to the East Suttons to Jury’s Gap frontage. EDF would transport shingle in moxy trucks southbound and then along the purpose built concrete road to the power station frontage.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

131. Shingle recycling operations would take place between the hours of 0730 and 1600 hours on weekdays only and would be restricted to between the months of October and March inclusive. Having regard to the plant and equipment proposed for use on site, the applicants have carried out an assessment based on what they consider to be the nearest noise sensitive receptors.

Excavation - Plant Noise Levels

132. The predicted noise calculations relating to the excavation operations have been measured against background noise levels for those identified potential receptors.

133. The assessment concludes that excavation operations, including vehicle movements prior to leaving the site and travelling on to the haul route, would be likely to comply with a noise limit based on a margin of +10 dB above the measured background level at the closest receptor locations identified during the proposed 24 week operational working period. This would be with the exception of location A1 where a + 0.1 exceedence of the noise limit has been calculated, however this is not considered to be significant in the assessment conclusions.

Transport - Vehicle Noise Levels

134. Transport calculations have been provided in support of the proposal and relate, for the purpose of the assessment, to traffic using the haul route for 24 weeks of the year. As referred to above, proposed traffic flows for the EA and EDF would be 42 and 28 vehicle movements per day respectively. The assessment acknowledges that in terms of the EA's shingle requirements, following the first shingle extraction year, overall vehicle numbers would reduce in years 2 and 3.

In Year 1

Receptor	Measured LA _{eq,T} dB	Predicted Total LA _{eq,T} dB	Change LA _{eq,T}	Magnitude
A1 - 24 weeks	51.9	54.5	+ 2.6	Minor
A2 – 24 weeks		56.1	+ 4.2	Moderate
A3 – 24 weeks		54.1	+ 2.8	Minor

Year 2

Receptor	Measured LA _{eq,T} dB	Predicted Total LA _{eq,T} dB	Change LA _{eq,T}	Magnitude
A1 - 24 weeks	51.9	53.6	+ 1.7	Minor
A2 – 24 weeks		55.8	+ 3.9	Moderate
A3 – 24 weeks		54.5	+ 2.6	Minor

135. The County Councils noise advisor, considers a change of up to 3dB as a result of traffic movements would be acceptable however, as can be seen from the table, in the case of movements affecting property A2, these would exceed +3dB (i.e. at +4.2dB)

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

136. Whilst the magnitude of the affects on A2 are predicted to be moderate, in the event that the planning application is refused EDF could choose to still import material to the power station frontage via the same route as the EA vehicles along the Dungeness Estate Road using road vehicles (20t vehicles). Should this be the case material could be imported with little restriction in terms of duration and delivery hours. An assessment has therefore also been undertaken as to the possible noise impacts on properties A1 to A3 assuming a traffic flow of 42 movements and shows a major impact on properties A2 and A3 with noise levels increasing by +6.8dB and +5.0dB respectively.

Haul Results – in the event that permission be refused and EDF import without restrictions.

Receptor	Measured LA _{eq,T} dB	Predicted Total LA _{eq,T} dB	Change LA _{eq,T}	Magnitude
A1 - 24 weeks	51.9	52.6	+ 0.7	Negligible
A2 – 24 weeks		58.7	+ 6.8	Major
A3 – 24 weeks		56.9	+ 5.0	Major

137. In recognition that vehicles associated with the EA operations would travel from the site northbound through the Dungeness Estate onto the public highway the County Council’s Noise Consultant requested further noise information in order to assess any potential noise impacts from traffic using this route. The nearest receptor in this case was identified (as Additional 1) as being that closest to the New Romney Hythe and Dymchurch Crossing where this property is located some 6.5m from the Estate Road.

Haul Route Results at additional Dungeness Estate Location

Receptor	Measured LA _{eq,T} dB	Predicted Total LA _{eq,T} dB	Change LA _{eq,T} dB	Magnitude
Additional 1 – Year 1	51.9	57.7	+ 5.8	Major
Additional 1 – Year 2		56.5	+ 4.6	Moderate
Additional 1 – Year 3		55.7	+ 3.8	Moderate

In-Combination Impacts (Excavation and Transport)

138. Having regard to the above, an assessment of combined impacts of excavation works and proposed traffic noise has been undertaken and which concludes that during the 24 week operational period the magnitude of the impacts could not be considered to be any higher than ‘Minor’ with no greater than a + 2.8dB increase in noise levels in the vicinity in the nearby residential receptors.

139. By way of mitigation the applicants propose that when working within 210m of the property to the north of the extraction area (at property A1) a 3m high temporary shingle bund be constructed prior to each working day to minimize noise disturbance.

140. The County Council’s noise advisor, Jacobs, have been consulted on the planning application and have considered the detailed assessment alongside the position should

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

EDF need to resort to bringing material in from a land-based source (i.e. in the event that planning permission is not granted). Having regard to the advice set out in the NPPF, the NPSE and guidance on defining *significant effects* from noise, Jacobs agree that noise levels at all representative receptors are predicted to not exceed LOAEL or SOAEL criteria with the exception of those properties facing onto the Dungeness Road. It is agreed that for these receptors, adverse noise impacts are likely. However in considering this against the alternative position should permission for this proposal not be granted, it should be put into context where similar or greater noise levels could be anticipated but with little or no control. On balance whilst I concur with the view of our noise consultants that given the predicted noise levels emanating from the site is likely to result in an adverse impact, this should be weighed against the opportunity to restrict HGV movements through the Dungeness Estate where otherwise there would be little control. On this basis, in my opinion there are no objections on noise grounds subject to the imposition of a number of appropriately worded planning conditions as recommended by Jacobs which would seek to ensure the following:

- i. Noise emanating from all plant associated with the shingle extraction and vehicles using the haul road shall not result in an increase in ambient noise level of 3 dB or more at any residential property.
- ii. The Applicant shall demonstrate that the above condition is achieved through onsite measurements within one month of operation. Thereafter, monitoring shall be undertaken every 3 months. The methodology for such monitoring shall be agreed with the local planning authority.
- iii. The total combined number of HGVs accessing or leaving the site shall be restricted to a maximum of nine movements in any one hour with HGV movements restricted to between 08:00 and 16:00 hours.

Vibration

141. The applicants have submitted in support of the planning application, technical information which seeks to address any potential vibration impacts as a result of the proposal. As part of the original submission the applicants provided, within the ES, information on the potential impacts on sensitive receptors from simultaneous works proposed to take place at the site. Whilst the County Councils own vibration consultants agreed with the approach taken by the applicants, following the public meeting, in which a number of concerns were raised in relation to the potential for vehicles to cause vibration impacts, further information was provided to assess potential impacts from vehicles on the proposed vehicle routes.
142. The County Council's vibration consultants agree the guidance set out in BS 6472:2008 which advises that vibration levels should fall below $0.4 \text{ ms}^{-1.75}$ in order to avoid a situation whereby adverse comments could be possible, is the most appropriate. The applicant's assessment includes within it a series of measurements taken on nearby sites to ascertain the impact of the passage of large vehicles over similar terrain to that at Dungeness. Measurements were taken using a partially loaded 30t vehicle and a 14t road going vehicle. Data was recorded at road speeds of 5, 10 and 20 mph at Pett Levels, East Sussex, a similar site to that at Dungeness. Those results are as follows:

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Vehicle	Measured Vibration Dose Values for Individual truck Movements (ms ^{-1.75})		
	5mph	10mph	20mph
Volvo A30 30t ADT	0.008	0.012	0.031
Mercedes Atego 14t 3 axle HGV			0.016

143. Measurements included, aim to cover the potential impacts of the movements of the EDF shingle transport vehicles on roads within the Dungeness Estate, as these take place closest to residential properties, and of the passage of EA related HGVs on the wider road network, in order to demonstrate that the impacts would prove to be acceptable. Vibration measurements based on the proposed vehicle numbers are tabled below, however it is noted that there are some minor inconsistencies with the vehicle numbers identified compared to the Traffic Impact Assessment which I consider should read 28 and 42 respectively, however in my view they are unlikely to alter significantly the conclusions of the assessment.

Measured Vibration Dose Values at Pett Levels and Calculated Daily Vibration Dose at Dungeness

Truck Type	Movements per day	Measurement Duration	Measured Vibration Level – VDV b/d,T	Resultant 16 hour Level – VDVb/d, day	Flow Description
ADT	24	10	0.008	0.0177	EDF Haulage Trucks 5mph
	24	10	0.012	0.0266	EDF Trucks 10mph
	24	10	0.031	0.0686	EDF Haulage Trucks 20mph
HGV	45	10	0.008	0.0207	EA Road-going trucks 5mph
	45	10	0.012	0.0311	EA Road-going trucks 10mph
	45	10	0.016	0.0414	EA Road-going trucks 20mph

144. The vibration predictions contained within the Assessment assume a robust road surface without any defects, e.g. pot holes. Therefore by way of further mitigation the applicant proposes pre and post works surveys be undertaken of the Dungeness Estate Roads (including the purpose-built concrete road) and that any such defects be repaired prior to site operations and following completion for the season. I would fully endorse this and would recommend that a condition be imposed to ensure the upkeep of Dungeness Road in areas near to residential premises, to the point where it meets Battery Road (to the north of the Dungeness Estate) for the duration of operations. This would ensure vibration levels emanating from HGVs are minimised. Whilst our own vibration consultant concurs that there would be an unlikely occurrence that vibration from the proposed HGV movements would result in adverse comments, has however recommended that a

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

condition be imposed to ensure when measured at the closest residential properties to Dungeness Road vibration levels shall not exceed $0.4 \text{ ms}^{-1.75}$. Further the applicants in recognising health and safety concerns in relation to potential vehicle and pedestrian conflict have proposed to convoy vehicles and are happy to accept a speed restriction of 10mph which I consider would be appropriate in this case.

Beach Access

145. There has been much dispute during the processing of this planning application as to the Applicant's interpretation of the fishermen's views in relation to the proposal. The Dungeness Angling Association (DAA) have placed their views on record, stating that their club, with over 1000 members, supports the need to protect Dungeness 'B' Power Station and support the EA in their need to recycle shingle to protect the Lydd Ranges. They go on to state that many of their members fish Galloways and Dengemarsh as it allows access to the foreshore, particularly for those members who are less mobile. The Association raised initial concerns over the potential for the entire application site to be fenced off during shingle recycling activities which would in their view restrict access to the beach. The DAA state that the local economy is heavily dependent on sport tourism and that *'tens of thousands of beach anglers descend on Dungeness beach each winter bringing their spending power with them.'* Further they state that this *'benefits the local economy by hundreds and thousands of pounds each year.'* They do confirm that in the event that planning permission is granted however they would wish to see areas of shingle extraction minimised and depicted by small areas of fencing in order to maximise the use of the beach by all visitors. They also state that in the event that a condition is placed ensuring trucks are convoyed out to maximise access to the shingle haul road during the working week that they would be prepared to withdraw their opposition to the proposed development.
146. The local fishing community have also expressed concerns that the method of extracting shingle could leave steep slopes on the beach, making the launching boats significantly more dangerous and difficult.
147. To avoid creating steep slopes or embayments, the Applicants confirm that they would extract shingle at a consistent rate in even volumes along the length of the proposed working area. Once shingle extraction has been completed for the year, the shingle beach at the working area would be levelled off and reinstated to prevent any steep faces forming. Given the amount of shingle extracted would not exceed the amount accreting, it is considered that a steep bank would not worsen in the longer term.
148. The applicants have reviewed their operational procedures during the processing of this application and accept the importance of the area for sport tourism. They also accept that access to the beach is of primary concern. They consider that they would be able to accommodate users of the beach by working in a strip along the site and not extracting material from areas that would making launching boats difficult. Further, they would be able to fence off a small section of the beach at any one time thus restricting each day's operations to that area. The applicants consider that by employing this method they would be able to accommodate anglers whilst still extracting sufficient quantities of material to meet their requirements.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

149. As discussed above, it is also proposed that vehicles associated with the proposed development would be 'convoyed' therefore I consider that the terms of the beach users can be met through appropriate planning conditions to reflect extraction areas and vehicle management. Following each annual campaign the Applicants propose to fully reinstate the working areas, compound area and access routes to the public highway (including removal of all temporary fencing and making good any damage to hard surfaces).
150. I consider that the applicants have sought to ensure, as part of their proposal that the fishermen concerned with launching boats from the beach can continue to do so between the months of October and March. I am satisfied that this could continue throughout the duration of operations should planning permission be granted and am satisfied that access can be maintained and secured by way of the imposition of a number of suitable planning conditions.

Public Rights of Way

151. There are a number of public rights of way located close to the borrow pit site and in particular the proposed vehicle routes. The proposal directly affects Public Rights of Way (PROW) HL4, HL22, HL31 and HL37. The existence of these footpaths is a material consideration.
152. The original application details omitted any reference to the public rights of way in the area. On this basis the County Council's Rights of Way Officer requested this be remedied and requested that the application be amended to reflect the location of those routes along with information on how the Applicants propose to manage the impacts of the proposed development on them.
153. The Applicants later confirmed that in their view the only PROW likely to be affected by the proposal would be route number HL36 (which runs alongside the boundary of the Dungeness A power station). The Applicants indicate that in their view, they consider it unlikely that any interaction would occur due to the low volume of shingle vehicles along the route. However by way of mitigation they propose that warning signs be erected informing pedestrians of shingle vehicles working in the area. They also propose that drivers of vehicles carrying shingle be informed that should a pedestrian come into view whilst driving along the Public Right of Way HL36, they must stop and allow them to complete their traversing of the route before continuing. The applicants indicate that this would be monitored and that in the event that the occurrence of pedestrians meeting vehicles is high then additional measures can be introduced in the form of designated paths for the use of pedestrians which will be protected from the shingle vehicle running lanes by safety fencing. The Applicants state that these measures remain in line with those implemented as part of the planning permission granted in 2006/2007. The County Council's PROW officer is satisfied with the measures proposed and I would concur that provided those measures are the subject of appropriately worded conditions I am satisfied that pedestrian/vehicle conflict can be satisfactorily managed.

Coastal Access Path

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

154. A number of the generic letters generated via the 'Love Dungeness Campaign' website in June/July 2013 make reference to the proposed Coastal Access Path joining Camber to Folkestone (see sample letter Appendix C). Concerns are raised that as the path would include the Dungeness foreshore and nature reserves, including the section of coastline where the proposed borrow pit area would be located, there would be a negative impact on residents and visitors using the coastal path from activities associated with the proposal.
155. This coastal access project is being developed with officers from East Sussex and Kent County Council who are working closely with NE to develop the proposals, in consultation with local interests and providing expert local advice.
156. NE advise that the delivery of the England Coast Path, under the Marine and Coastal Access Act 2009, is governed by a 'Coastal Access Scheme', approved by the Secretary of State. NE state on their website that the Scheme is an important document which sets out the methodology that NE must use when carrying out its Coastal Access Duty. It contains the key principles on which NE base their access proposals at the local level, and explains how these are applied in each of the main coastal scenarios. In relation to the Camber to Folkestone Access Path, work is underway on proposals for improved public access along a stretch of the East Sussex and Kent coast between Camber and Folkestone.
157. Having regard to the concerns raised in relation to the planning application and the potential impact on the Coastal Path I have sought advice from NE and the County Council's footpath and Senior Projects Officers on this matter. NE's position at the time of writing (January 2014) states that they are in the process of visiting all the land on the relevant stretch of coast that is likely to be affected by the coastal path route. On these visits they explore options for improving coastal access in detail and discuss them with the people who own and manage the land. NE refer to this as 'walking the course'. In addition NE are in the process of writing to all the affected land owners and occupiers of whom they are aware to arrange a site visit. Following that process NE propose to consider all options in order to prepare their proposals which have yet to be published.
158. NE advise that they anticipate the new access to be available some time during 2014. With this in mind, NE have not raised an objection to the proposal in relation to the proposed coastal access route. They do however comment that they hope the path would align, in part, to the Dungeness Estate Road verges, much of which is also an existing right of way. The County Council's PROW officer has raised no objection (see above), however it is considered prudent to ensure the County Council's Senior Projects Officer, who is working closely with NE on the Coastal Access project, has been formally consulted. Whilst he concurs with the PROW officers comments, he adds that "*whilst the works will undoubtedly affect the pleasantness of using the proposed England Coastal trail through this area, my understanding is that the proposed works are at a time when usage would be expected to be at a lower level. On the understanding that the lorry's are to operate in an escorted convoy whereby any users or lorry drivers would be made fully aware of each others existence and whilst not ideal, I cannot see any reason for objection in respect of the proposed National Trail.*"
159. On this basis, I can see no overriding reason for recommending that this application be refused on pedestrian/highway safety grounds.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Conserving and enhancing the historic environment

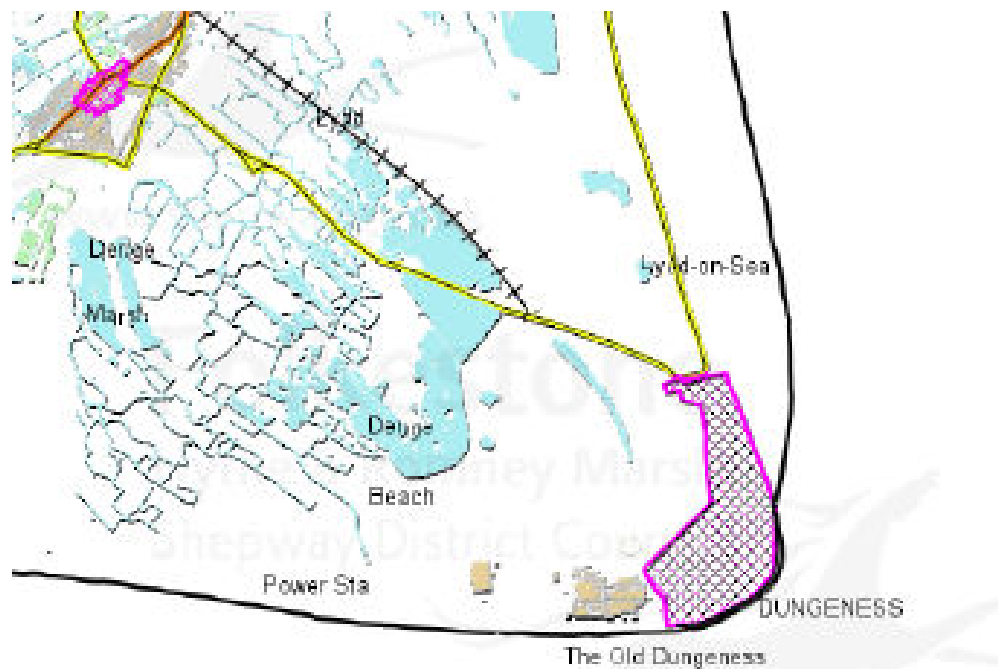
160. As discussed above, the planning application site falls within the Dungeness SAC and SSSI and lies close to the Pett Level SPA. The site also falls within a designated conservation area and SLA. Whilst shingle recycling operations have taken place since the 1960's up until 2007, the area was afforded conservation area status in 1985 and gained its SAC designation in 2005 when shingle recycling was still an ongoing activity.
161. Of particular importance to the area are the shingle ridges which provide the structure for the Annual Vegetation of Drift Lines (AVDL) to establish, which over time following accretion, are no longer subject to wave action allowing the colonisation of plant species of the Perennial Vegetation of Stony Banks (PVSB) on the established ridges. It is this process that forms part of the SSSI interest and underpin the SAC and pRamsar interest and contributes significantly to this unique character of this area. Since shingle extraction ceased, stable ridges have formed and would be left in situ should planning permission be granted.
162. Since the planning application was first submitted much has been documented on the unique character of the Dungeness area and its importance nationally, indeed this is reflected in the number of letters received from visitors to the site from all over the UK and wider. However many of those letters received demonstrate a continued affiliation and love of this unique area which appear in many cases to span a generation. It is apparent that shingle recycling activities did not negatively impact on the views expressed by visitors to the area. At the time of submitting the previous 2006 planning application, the Applicants were unable to demonstrate adequate protection of the designations and in recognition of their importance have worked closely with NE to find workable ways in which to extract shingle from the site whilst affording it the protection required when submitting this latest proposal. As a means of achieving this, the applicants and NE have sought to agree mitigation and monitoring measures to ensure the natural coastal processes continue to occur whilst shingle recycling operations take place.
163. The NPPF provides advice to support the conservation and enhancement of the historic environment and is in my view applicable to this unique site. In determining planning applications, planning authorities are advised to take account of:
- The desirability of sustaining and enhancing the significant of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

164. Detailed mitigation and monitoring measures have been prepared and included within the planning application. Those measures seek to ensure the sensitive designations are adequately protected by allowing the continuation of shingle accretion for the duration of any operations. Having carried out an Appropriate Assessment and concluded no significant impact on the SAC, I am satisfied that those key measures can be secured and monitored by way of a separate legal agreement and the imposition of a number of planning conditions in the event that Members resolve to grant planning permission for this proposal.

Dungeness Conservation Area

165. The site and vehicle access routes fall within the Dungeness Conservation Area (CA) which is defined by law as an area of special architectural and historic interest. The Planning (Listed building and Conservation Areas) Act 1990 sets out the process of assessment, definition or revision of boundaries and formulation of proposals for CA's as well as the identification and protection of listed buildings. Authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of a CA, or in the case of listed buildings, to have special regard for their preservation in the exercise of their powers under the Planning Acts.



Extent of the Dungeness Conservation Area

166. The original designation came into effect on 26 June 1985 and was later reviewed and extended in August 1989, during which time annual shingle recycling operations were still taking place, during the months of October to March.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

167. An appraisal of the Dungeness CA was commissioned by Shepway District Council, the purpose of which is to help understand why Dungeness is special and provide a framework for keeping it that way. *“Its character or specialness, needs to be defined. What is happening to it needs to be documented and analysed. What should happen in the future needs to be celebrated, guided and well managed”*⁸. In addition, the appraisal states based on information provided by the local community website, that out of the 8 odd abodes, a third are holiday homes and the majority of owners rent their places out on a weekly basis.
168. The area including the shoreline is also designated as a Special Landscape Area (SLA) and the Dungeness Estate is a Conservation Area whereby local plan policies CO4 and BE4 apply. Within such areas the conservation and enhancement of the natural beauty of the area takes precedence unless a case can be made that the economic or social well being of the area outweighs the need to give long-term protection to the area. In the case of the Conservation Area the determining Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
169. Shepway District Council (SDC) accepts that similar works have already been carried out over the years and does not consider that the overall natural beauty and heritage asset of this area has been detrimentally affected. Therefore, SDC does not consider further works on a similar scale would present demonstrable harm to the visual amenity and natural beauty of the area. I concur with this view. Given that the site was originally designated and later extended during the period when shingle operations were previously taking place, in my opinion the recommencement of such operations, whilst not strictly enhancing the character or appearance of the CA, is unlikely to result in any significant or detrimental impacts on the Dungeness CA.

Tourism and wider economic benefits

170. Those residents who either live or let properties in the Dungeness area have expressed concerns that the shingle recycling operations would have a detrimental impact on local tourism and therefore the local economy. Residents and visitors to the area have also raised concerns that the proposed development could restrict access to the beach area.
171. The NPPF requires that planning policies support economic growth in rural areas and should support, amongst other matters, sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
172. The applicants acknowledge in their submission, that their proposal may have an impact on the local tourism economy in the event that daily operations are not managed appropriately. They indicate that their works are proposed to take place during the winter period and on weekdays only during which times visitor numbers to the area are in their view likely to be less than the weekends or months of April to September. A key element to this planning proposal is also the need to provide shingle for placement along the Broomhill frontage as part of the flood protection measures for the residents of Camber,

⁸ Shepway District Council, Conservation Area Appraisal, 2006

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

which is also heavily reliant on tourism. A number of letters of support have been received from Camber residents as well as from the Parish Council who are concerned that the material currently being imported to the Broomhill frontage from a land-based source is not of sufficient quality for the public beaches in the area. The District Council, in their formal response to the planning application, recognise that access to the beach is important for the purposes of tourism and leisure. Whilst they raise no objection to the proposal they recommend that restrictions over public access to the beach are kept to a minimum whilst not compromising on public safety and that public rights of way are kept open where possible. The proposal includes within it measures to ensure as much access to the beach area is provided as possible, whilst having regard to the safety of beach users, which in my opinion could be appropriately covered by planning condition. I have seen no evidence to suggest that previous shingle recycling operations have had a negative impact on the numbers of visitors to the area nor that there would be any detrimental effect on the local economy should recycling re-commence.

Other matters

173. The early 2012 letters of opposition generated via the Love Dungeness Campaign (see example Appendix C) website contained within it the following generic statement:

“The Department for Energy and Climate Change has stated that sourcing shingle from Dungeness for sea defence purposes could impact this nationally and internationally important conservation site – while the Environment Agency has stated that shingle recycling is an expensive option and will offer only a low standard of protection against flooding, which can lead to failure of the defences.”

174. The County Council wrote to the DECC on 23 January 2012 in order to try to establish the origin of the statement and whether it was quoted in direct relation to the proposal to recommence shingle recycling at the borrow pit area. The DECC have made the following comments:

“I have not been able to find the exact quotation cited by Love Dungeness on their website in the material we published on Dungeness in the Nuclear National Policy Statement and the associated Appraisal of Sustainability and Habitats Regulations Assessment but from their website it is clear that those are the documents they are referring to.

Those documents referred to the proposal to include Dungeness on the list of sites for new nuclear power stations to be built. They have no reference to the shingle recycling proposal which you are considering and should not be taken as referring to it.”

175. Finally, at the public meeting concern was raised by a local resident that cost had not been properly considered as part of the planning application. I would reiterate the comments made by Mr Clifton at the meeting that whilst cost is not strictly a material planning consideration in assessing the sustainability of the proposal, this would need to be weighed against using high quality land-won resources as an alternative. The extent to

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

which various option are deliverable is also material to the determination of the application.

Conclusion

176. Up until 2007 shingle recycling activities historically formed part of the local scene at Dungeness. Whilst it is clear that flood protection and sea defences remain essential for both the Broomhill frontage (Camber) and in order to protect the power station, this has generated much opposition. There is however a significant difference of opinion amongst various parties as to how best to achieve a sustainable solution that meets the requirements of the NPPF and objectives of the Habitats Regulations whilst providing the necessary flood defences. The 'do nothing' approach is not an option. The applicants are seeking planning permission to re-commence shingle recycling activities in a similar manner to that which has already taken place since the 1960's albeit in a way which reflects the need to protect the SAC designation and to ensure activities have limited impacts on local residents and visitors to the area.
177. The NPPF requires the planning system to contribute to sustainable development, whilst having regard to its economic, social and environmental role. A number of alternative options to shingle recycling have been explored, including obtaining material from a land-based source which the EA have had to look to as an alternative since the last shingle recycling permission expired. In recognising the process of natural coastal processes it would be difficult to argue that continuing to source high quality land-based material represents a sustainable use of a finite mineral resource when considering advice set out in the NPPF, which requires their preservation. Having concurred with the applicants' assessment of the alternative options available to them which concluded that re-commencing shingle recycling operations would be the most sustainable option and ensure that there would be sufficient volumes of shingle available to them when required, an assessment of other planning considerations needed to be undertaken.
178. In assessing the highway impacts of the proposal, Kent Highways and Transportation conclude that the numbers proposed are not significant in terms of impact on the public highway provided a restriction is placed on daily vehicle numbers. The Applicants have agreed to repair annually, the sections of the Dungeness Estate Road used by them, together with the dedicated concrete road before any shingle recycling recommences the following year. A pre and post works condition survey of the Dungeness Estate roads will be undertaken to demonstrate that this has been fulfilled. At the end of the 12 year shingle recycling period, the Applicants also propose to repair any damage to the road caused by their operations within the Dungeness Estate. I agree that this would also significantly reduce any noise and vibration impacts associated with traffic movements. The applicant proposes to convoy vehicles to ensure pedestrian and visitor safety is prioritised.
179. An Appropriate Assessment (AA), having regard to Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (attached under Appendix E), has been undertaken by the County Council, as the Competent Authority. NE are satisfied that the interest features would be unaffected by the proposal subject to those strict mitigation and monitoring measures specified in the application (and in the AA) being fully secured and

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

implemented as an integral part of the development. In the event that Members resolve to grant planning permission for the proposed development I consider that with the imposition of appropriate planning conditions to secure the mitigation and monitoring measures and following advice from the County Solicitor, the satisfactory completion of a s106 Legal Agreement to secure the annual meetings, between the applicants and NE the interest features would be protected for the duration of operations. I can therefore conclude that there would be no adverse effects on the SAC or pRamsar site integrity.

180. In terms of landscape and visual impacts the County Council's own landscape advisor raises no objection in principle to the planning application subject to the imposition of planning conditions reflective of those measures set out in paragraph (117) above which would also ensure that working areas identified for each successive season are kept to a minimum. I consider therefore that there would be no unacceptable visual and landscape impacts should planning permission be granted. In my opinion the proposed development remains consistent with those relevant development plan policies referred to above, together with those set out in the NPPF.
181. It is accepted that similar recycling operations have already been carried out over previous years and I do not consider that the overall natural beauty and heritage asset of this area has been detrimentally affected by them. Shepway District Council do not consider further works on a similar scale would present demonstrable harm to the visual amenity and natural beauty of the area and would I concur with this view. Given that the CA site was originally designated and later extended during the period when shingle operations were previously taking place, in my opinion the recommencement of recycling operations is unlikely to result in any significant impacts on the Conservation Area.
182. I consider that the applicants have sought to ensure, as part of their proposal that the fishermen concerned with launching boats from the beach can continue to do so between the months of October and March. Having consulted with the County Council's PROW I am also of the view that the measures proposed would ensure that pedestrian/vehicle conflict can be appropriately managed and could be conditioned. I am satisfied that this could continue throughout the duration of operations should planning permission be granted and that access to the public can be satisfactorily maintained.
183. The need for the development requires to be weighed against the potential impacts on the designated features of interest along with impacts on the local amenity and the health and safety of visitors to the area together with those impacts on local residents. Having regard to the measures proposed to mitigate such impacts which can be satisfactorily secured by conditions and a separate legal agreement, in my opinion the proposal constitutes sustainable development within the context of the advice set out in the NPPF. It would also in my view be of benefit to the wider public interest in providing essential sea defences to local communities as well as helping to protect the long-term safety of Dungeness Power Station. Accordingly I recommend that permission is granted.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Recommendation

184. I RECOMMEND that SUBJECT TO

- i) the satisfactory completion of a Legal Agreement to secure the Draft Heads of Terms (as set out in Appendix D) within 6 months of the resolution unless otherwise agreed with the Head of Planning Applications, and

- ii) PERMISSION BE GRANTED SUBJECT TO conditions covering, amongst other matters, the following:
 - shingle recycling shall cease after 12 years;
 - development shall be carried out as permitted;
 - Restrictions on the annual volumes of shingle (as set out in paragraphs 14 and 17 above);
 - A restriction on hours of operation to between 0800 and 1600 hours Monday to Friday only, with no working at weekends;
 - A requirement that no operations to take place outside of the period of October to March;
 - That daily vehicle numbers in Year 1 shall be restricted to: 70 daily vehicle movements (i.e. 35in/35out) (which would reduce in year 2 and from year 3 thereafter);
 - That upon completion of extraction operations in March all vehicles, fencing and welfare facilities shall be removed from the site;
 - The vehicles shall travel in a convoy at a speed restriction of no more than 10mph;
 - Warning signs shall be erected warning pedestrians of shingle vehicles operating in the area;
 - Measures shall be in place to ensure no vehicle and pedestrian conflict (and shall be monitored thereafter);
 - Vibration, when measured and assessed in accordance with BS 6472 at the closest residential premises to Dungeness Road, shall not exceed a VDV_{day} of $0.4 \text{ ms}^{-1.75}$;
 - Noise emanating from all plant associated with the shingle extraction and vehicles using the haul road shall not result in an increase in ambient noise level of 3 dB or more at any residential property;
 - The Applicant shall demonstrate that the above condition is achieved through onsite measurements within one month of operation. Thereafter, monitoring shall be undertaken every 3 months. The methodology for such monitoring shall be agreed with the MPA;
 - The total combined number of HGVs accessing or leaving the site shall be restricted to a maximum of nine movements in any one hour; with HGV movement will be restricted between 08:00 and 16:00 hours;
 - The applicants shall carry out annually a pre and post survey of the Dungeness Estate Road each and make good any repairs;
 - A temporary shingle bund shall be constructed when operating within 210m to property A1;

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

- Working areas and site compounds shall be maintained at all times;
- Extracted areas would be left undisturbed following the extraction in the winter months to be allowed to naturally replenish;

Case Officer: Angela Watts

Tel. no: 01622 221059

Background Documents: see section heading

**KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence
at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent**

APPENDIX A

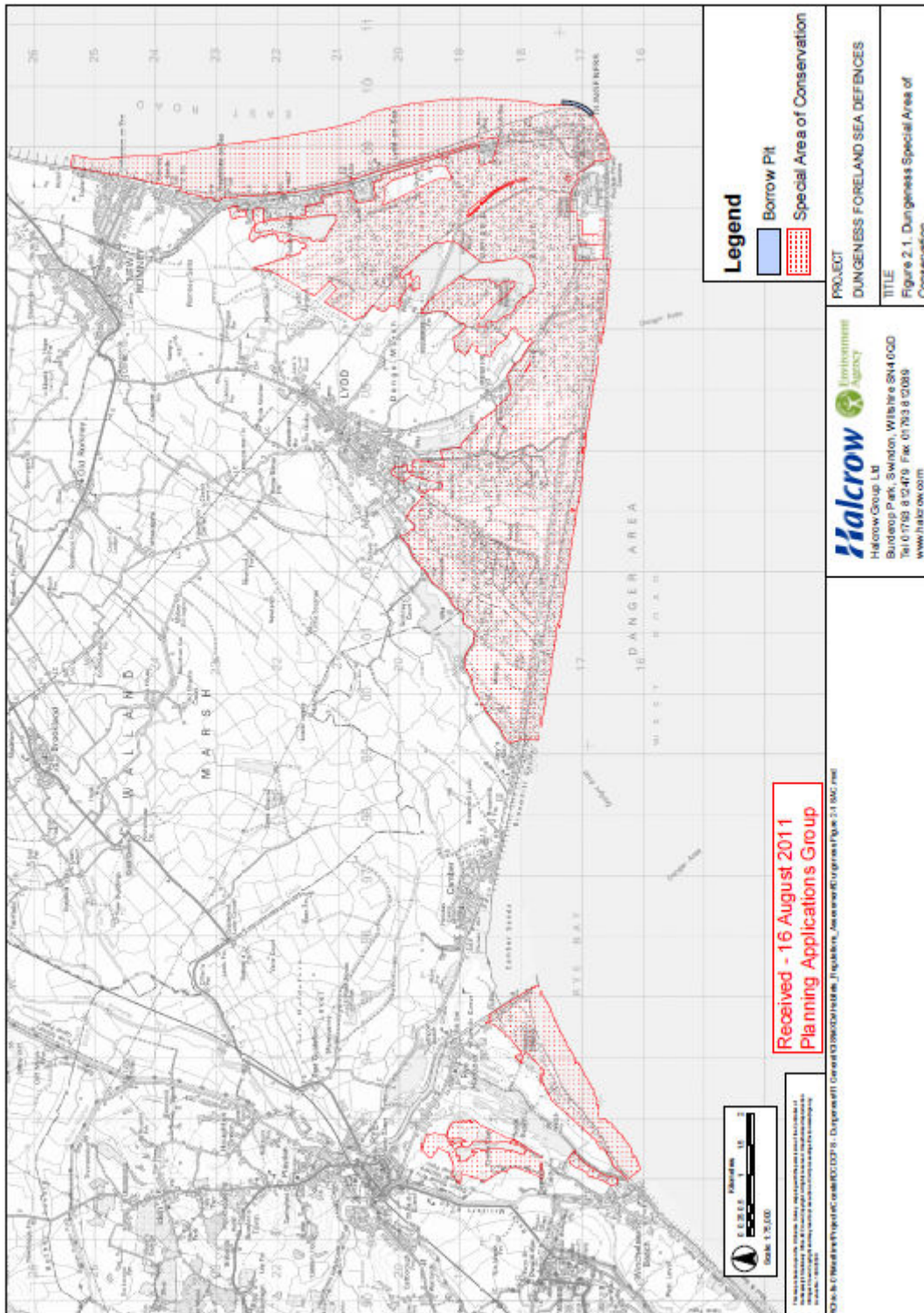
Map A - Dungeness SAC

Map B - Dungeness SPA

Map C - Dungeness pRamsar

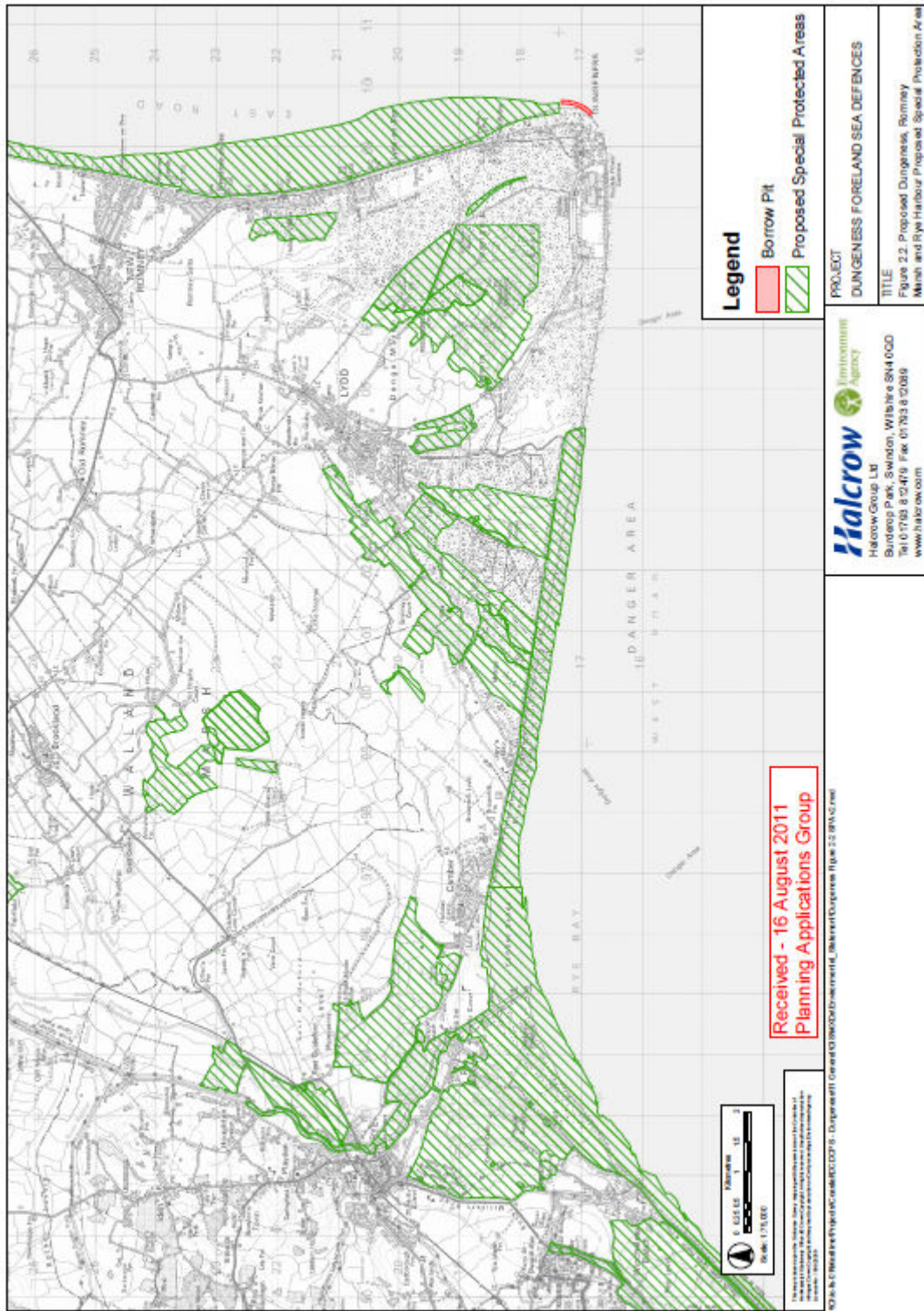
Map D – Dungeness SSSI & NNR

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



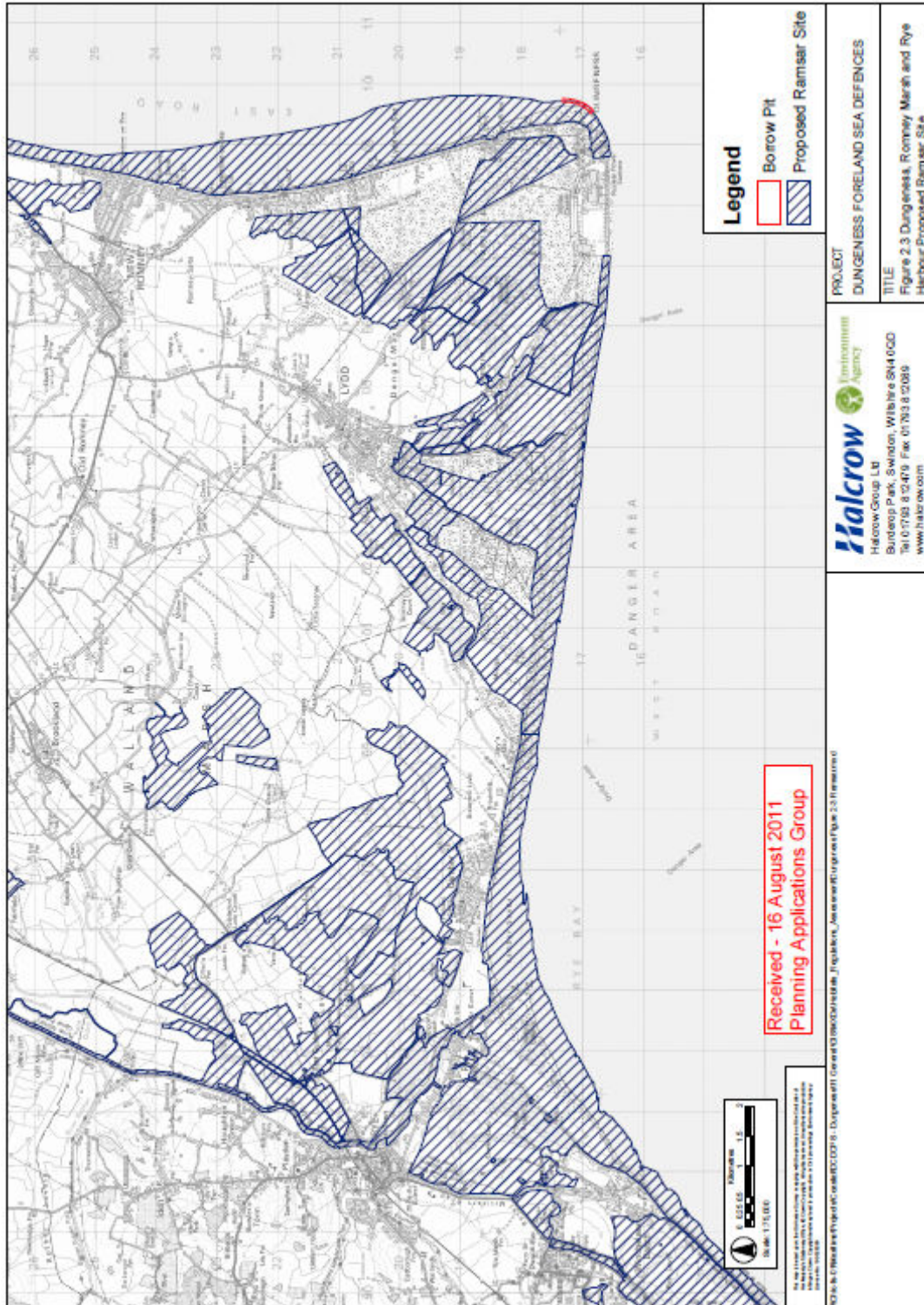
Map A - Dungeness SAC

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



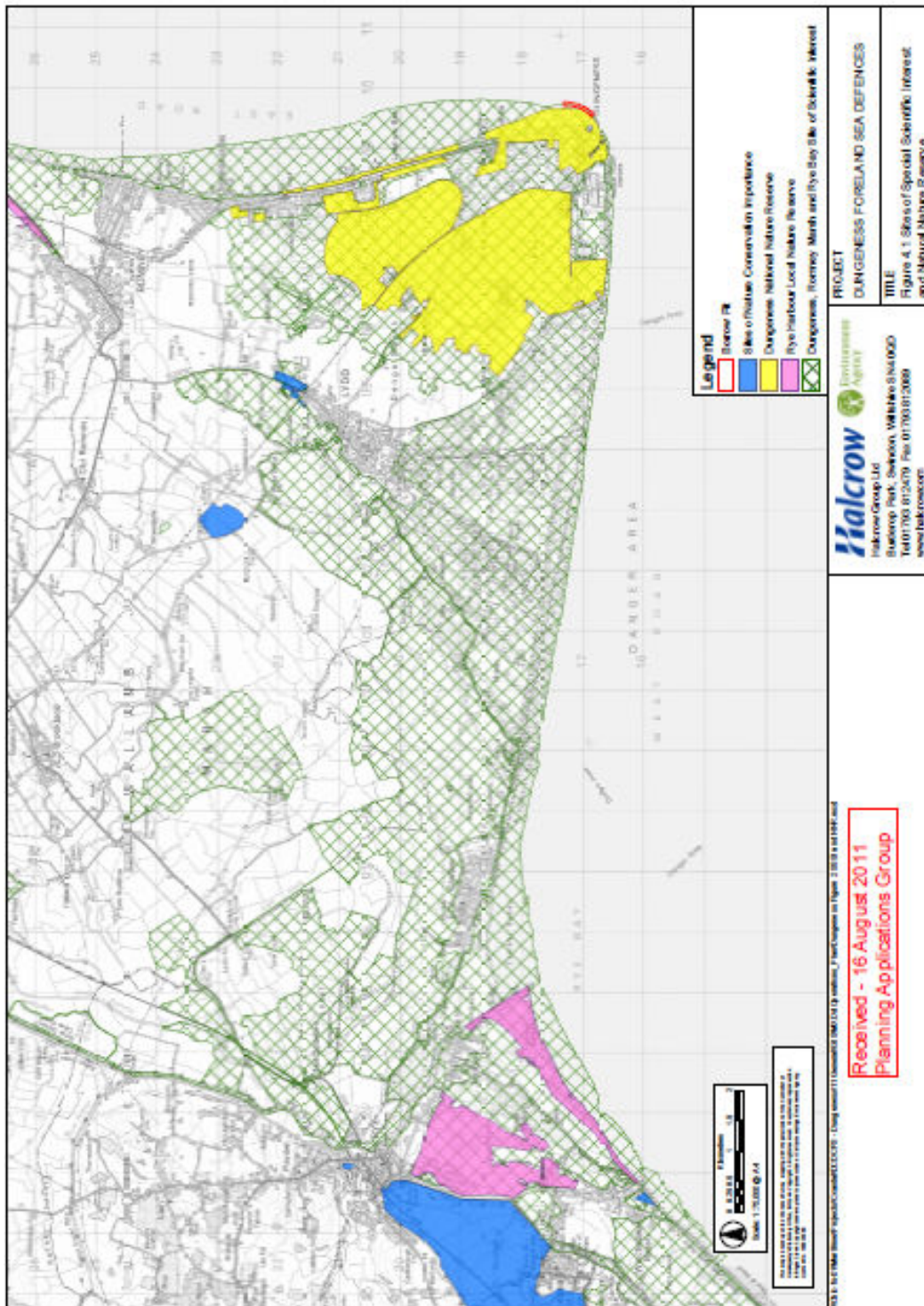
Map B - Dungeness SPA

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



Map C - Dungeness pRamsar

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent



Map D - Dungeness SSSI & NNR

**KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence
at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent**

APPENDIX B

Minutes of meetings:

Public Meeting dated 17 January 2013; and

Members Site Visit dated 2 July 2013
(with appended leaflet produced by the Applicants)

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Minutes of the Public Meeting held on 17 January

APPLICATION KCC/SH/0381/2011 – RECOMMENCEMENT OF SHINGLE RECYCLING FROM BORROW PIT AREA AT DUNGENESS BETWEEN THE YEARS 2011 AND 2013

NOTES of a Planning Applications Committee public meeting at Lydd Community Hall, Lydd on Tuesday, 17 January 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr A R Chell, Mr C Hibberd, Mr R J Lees, Mr S C Manion, Mr R A Pascoe, Mr M B Robertson and Mr A T Willicombe.

OFFICERS: Mrs S Thompson, Mr M Clifton and Ms A Watts (Planning); Mr R White (KHS) and Mr A Tait (Democratic Services).

THE APPLICANTS: EDF Energy (Mr N Cofield); Environment Agency (Mr I Nunn and Mr S Henry); Halcrow Group (Ms L Trimm). Mr M Peckham (Dungeness A) and Mr M Pearson (Dungeness B) were also present

LYDD TC: Cllrs T Allen, Ms V Dawson, A Hills, G Snell, M Walsh.

NEW ROMNEY TC: Cllrs A Hills, P Cox, M Cox, Mrs V Loseby.

ROMNEY MARSH IDB: Mr L Cooke

ALSO PRESENT were some 80 members of the public.

(1) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to listen to the views of local people concerning the application. The Committee Members had visited a number of the sites involved with the application earlier that afternoon and had also travelled the route along which it was proposed to transport the shingle.

(2) Mr Clifton introduced the application by saying that the Planners were very pleased to have the opportunity to hear local people's views at first hand. This would enable all relevant planning issues to be taken into account in the determination of the current application. He explained that historically beach feeding using shingle at the point at Dungeness for sea defence purposes had been taking place since at least 1948. Until 2006 this had been considered acceptable in planning terms under a series of temporary planning permissions which had been granted. However, in 2005, the expanse of shingle at Dungeness within which the application site lay was awarded special status as a Special Area of Conservation (SAC). This was a result of a European Directive which sought to afford greater protection to areas containing ecological interests. A further application was submitted in 2006 to renew the previous permission. In considering this proposal, the County Planning Authority needed to consider both the application's planning merits and whether there were significant adverse impacts on the SAC (given the status of the site which was now part of it).

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

(3) Natural England had advised in respect of the application submitted in 2006, that shingle extraction operations would adversely affect the integrity of the Dungeness SAC and that alternative solutions should be explored in order to meet the applicants' shingle requirements in the longer-term.

(4) The applicants had asked KCC to hold the 2006 application in abeyance whilst they explored alternative options with Natural England. In the meantime, the last permission granted for shingle extraction at Dungeness expired in August 2008. Since then, the Environment Agency had been sourcing materials for their requirements from the Bretts Quarry at Scotney Court Quarry in Lydd, whilst EDF had not sourced any further materials. The 2006 application was finally withdrawn in October 2011 in favour of the current application.

(5) Mr Clifton then described the new planning application which sought shingle extraction at Dungeness borrow pit for a 12 year period, between 2011 and 2023. The applicants had indicated that the amount to be extracted had been reduced from the previous application, which would now enable a volume of material to naturally accrete. This, in turn, would allow the annual formation and vegetation of new shingle ridges, which formed a vital feature of the SAC. The applicants estimated that at least 100,000m³ of shingle would accrete over each rolling three year period.

(6) The applicants proposed a combined extraction of up to 60,000m³ of shingle from the borrow pit in 2011/12 (i.e. 30,000m³ each) with the Environment Agency's requirements reducing to some 15,000m³ between 2013 and 2023 as new long-term defences were put in place.

(7) Mr Clifton went on to set out the case put forward by EDF. This was the need to replenish the existing sea defence bund in front of Dungeness A and B Power Stations.

(8) The case for the Environment Agency was the need to maintain the Broomhill (East Suttons to Jury's Gap) frontage, which provided sea defence to the village of Camber and a wide area of land behind the defences.

(9) Mr Clifton asked the meeting to note the total number of vehicle movements which the applicants were asking for. These were 72 in Year 1, reducing to 58 and 52 in Years 2 and 3. However, the applicants had recently provided more information on predicted lorry movements which was currently being considered. The Committee Members had looked at the routes proposed. For EDF this would be via the Dungeness Estate Road towards the Old Lighthouse before turning left and heading south to the power station frontage. The Environment Agency would transport the shingle to Broomhill Sands via Dungeness Road, Robin Hood Lane and Tournery Road onto Jurys Gap Road and Lydd Road.

(10) Operations would take place between October and March between 0730 and 1600 hours on Mondays to Fridays.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

(11) Mr Clifton continued by saying that objections to the application had been received from New Romney TC and Lydd TC on the grounds of adverse impacts on the SAC as well as from KCC Public Rights of Way (on the grounds that there would be a material impact on a number of public footpaths). In addition, a number of statutory consultees had requested additional information prior to submitting their final views. Two petitions had also been received as well as some 200 individual letters. The main concerns expressed were over loss of recreational use, loss of access to the beach area, impact on anglers, impact on local residents by the number of vehicle movements, road safety, further damage to the existing roads, and noise nuisance.

(12) Mr Clifton informed the meeting that the Local Member Mrs Carole Waters had been unable to attend the meeting due to a family emergency. She had, however suggested three questions for the meeting to consider. The first of these was whether there was an independent view of the health and Safety arrangements and noise levels. This, Mr Clifton explained that, in the event that permission was granted, the sub-contractors would need to operate under Health and Safety legislation. Jacobs (the Noise and Vibration consultants) had also requested further information on the noise issue, which would need to be provided before they could give a formal view.

(13) Mrs Waters had also questioned why the figures for vehicle movements given in the briefing note were different to those which had previously been given to her. Mr Clifton said that similar concerns had been raised by Kent Highways Services who had put in a holding objection because the information provided to them was insufficient for them to assess the impact of the proposal.

(14) Mrs Waters' final question had been whether an annual renewable licence could be considered instead of a 12-year permission. Mr Clifton said that a stop gap permission had been issued in 2006 (expiring in August 2008). Since then, the applicants had needed to make alternative arrangements. They would much prefer the certainty that a long term permission could provide.

(15) Mrs Waters had indicated that she had other questions which she would pose to the Planners on a different occasion. She had asked to receive a copy of the notes of the meeting as soon as they were ready.

(16) Mr Clifton then reported that Damian Collins, MP had written a letter to "Defend Our Coast" and agreed that it could be made public at the meeting. This letter supported a return to shingle recycling in order to maintain sea defences and protect the nuclear sites at Dungeness. Mr Collins' letter had then given the cost figures for the years 2005/06 to 2009/10. These were:-

2005/06 £325k
2006/07 £350k
2007/08 £950k
2008/09 £975k

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

2009/10 £1.1 million.

The first two figures had arisen when shingle re-cycling had taken place, as opposed to the quarried shingle costs which had occurred over the last three years. Mr Collins' conclusion was that a return to recycling seemed to be a sensible measure to maintain costs, but also represented a return to what was acceptable to Natural England's predecessor bodies.

(17) Ms Watts (Case Officer) said that since publication of the briefing note, the Planners had received additional information from the applicants. The number of individual objections had risen to 347 and the number of signatories to the on-line petition had gone up to 2015.

(18) The information from the applicants had included details of mitigation, noise and vibration data, further analysis of alternative options. More information had also been provided in relation to the questions raised on access to the beach and the impact on residents and tourists.

(19) Ms Watts confirmed that the applicants' recent correspondence would be published on the KCC Planning Applications website and that formal re-consultation would take place on the basis of this new information.

(20) A local resident from Dungeness referred to the traffic movement figures set out in the briefing note. He considered that the figures given for each year should be doubled as otherwise the applicants would only be able to extract half the shingle they needed. Meanwhile, Halcrow had given a different set of figures by stating that there would be 48 movements in both directions along Dungeness Road and Robin Hood Lane. *Mr Clifton said that this was an issue that had led to Kent Highways Services asking for further clarification.*

(21) A resident from Littlestone said that the application contained extensive ambiguities. For example, Halcrow had stated that there would be between 40 and 50 movements per day between Dungeness and Camber. However, the Environment Agency was scheduled to receive 8 loads of shingle at each of its sites whilst EDF would transfer 48 loads to the power stations. He then said that the information on page 2 of the briefing note was misleading when it said that one of the activities would comprise transporting the rest of the extracted shingle along the beach for placement as a flood defence to Dungeness power stations" when it was intended to do so along the concrete road. *Mr Clifton agreed to amend the briefing note accordingly. He added that the Committee Members had been taken along the proposed route as well as the route currently taken from the Scotney Court Quarry in Lydd.*

(22) Mr G Snell (Lydd TC) asked the Committee Members to note the state of the local roads in Lydd. There had been little or no maintenance work undertaken. The increased traffic weight and volumes would lead to greater problems. Unless the applicants could find an acceptable working scheme, there would continue to be damage both to the local roads as a result of heavy lorries taking shingle along them and also to the countryside where a

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

lot of land had already been lost through being turned into lakes. *Mr Clifton confirmed that these concerns were being taken into consideration by the Divisional Transportation Manager. Mr Cofield (EDF) said that the applicants had offered to undertake a survey of the routes and to carry out repairs to pot holes along it.*

(23) A local resident asked why the Environment Agency had stated to Rother DC in 2008 that shingle feeding was not the best solution and had also stated in 2010 that the shingle recharge was poor and could lead to failure. The damage to the sites caused by this method could only be justified if there was an overriding public interest and no alternative option. Yet the Environment Agency was itself saying that there was such an option, which would be both more efficient and long-lasting. He suggested that the solution proposed was akin to proposing to replace the windows at Knoll Castle with pvc. Mr Nunn (Environment Agency) replied that the statements made by the Environment Agency should be understood in the context of the debate between capital investment and maintenance. Currently, the Environment Agency did not have sufficient funds for permanent defence, which was the long term solution.

(24) Mr Walsh (Lydd TC) said that he was in favour of the proposal. He had calculated that there would be 1 ½ lorry movements per hour (or 3 per hour if the given figures had to be doubled). It was not accurate to suggest that the Environment Agency did not fund necessary repair activities as they annually paid Shepway DC @ £32k for a licence to carry out such work. He considered that Natural England had far too great an influence in the Romney Marsh area and that it systematically opposed all attempts to create employment. He had never encountered any objections from Lydd residents to the Environment Agency's activities. He then suggested that the shingle could be moved by creating a haul track from Dungeness to Jury's Gap. *Mr Clifton commented that there might be some practical difficulties in providing an alternative route. Furthermore, transporting shingle along the beach frontage could have an adverse affect on the SAC.*

(25) Mr Hills (Lydd TC and New Romney TC) said that the grounds for opposing the application were that the shingle should be extracted from the point where it was accreting rather than from a predetermined site. He believed that the proposal as it stood would lead to unnecessary destruction, which would be avoided by taking the shingle which had built up by an additional 100 metres further to the North in the Lighthouse area. This was particularly important as the shingle which would be taken from the Borrow Pit was too small and therefore of poorer quality. He believed that the extraction area should be identified by a Panel, which would include Natural England. *Mr Clifton confirmed that the applicants had been informed of the build up of shingle in the area that Mr Hills had identified and that they would be expected to respond on this issue.*

(26) Mr Preston (Defend Our Coast) said that his organisation fully supported the proposal as a necessary interim measure. It was essential to protect all of the Marshes. "Defend Our Coast" had participated in developing

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

the application with EDF, the Environment Agency and Natural England. It should be born in mind that the hope was that a third power station would be built, making coastal defence even more vital. He referred to the costs set out in the letter from Damian Collins, MP as well as to the cut in Government of £8 million. He said that the current application therefore needed to be supported and that it was also incumbent upon the Government to come forward with a permanent solution.

(27) A local resident said that he did not accept the comparative cost figures given by Damian Collins, MP. This was because the Environment Agency had indicated in November 2011 that the majority of the necessary materials would come from off-shore sources. He believed that the true comparison should be between the proposal and the element of current operations that would be directly transposed. He cautioned the Committee against accepting the cost figures because they were likely to be inaccurate and had not been audited. *Mr Nunn replied that the reason for the cost discrepancy was that costs incurred from offshore sources were astronomical when small amounts of shingle were involved. The unit costs reduced as the amounts grew. Recycling costs tended to go up and down.*

(28) Mr Thomas (Dungeness Residents Association) said that he had put forward an alternative to the applicants in April 2011. At that time, 58m³ of shingle had accreted at Dungeness in front of the bund at the power station. He had suggested that they could take the shingle above the high water mark and simply push it up against the bund. EDF had said that they would test this suggestion but they had not done so by September when it was washed away by the seasonal tides. Later that month some 15m³ had also built up. *Mr Cofield said that Halcrow had investigated Mr Thomas' suggestion and had considered that it was not viable both because there was insufficient usable shingle and also on Health and Safety grounds. Ms Trimm (Halcrow) gave further detail. She said that the quantity of shingle available was unreliable. In addition, there was a risk of greater erosion if shingle were to be stripped away from the beach (the primary defence) in order to bolster the bund.*

(29) A local resident said that he believed that the proposal would offend Article 8 of the Human Rights Act which guaranteed everyone the right to life and security of person.

(30) A local resident from Dungeness showed the meeting a photograph of his son next to a moxy truck as well as a photo of an elderly lady with a walking frame on the access road. He said that these trucks were 2.9m wide and would be using a road that was 3.1m wide. He asked how a moxy truck driver could be expected to see his son under these circumstances. This was a question with very important Health and Safety implications.

(31) A local resident from Dungeness asked the Committee Members to consider the impact of the proposal on the growing tourism industry in the area. Many parties of school children came to visit. This would all be jeopardised by the opening up of a quarry. Another resident added to this

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

point by saying that coaches came to Dungeness throughout the year. Children tended to run across the road and would not expect lorries to be passing by. The potential cost of this application was the loss of a human life.

(32) A local resident asked why the applicants could not continue to collect materials from the Bretts Quarry. He went on to say that it was obvious that, given the size of the trucks and the width of the roads, there would be no room for cars to pass. In fact it was very possible that the roads would need to be closed. He considered that the additional costs that currently occurred were insignificant compared to the huge cost to the local ecology and the facilities at Dungeness. Given EDF's vast resources, it seemed absurd to create so many problems simply to solve a financial problem that did not really exist. *Mr Clifton explained that the applicants were using materials from the Bretts Quarry because this was the nearest one with an extant permission. If this quarry continued to be used as the provider, it would eventually become exhausted. This could potentially result in the need for a further permission for a local quarry to supply the materials. The road traffic and road safety issues raised by the speaker were being investigated by officers as part of the evaluation process.*

(33) Mr Cooke (Romney Marsh IDB) said that if the sea defences were to be breached, there would only be odd spots of dry land (as had been the case in the 13th and 14th centuries.) At present, neither Broomhill nor Denge Marsh were protectable. He said that in East Sussex the method that had been adopted involved building defences at Rye by utilising the shingle that was washed to the Mouth of the River Rother. This was clearly better than digging a large hole in the ground as was happening in the Romney Marsh area.

(34) A local resident said that his family had lived locally for many generations. This meant that he had been brought up to know that every part of the coast line had to be protected and that there was a risk to the entire area if only one part was omitted. He did not agree with those who wanted the applicants to continue to use the Quarry as a source as this was already destroying the local natural habitat. He then said that the road had been purpose-built to take shingle to Dungeness. He asked everyone to think of the implications for Jury's Gap, Camber and Dungeness if permission were to be refused.

(35) Mr Greenslade, a local resident said that he had provided the Planners with a report from a Health and Safety Officer. This report stated that the use of dumper trucks placed the public at an unacceptable level of risk. Mr Greenslade also said that EDF's profits over the previous 2 years had been £1.02 billion in 2010, £3.9 billion in 2011 and that the projected figure for 2012 was £1 billion. He considered that permitting the proposal would amount to subsidising EDF unnecessarily. *Mr Clifton confirmed that the report had been received and that EDF would be asked to comment on its findings.*

(36) A local resident asked whether a Marine Environment Survey had been undertaken. *Mr Clifton replied that the applicants had submitted an Environmental Statement and Habitats Regulations Assessment, which*

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

KCC's Biodiversity Officer had commented upon, whilst also seeking further data.

(37) Another local resident said that it was essential to protect fishing in the area. She believed that the constant removal of shingle from the beach would lead to changes in the fishing profile. *Mr Clifton agreed that this was a concern and said that the rationale was to keep the impact on coastal processes to a minimum.*

(38) Mr Hills (Lydd TC and New Romney TC) said that he was also a Member of Shepway DC. He referred to the District Council's response, including the need for a condition to ensure that vehicular access (vital to the local economy) was protected.

(39) Mr Clifton informed the meeting that Members of the Planning Applications Committee, as well as a number of local representatives had visited the site and travelled the proposed route earlier in the day. The applicants had said that rather than erecting a physical barrier over a large area, they were intending (for health and safety reasons) to quarry one small area at a time. The "Borrow Pit" shingle would be skimmed from this area, and the process would not entail the digging of any trenches. He had also been heartened when the applicants had offered to hold monthly/bi-monthly liaison group meetings.

(40) A local resident from Romney Marsh said that the shingle barrier between Sutton and Jury's Gap would be at constant risk from the very strong currents. It was located in the wrong place.

(41) Mr Clifton replied to a question regarding the issue of prematurity in the absence of Kent's Minerals Development Framework having been formally adopted. He said that Kent County Council had not yet produced its new Development Plan. The Planning Authority would therefore need to rely on its currently approved document and saved policies when determining the application.

(42) A resident said that there was no data covering the noise impact of shingle hitting the back of the moxy trucks. He suggested that this should be measured by an independent noise consultant or that a sound recording could be taken at the Bretts Quarry.

(43) A local resident said that Dungeness deserved proper flood protection rather than the mitigation measures which this application represented. He noted that Rother District Council had refused an application to transport shingle from Jury's Gap to Rye Harbour.

(44) Mr Clifton explained that as a result of the new information provided by the applicant, there would need to be a further round of consultation. This meant that the earliest month in which the Committee could determine the application would be March 2012.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

(45) The Chairman thanked everyone for attending. He explained that the notes of the meeting would be appended to the report to the determining Committee. Anyone who might wish to speak to the Committee should contact Mr Tait at KCC Democratic Services (01622 694342), who would send them a copy of the report. The number of people who could speak to the Committee was limited, and in the event that a large number wished to do so, they would be invited (if possible) to agree a common presentation amongst themselves.

(46) Members of the public thanked the Members of the Planning Applications Committee for listening to their views and expressed their appreciation of the manner in which the meeting had been conducted.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Minutes of the Meeting held on 2 July 2013

APPLICATION KCC/SH/0381/2011 – RECOMMENCEMENT OF SHINGLE RECYCLING FROM BORROW PIT AREA AT DUNGENESS

NOTES of a Planning Applications Committee site visit to Dungeness Borrow Pit on Tuesday, 2 July 2013.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr P J Homewood, Mr T A Maddison, Mr T L Shonk and Mr A Terry. Mr D Baker was also present as the Local Member.

OFFICERS: Mrs S Thompson, Mr M Clifton and Miss A Watts (Planning); Mr R White (KHS) and Mr A Tait (Democratic Services).

THE APPLICANTS: EDF Energy (Mr N Cofield); Environment Agency (Mr I T Daubon and Mr R Knight).

(1) The Chairman opened the visit by explaining that its main purpose was to enable Committee Members to either familiarise themselves with the application site or to refresh their memories of it. A public meeting had already taken place in January 2012 and the issues raised at that time had been very carefully examined and consulted upon by the Planners.

(2) Mr Clifton introduced the application by explaining that shingle extraction had been taking place since the 1960s. The months of operation had been October to March, avoiding the tourist season. Operations had ceased in 2007 pending the determination of the present application.

(3) The two applicants needed shingle to provide coastal flood protection. The Environment Agency had to protect the shore line at Broomhill (East Suttons to Jury's Gap) whilst EDF needed to provide protection from coastal erosion and tsunamis for the Dungeness A and B power stations.

(3) Mr Clifton then said that the build up of shingle at Dungeness occurred because the coastal processes gradually pushed it from Camber to this point. The site in question had for many years been a Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). It lay within a Conservation Area and National Nature Reserve.

(4) Mr Clifton continued by saying that an EU Habitats Directive had been issued in 2005 which had set up the Dungeness Special Area of Conservation Special Area of Conservation (SAC). This Directive had taken note of the build up of ridges of shingle as it was pushed in from the sea. These ridges gradually became a breeding ground for a variety of very rare species of flora. These species changed their nature according to the distance of any particular ridge from the sea.

(5) The applicants had submitted an application for renewed shingle extraction in 2006. During consultation on this application, Natural England had objected that there was likely to be a significant effect on the SAC as it was proposed that the rate of shingle extraction would outdo

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

the rate of accretion. As a result of this objection, the applicants had withdrawn their application. They had then held detailed discussions with Natural England which had resulted in the submission of a revised application in 2011. This application would allow the continued formation of ridges.

(6) Mr Clifton said that some 140,000m³ of shingle accreted at Dungeness Point each year. The proposed rate of extraction would be 60,000m³ in the first year, reducing to a maximum of 45,000m³ thereafter until 2023. This figure was reached by the Environment Agency transporting 30,000m³ from the Borrow Pit to Jury's Gap in the first year (reducing to 15,000m³) to supplement more permanent sea defences. EDF would require 30,000m³ each year for the entire period.

(7) Mr Clifton then set out the grounds for objection put forward by members of the public in representations and at the public meeting. These had been noise, vibration, traffic movements and highway safety, and concerns that the development would compromise the integrity of the SAC.

(8) Mr Clifton went on to say that the proposal would generate a maximum of 72 vehicle movements per day, reducing to 52 after 2 years. EDF would transport its shingle to the Dungeness Power Station defences along the haul road in Moxy trucks (each carrying 30 tonnes). The Environment Agency would transport its loads to Jury's Gap in batches of 20 tonnes, using conventional HGVs. These would travel north west towards Lydd along Dungeness Road before turning south west along Robin Hood Lane, Tourney Road, Jury's Gap Road and Lydd Road.

(9) Mr Clifton concluded his introduction by explaining that the Planners' recommendation to the Committee would be formed by their conclusions on the question of whether the proposal represented the most sustainable means of providing sea defences.

(10) Mr Cofield (EDF Energy) said he agreed with the content of Mr Clifton's presentation. He added that the application would result in the accretion of 100,000m³ of shingle over each rolling three year period.

(11) Mr Daubon (Environment Agency) said that the amount of shingle needed for the Jury's Gap sea defences would vary depending on the amount of erosion that had taken place. He estimated that the EA would need between 48,000m³ and 26,000m³ each year.

(12) Mr Baker (Local Member) said that his constituents did not want vehicles travelling past their properties. He referred to a suggestion put forward by Mr Tony Hills to source the shingle through offshore dredging. Mr Baker then described his own suggestion which was to convey shingle from west of the Power Station, across the MoD land to the point where it was required. He believed that this would alleviate the entire problem.

(13) Miss Watts replied to Mr Baker by saying that the Planners had carefully discussed a number of alternatives, including the possibility of utilising a conveyor. This idea had eventually been rejected because it was considered that it would have an adverse effect on the SAC. She offered to provide Mr Baker with more details including all the options that EDF and the EA had considered.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

(14) Mr Smith asked whether the variations in the amount of shingle were based on demand. Mr Daubon replied that the beach at Jurys Gap was the subject of a demand profile that aimed to achieve the best possible flood defence. If permission were granted, it would take two years to bring the defence up to the point where the level of demand would naturally reduce.

(15) In response to a question from Mr Shonk, Mr Clifton said that shingle accreted on an annual basis. It took longer for the flora to grow. The time this took varied depending on the distance of each ridge from the sea and on the natural growth time of the particular species associated with it.

(16) Mr Daubon explained that the proposal was to always take shingle from the ridges closest to the sea. It would not be necessary for operations to take place in the areas around the boats that were currently on shore.

(17) Members then travelled along the haul road to the bund in front of Dungeness Power Station. Mr Clifton explained that the road had been purpose-built in the 1960s for the Moxy trucks to deliver the shingle to the bund. It had previously been gated to prevent other traffic from using it.

(18) Mr Cofield informed Members that EDF used diggers to smooth out the bund after the shingle was deposited. The bund had to be within certain dimensions. It was therefore constantly monitored to ensure that it remained capable of protecting the Power Station from a 1/1000 year tsunami. If the bund's dimensions fell below a certain level, the Power Station would have to close.

(19) Mr Cofield said that the cost of carrying out extraction as proposed would be £150k per annum. The cost of sourcing shingle from Bretts at Scotney Court Quarry in Lydd ran into millions.

(20) Mr Clifton said that cost was not a planning consideration. However, one of the factors that the planners needed to consider when assessing the sustainable development criterion was the saving of raw materials sourced from the Bretts Quarry, which could be used elsewhere.

(21) Mr Daubon said that Bretts would be able to provide shingle until 2018. Thereafter, the applicants would need to seek an appropriate alternative source from further away.

(22) Members then followed the proposed delivery route from the borrow pit to the Jury's Gap sea defence site. Mr White asked them to take note of the nature of the route and its potential for traffic conflict involving lorries. There would be 5 movements per hour, reducing to between 2 and 3 at a later stage.

(23) Mr Baker said that he was aware of 4 complaints about speeding lorries. He had consequently been asked to fund speed bumps along Robin Hood Lane out of his Highways Member Fund budget.

(24) Upon arrival at Jury's Gap, Members were given a demonstration of the workings of the bulldozer and excavator that would be used to extract shingle from the Borrow Pit. They were also shown examples of the Moxy truck and HGVs that would be used for

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

transportation purposes.

(25) Mr Knight (Environment Agency) asked Members to bear in mind that they were standing some 40 yards closer to the equipment than the nearest property would actually be. The equipment was also much further up the beach than it would be at the Borrow Pit.


(26) Mr Clifton said that vehicles would move off site in a convoy system. These would consist of up to 5 HGVs including the convoy vehicle itself.

(27) The Environment Agency provided Members with a leaflet which summarised its reasons for bringing forward the application and provided information that it regarded as key to its determination. It was agreed that this leaflet would be included as an Appendix (*See Appendix A1 attached*) to the report to the determining Committee.

(28) The Chairman thanked everyone who had participated in the visit.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Appendix (A1) referred to: Minutes of the Meeting held on 2 July 2013



Environment Agency

Dungeness shingle recycling

Planning application to reduce flood risk to Romney Marsh

Much of Romney Marsh is below the present day high tide level and 14,500 homes, 700 businesses and nationally important critical infrastructure are at significant risk of flooding. Without sea defences flooding would occur regularly.

We have developed a joint planning application with EDF Energy to recycle shingle from Dungeness Point. The shingle will be used to maintain the tsunami bund around the power stations and the defences further west along the coast at Jury's Gap and The Sutton's. The application has been submitted to Kent County Council (KCC) and covers a twelve year period from the approval date.



Overtopping at Lydd Ranges

This application is part of a wider plan to reduce flood risk to Romney Marsh. We have plans for schemes at Broomhill Sands and Lydd Ranges which will significantly improve the standard of protection to the area. Even when these are constructed, annual beach maintenance (such as shingle recycling or recharge) will still be required to maintain the higher standard of protection.


Widespread interest in the planning application
Dungeness is a unique and special area for wildlife. The area holds international and national designations and so attracts international and national interest about environmental protection. Local residents have also expressed concern over the noise, vibration, and health and safety impacts of our proposed works.

We have taken these concerns seriously. We have consulted Natural England about the environment; and experts on noise, vibration and health and safety to ensure we keep the impact on people and the environment as low as possible. Residents of the area where shingle will be deposited are supportive of our application and wish to see shingle recycling reinstated to help protect them from flooding.

It is likely there will be supportive and opposing representations when the KCC Planning Committee hears the application. We have consulted with local people and technical advisors to address concerns.

Managing the impacts on people and the environment
Building on feedback from the local community, we have significantly amended our original 2006 planning application to reduce or eliminate the impact on people and the environment, whilst meeting the needs for flood risk management.

People
The key concerns about the impact on the local community were about the noise and vibration levels caused by the works, the impacts of traffic movements and safety.



Beach management works will always be needed, whether the shingle is sourced from a quarry or recycled from Dungeness Point. Whilst both options involve transporting shingle on lorries in the local area with associated impacts such as traffic movement, dust, noise and vibration, planning permission is only required to recycle shingle. If planning permission is granted, planning conditions can place limits on the works to address local concerns about the impacts of these lorry movements.

environment-agency.gov.uk

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

KCC and their consultants have identified acceptable levels of noise and vibration that we would need to meet before they would grant us planning permission. We will put the following measures in place that will ensure our works remain below these limits:

- use smaller plant and vehicles;
- install noise fencing;
- avoid working during unsociable hours or at weekends; and
- group the lorries into convoys to limit the occurrence of disturbance.

We will also set up an engagement group made up of local people, and appoint a site foreman, to provide points of contact for local people to raise any concerns they have during recycling works.

The health and safety of our staff and the public is our highest priority. We will implement best practice, and go beyond what is required legally by health and safety legislation to manage risks to people.

The environment

The main environmental impact of shingle recycling is on the development of vegetated shingle ridges – a key reason why the habitat is designated. Since the last planning permission came to an end in 2006, we have worked with Natural England, Government’s advisors on habitat, to understand the impact and agree control measures to minimise and avoid damage to the designated sites.

Key differences in this application are that:

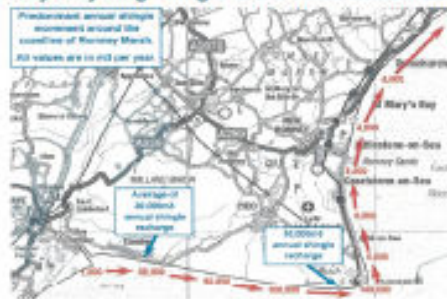
- we will only remove material from the most recently deposited areas of shingle;
- we will remove significantly smaller amounts of material - 124,000m³ less than in the 2006 planning application.

Over the 12 year life of the application this will promote the growth of six hectares of shingle habitat. Natural England are supportive of our application.

Why shingle is needed

Shingle offers an effective and natural defence against flooding. In this area it provides a more suitable and sustainable defence than building hard defences such as a concrete sea wall. All defences need to be looked after so that they do their job effectively year after year. For shingle defences, these maintenance activities include replacing the shingle that is lost each year during storms.

Why recycling shingle is the most sustainable method



We have investigated a wide range of potential sources of shingle, based on their technical, environmental, economic and social costs and benefits. Ultimately, there are two viable sources of shingle available:

- importing shingle from an inland quarry
- recycling shingle from Dungeness Point

Coastal processes push 140,000m³ of shingle around Dungeness Point each year. Recycling shingle involves taking up to 60,000m³ of shingle each year from Dungeness Point and moving it back to where it has eroded from to maintain the level of the defence. Both EDF Energy and the Environment Agency (and their predecessors) had recycled shingle annually from Dungeness Point since the 1960's.

When the planning permission which allowed recycling expired in 2006 we were forced to maintain the defences using virgin material from an inland quarry. This is more costly and has its own impacts on the area including increasing the amount of material building up at the Point. This could have knock-on effects on the currents in the wider area, increasing silt and mud-like deposits which could affect the area's habitats, bathing waters and tourist beaches.

Local quarries can only supply the required volumes and quality of shingle up until 2018. Beyond this point an alternative quarry will need to be found. Recycling shingle from Dungeness Point is the most cost-effective and sustainable way of maintaining flood protection to the power stations and 14,500 homes across Romney Marsh which, with careful management and monitoring, will have the least impact on the local community and the environment.

customer service line 03708 506 506	incident hotline 0800 80 70 60	floodline 0845 988 1188
www.environment-agency.gov.uk		

**KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence
at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent**

APPENDIX C

**Example of standardised letters
either by way of petitions or
letters generated via the Love Dungeness Campaign Website**

**KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence
at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent**

Petition received December 2011 with 1494 individual names and
addresses



15th December 2011

Dear Angela

Seasons Greetings

Here at last is the 'Petition' the total is a bit less than I was
expecting at 1494.

But it does indicate the strength of feeling locally.

If you have any questions please call me.
I hope to see you at the site meeting on the 17th January
...if were not snowed in!

Best Wishes

A handwritten signature in black ink, appearing to read "Tony Hills".

Tony Hills

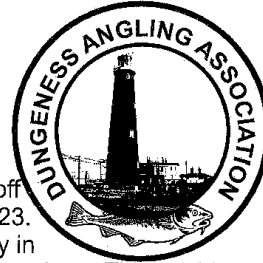
DAA Chairman



DUNGENESS ANGLING ASSOCIATION
C/o. 4 THE PARADE, GREATSTONE, ROMNEY MARSH, KENT TN28 8RE
Day time contact Tel: 01797 366837
Clubs Mobile: 07525271063 (7pm. to 9pm.)
email: daa98@live.co.uk

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

**PETITION
TO DEFEND DUNGENESS POINT**



We the undersigned
Oppose the planning application KCC/SH/0381/2011
to extract shingle from the 'borrow pit' with the fencing off
of the beach from October to March every year until 2023.
This will restrict access to the premier winter cod fishery in
the country, visited by tens of thousands of anglers every winter. This could have
dire consequences for the local economy already under financial pressure.

Name <i>[Signature]</i>	Address <i>[Signature]</i>	Signature <i>[Signature]</i>
----------------------------	-------------------------------	---------------------------------

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Petition/letters received in October 2011 with 148 individual signatures

Planning Application by EDF and the Environmental Agency. Planning Link to KCC

Web address:<http://host1.atriumsoft.com/ePlanningOPSkent/loadFullDetails.do?apld=40007>

You may have received from the EDF a notification concerning a planning application. If not, you should have; as a resident of Dungeness you will be directly affected should this application succeed.

The proposal is for these two bodies to remove substantial quantities of shingle from the point at Dungeness for disposition in front of the stations and at point along the coast towards Camber from 1st October to 31st March every year for the next **twelve years**.

What will this mean? To our resident Fishing Fleet, considerable disruption and loss of landing and launching of vessels. To visiting rod Fisherman, again disruption and loss of fishing areas. To the rest of the residents and visitors, considerable disruption, noise, nuisance and potential danger.

The Lorries or Dump trucks will exit the concrete road just west of Doreen Thomas'(Way O Wind) onto the Estate road. If the vehicle is to go to the Camber destination, then it has been admitted that 40 to 50 vehicle movements a day can be expected. The existing road has not been designed for heavy commercial use. However, the Dump trucks that are destined for the Power Station will use the concrete road behind the Britannia Public House. There will be well in excess of the 40 to 50 movements a day(up 100% more). As you are well aware this is heavily trafficked by both residents and visitors to the Light Railway Station, Lighthouse, Bird Observatory, Fishermen and a host of other "Tourists". We have used this highway for more than forty years. It is inconceivable that EDF from a Health & Safety point of view consider that this route to the Station should also be used in conjunction with the use & rights of the General Public. This has the potential for serious injuries to Public users of this road and also the estate road.

We have approached EDF in the recent past with a practical proposal which would have negated the requirement to traffic through Dungeness. EDF did not respond to our proposal.

If you object to this application you can either write to Kent County Council, Planning Application Group, 1st Floor, Invicta House, County Hall, Maidstone, ME14 1XX, for the attention of Angela Watts(Application No KCC/SH/0381/2011); or sign below and return to David or Kenny Thomas at the following address'

D Thomas: Pleasant Cottage, Dungeness, TN29 9NE
K Thomas: Aberdour, Dungeness, TN29 9ND.

Please do not ignore this letter; the consequences will be with you for the next 12 years!

I object to the proposed development as identified in the above application number for the reasons stated above:

Signature: Print Name: Address: Date:

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

E - Petition December 2011

Protect access to Dungeness beach - e-petitions

Page 1 of 1



[Click here to return to the home page](#)

[Accessibility Home](#)

Search published e-petitions

e-petition

Protect access to Dungeness beach

Responsible department: Department for Communities and Local Government

PETITION TO DEFEND DUNGENESS POINT We the undersigned Oppose the planning application KCC/SH/0381/2011 to extract shingle from the 'borrow pit' with the fencing off of the beach from October to March every year until 2023. This will restrict access to the premier winter cod fishery in the country, visited by tens of thousands of anglers every winter from all over the UK and further.. This will have severe consequences for the local economy which is already under financial pressure and remove an important amenity for thousands of anglers, walkers and bird watchers.

Number of signatures:

2,015

Created by:

Simon Newman

Closing:

29/12/2011

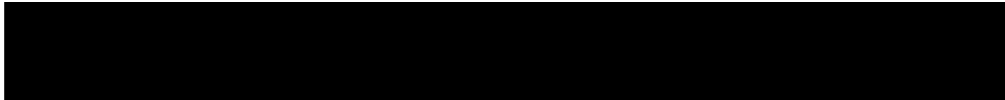
- [How e-petitions work](#)
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KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Example 1 - Love Dungeness Campaign letter

Page 1 of 1



Sent: 23 January 2012 13:40
To: Planning Applications - EX EHW
[Redacted]@[Redacted].pm

Subject: Stop the quarry at Dungeness - Planning reference KCC/SH/0381/2011
To whom it may concern,

Re: Planning reference KCC/SH/0381/2011

I oppose the planning application for shingle recycling at Dungeness as it will change the unique character of Dungeness for generations to come and won't provide local communities with the effective long-term flood protection they need.

The Department for Energy and Climate Change has stated that sourcing shingle from Dungeness for sea defense purposes could impact this nationally and internationally important conservation site - while the Environment Agency has stated that shingle recycling is an expensive option and will offer only a low standard of protection against flooding, which can lead to a failure of the defences.

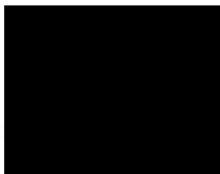
I ask you to reject the planning application in its current form and to push the applicants to pursue a more effective and sustainable alternative that does not involve Dungeness.

Yours faithfully,



--
This message was sent in support of the Love Dungeness campaign.
<http://www.lovedungeness.org/>

--
Message from:



COPY TO D.C.	N/A
DATE	23-1-12
DISPATCH SLIP	✓

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Example 2 - Love Dungeness Campaign letter

Subject: [SUSPICIOUS MESSAGE] Stop the quarry at Dungeness -- Planning reference KCC/SH/0381/2011

To whom it may concern,

Re: Planning reference KCC/SH/0381/2011

I write to state my objection to planning application KCC/SH/0381/2011, which seeks permission to excavate shingle from along the south shore of Dungeness in Kent.

The Summary Document recently provided by the applicants is clearly not a "significant amendment" to their proposal (as they claim it is). Indeed, the applicants have made no changes whatsoever to the nature or scope of the works (as they proposed to the Authority in August 2011).

The arguments made in the Summary Document to dismiss several viable alternatives are poorly researched and unreasonable, as is the applicants' rejection of the suggestions and advice of the Royal Society for the Protection of Birds (who also objects to this planning application). The applicants' recent claims that shingle excavation is necessary to help local fishermen launch their boats are clearly disingenuous and patently absurd--and I understand that these claims have already been rejected by the fishermen concerned.

The numerous factual inaccuracies and errors present throughout the Summary Document also draw into question the applicants' integrity and competency. For example, contrary to what the applicants imply, the beach in front of the power station is not designated within the SAC or the SSSI; and the applicants seek permission to remove 60,000 cubic metres of shingle from Dungeness beach each year--not 6,000 cubic metres (as they set out on page 25 when calculating that using offshore sources of shingle would be unfeasible given the supposedly "small" volumes they require).

As the applicants note in their Summary Document: "Dungeness is a unique and special area, valued not only by the people who live there but by visitors from around the world. It is the only desert in the UK and is cherished for its distinctive habitats and feeling of remoteness. It is like no-where else." This planning application will change the unique character of Dungeness for generations to come and won't provide local communities with the effective long-term flood protection they need.

I ask you to reject the application and to push the applicants to pursue a more effective and sustainable alternative that does not involve Dungeness.

Yours faithfully,



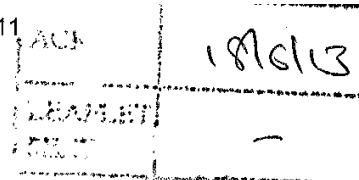
KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Example 3 - Love Dungeness Campaign letter

Subject: Stop the quarry at Dungeness - Planning reference KCC/SH/0381/2011

To whom it may concern,

Re: Planning reference KCC/SH/0381/2011



I write to state my objection to planning application KCC/SH/0381/2011, which seeks permission to excavate shingle from the shore of Dungeness in Kent.

The applicants' state in their "new" information, as recently published on Kent County Council's planning website, that they discounted extracting shingle from the beach in front of the power station as it is designated within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI). The applicants say that one purpose of the SSSI designation is to protect the special coastal processes that occur in this area - and they note that the SSSI status of the beach in front of the power station can be verified via the mapping tools available on Natural England's website. What the applicants fail to mention, however, is that the very maps that they are now using to define the boundaries of the SSSI also show that the entire site of their proposed quarry in Dungeness is also within the SSSI and the Special Area of Conservation (SAC). Therefore the location cannot be regarded as suitable, as the unique coastal processes that occur where the quarry would be located are also clearly protected. It would set a very worrying precedent if private businesses and corporations (such as EDF Energy, as one of the applicants) are permitted to take material from such a heavily protected conservation area and to disturb such a valuable natural public amenity.

Natural England has also begun work on a Coastal Access Path joining Camber to Folkestone (which is expected to open next year, in 2014). This path will include the Dungeness foreshore and nature reserve, including the very section of coastline where the applicants propose to site their quarry. The benefits of Natural England's coastal path to the public are clear (including the economic benefits that Natural England notes such schemes bring to local communities) - and the coastal path will be a remarkable attraction for residents and visitors to Kent to enjoy all year round. However, it will be blighted by a noisy quarry, where dangerous heavy machinery operates, if the applicants are allowed to excavate shingle from the Dungeness foreshore as they propose.

Dungeness is a varied landscape of international scientific and environmental importance. It is one of only four outstanding Special Areas of Conservation in the United Kingdom that support annual vegetation drift lines, and it hosts a remarkable and unique variety of wildlife, including more than 600 different types of plant (a third of all found in Britain) and many rare insects (some of which aren't found anywhere else in Britain).

The documents recently submitted by the applicants do not materially alter their previous proposals - the proposed quarry would still change the unique character of Dungeness for generations to come and won't provide local communities with the effective long-term flood protection they need. I ask you to reject the application and to push the applicants to pursue a more effective and sustainable alternative that does not involve Dungeness.

Yours faithfully

**KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence
at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent**

APPENDIX D

DRAFT HEADS OF TERMS

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

**DRAFT HEADS OF TERMS
for Section 106 Legal Agreement
DRAFT HEADS OF TERMS**

Application by the Environment Agency and EDF Energy Nuclear Generation Ltd for Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent, TN29 9NA - KCC/SH/0381/2011

Prior to the issue of the Planning Permission the applicants shall enter into a legal agreement required to secure the following matters at no cost to the County Council;

1. Prior to the commencement of the development a meeting shall be held which is to be attended by representatives from the applicants and Natural England in order to agree how the SAC conservation objectives are to be met with respect to the future recycling activities. Thereafter annual meetings will be held between each of these parties within the first two weeks of each October throughout the duration of the operations to review whether the SAC conservation objectives are still being met in respect of the recycling activities. Representatives of the County Council shall reserve the right to attend these meetings who shall be given written notice at least 2 weeks prior to the date of each meeting.
2. Topographic surveys shall be carried out in May and October (before operations re-commence in the borrow pit area) each year throughout the duration of operations in order to determine:
 - The volume of extraction of each successive beach feeding season; to ensure at least, 100,000m³ of shingle accretes over each rolling 3 year period.
 - The division of the borrow pit area into the area to be worked in the coming winter season on the most newly accreted shingle ridge and areas of potential vegetation colonisation on established ridges to be identified and protected.
3. The survey results will be reported in the October meeting. These will be supplied within 7 days to allow a comprehensive assessment. Written agreement between all parties regarding the volume of shingle to be taken that winter must be confirmed prior to any extraction commencing.
4. The agreed outcomes of the annual October meetings shall be set out in an annual management report and a copy provided to all parties including the County Council. This will be supplied 7 days prior to works starting on site. This will allow for comprehensive assessment and time to relay the instructions to the team operating the Borrow Pit. Written agreement between all parties regarding the volume of shingle to be taken that winter must be confirmed prior to any extraction commencing.

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

5. Within the first two weeks in February each year throughout the duration of operations a meeting shall be held attended by representatives from the applicants and Natural England to review the area of the borrow pit (the proportion of which will be between 25%-30%) that should remain unworked through the month of March in order to encourage the development of annual drift line vegetation.

In addition there will be a full review if the operations in year 3,6,9 and 12 which will set out whether the operations are meeting the parameters set out above and the conservation objectives for the site.

6. The applicants to pay all the County Council's legal and professional costs including those already incurred by the Head of Planning Applications Group prior to the completion of the Agreement.

**KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence
at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent**

APPENDIX E

APPROPRIATE ASSESSMENT

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

APPROPRIATE ASSESSMENT

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010

INTRODUCTION

This is a record of the Appropriate Assessment of the Dungeness Borrow Pit project. The assessment has been undertaken by Kent County Council based on the information provided within the planning application (ref PAG/KCC/SH/0381/2011). This assessment is required under Regulation 61 of the Conservation of Habitats and Species Regulation 2010.

In accordance with The Conservation of Species and Habitats Regulations 2010 (as amended), Kent County Council, as a 'competent authority' under the Regulations, has to be satisfied that the project will not cause an adverse effect to the integrity of any European designated site before it can grant permission for the works.

The proposed project is for the recommencement of shingle recycling operations by the Environment Agency and EDF which would be undertaken between the months of October and March on an annual basis, for a twelve year period. Shingle would be extracted from the proposed borrow pit and used to replenish the flood defence bund in front of the power stations and the defences along the Broomhill to the Jury's gap frontage. The proposed borrow pit is located to north of the Ness and within Dungeness SAC, and also adjacent to the pSPA/Ramsar.

Map showing location – Appendix A

History

A similar planning application was submitted in 2006 ref SH/06/912. Natural England were unable to advise on the basis of the information submitted in support of the application, whether the proposed development would be likely to have any Likely Significant Effects on the 2005 SAC designation.

They formally objected to the proposal and having undertaken, as the Competent Authority, an appropriate assessment as required under the Habitats Regulations, the County Council were also not able to be satisfied that there were no other alternative more sustainable solutions.

The Applicants formally withdrew the application until such time as they considered they were able to address NE's original concerns through detailed mitigation and monitoring measures.

NEED FOR APPROPRIATE ASSESSMENT

The project involves the movement of shingle recycling for the purposes of flood defences.

The application site falls within the habitats which form part of the designated sites listed below:

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Designations
Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) Dungeness Special Area of Conservation (SAC) Dungeness to Pett Level Special Protection Area (SPA)
Dungeness Romney Marsh and Rye Bay potential Special Protection Area (pSPA) and proposed Wetland of International Importance under the Ramsar Convention (Ramsar Site)

Ramsar sites are not designated under European Law but are protected under international agreement (Ramsar Convention) which provides for the conservation and good use of wetlands, and are treated in the UK in the same way as European designated sites with regards to the Appropriate Assessment.

The Dungeness Romney Marsh and Rye Bay Potential SPA and Proposed Ramsar site have to be considered within the planning process in the same way as a site which has been formally designated.

Natural England (NE) have been consulted formally on the planning application and have advised that of principle concern for this application are the interest features of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), Dungeness Special Area of Conservation (SAC) and proposed Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Map showing the designated sites considered within the Appropriate Assessment – Appendix B1 and B2

They have confirmed that the interest features for the Dungeness to Pett Level Special Protection Area (SPA) and Dungeness Romney Marsh and Rye Bay potential Special Protection Area (pSPA) are unaffected by the proposed development.

On this basis, and given the sites designation and interest features, NE have provided detailed advice on the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 which states amongst other matters:

“61.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.”

The sites designation and interest features are listed as follows:

Site Designation	Interest Features
-------------------------	--------------------------

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

<p>Dungeness Special Area of Conservation (SAC)</p>	<p>Dungeness is one of the most important shingle sites in the UK, and certainly the most important in England.</p> <p>The Dungeness SAC is selected for the following Annex I habitat features and Dungeness is considered to hold outstanding examples of these habitats in a European context:</p> <p>Annual Vegetation of Drift Lines (AVDL)</p> <p>Perennial Vegetation of Stony Banks (PVSB)</p> <p>And the Annex II species Great crested newt</p>
<p>Site of Special Scientific Interest (SSSI)</p>	<p>Dungeness, Romney Marsh and Rye Bay is a nationally important site by reason of a diverse range of biological and geological features, specifically the coastal geomorphology of Dungeness and Rye Harbour and the following nationally important habitats: saltmarsh, sand dunes, vegetated shingle, saline lagoons, standing waters, lowland ditch systems, and basin fens. These habitats and others within the site support a number of nationally important species interests.</p> <p>With reference to this particular application the SSSI features that would need to be taken into consideration would be the surface and buried geomorphology interest and the coastal processes that give rise to these, together with the vegetated shingle.</p>

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

<p>pRamsar</p>	<p>Parts of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) and Hastings Cliffs to Pett Beach SSSI have been recommended as a proposed Ramsar site (pRamsar site) because they are a Wetland of International Importance, for wetland habitats, threatened ecological communities and species, and waterbirds.</p> <p>With reference to this particular application, the site qualifies under Criterion 1 because it contains representative, rare, or unique examples of natural or near-natural wetland types: Annual vegetation of drift lines and the coastal fringes of perennial vegetation of stony banks (Ramsar wetland type E - sand, shingle or pebble shores).</p> <p>Dungeness and Rye Harbour comprise the largest cusped foreland (a low-lying triangular foreland) in Britain and form part of a system of shingle barrier beaches that can be traced 40 km from Fairlight in East Sussex to Hythe in Kent. This is ideal habitat for annual vegetation of drift lines, which occurs on naturally functioning shingle beaches. It is one of the scarcest habitats in the UK. The frontage at Rye Harbour and Dungeness is one of the most important areas in the country for this habitat, with approximately 15 km of shingle foreshore. The annual vegetation of drift lines grows on the seaward and landward sides of the beach ridge where waves deposit seed. The habitat grades into and overlaps with the more stable perennial vegetation of stony banks that grows on ridges inland from the beach.</p>
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NE have advised that in their view the project was likely to have a significant effect on the interest features for which the designated sites had been classified.

The following are considered likely significant effects from the Dungeness Borrow Pit Application.

- Direct and indirect impact on Annual Vegetation of Drift Lines (AVDL)
- Direct and indirect impact on Perennial Vegetation of Stony Banks (PVSB)
- Reduced shingle accretion on the eastern shore. This has the effect of reducing the area of accreting shingle and therefore shingle habitat which displays the successional stage between AVDL and PVSB on newly created shingle ridges

These impacts were addressed by the applicant in the submission of the planning application

KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

(reference PAG/KCC/SH/0381/2011) and set out within the document entitled Habitat Regulations Assessment date August 2011 together with the formal responses from Natural England dated 11th November 2011 and 9th February 2012.

NE have been formally consulted on the planning application and have provided detailed comments having regard to the sites designation status and having regard to the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. Natural England consider that the application, as proposed and incorporating the agreed mitigation measures, avoids and reduces the impact on the interest features of the site and the coastal processes that support those features. 'They advise that in securing the implementation of the mitigation measures proposed together with the proposed monitoring and annual review programme would enable the applicants to actively monitor and manage the operational impacts on the site and thereby ensure that the operations proposed would have no adverse effects on the SAC or pRamsar site integrity.

Mitigation and plans (monitoring)

Kent County Council will require the following mitigation measures to form part of the operator Operations Plan which would need to be agreed year on year in consultation with the Applicants, Natural England and the County Council following annual meetings which would need to be secured by way of a separate section 106 legal agreement:

<p>Proposed Mitigation Measures</p>	<p>1. The production of an Operations Plan which will be reviewed and updated annually.</p> <p>The plan will be submitted annually for approval by Kent County Council in consultation with Natural England.</p> <p>The operations plan will include the following information:</p> <p>a) A map showing the No Go area for vehicles/disturbance which was agreed by Natural England and the applicants.</p> <p>The agreed “no go” area is shown in appendix c</p> <p>Details of a <i>toolbox talk</i> for all workers to ensure they are aware of why the <i>no go</i> area can be accessed.</p> <p>b) Maps of the proposed working areas/site compound area and access areas. These areas will be clearly marked out on the ground using posts or blocks. The route will be in accordance with the agreed <i>no go</i> area</p> <p>c) Maps of the proposed vehicle access routes. The routes will be clearly defined and marked on site. They will be in accordance with the agreed <i>no go</i> area</p> <p>d) The footprint of the borrow pit will be minimised and marked out</p>
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KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	<p>to prevent encroachment of plant beyond defined footprint.</p> <p>e) Timings of the proposed works.</p> <p>Shingle extraction will only be carried out during winter months (1st October – 31st March) which will enable re-colonisation of the annual vegetation.</p> <p>f) Details of how the material will be extracted.</p> <p>Material shall be taken evenly from across the beach face and along the length of the borrow pit. Excavation of beach material shall not be concentrated in small areas in order to avoid the development of embayments forming on the shoreline.</p> <p>Close supervision of the excavation activities will prevent inappropriate (fine) material being excavated.</p> <p>During the recycling process, established shingle ridges will be left in situ and as new shingle ridges form these will be identified on the operations plan and left undisturbed.</p> <p>25% to 30% of the borrow pit frontage will annually be left undisturbed during March to encourage formation of annual vegetation of drift lines.</p> <p>2. Production of a restoration plan.</p> <p>The remaining operational area of the borrow pit will be progressively restored to vegetated shingle as recycling is reduced and ceases in 2023. Restoration will take the form of profiling the beach to a semi-natural profile.</p> <p>Details of how vehicles will be excluded from accessing the recovering area must be included.</p> <p>3. Production of an Annual Report</p> <p>The annual report must be supplied to KCC and Natural England</p> <p>4) Two meetings will be held each year in October and February between the relevant parties.</p> <p>February's meeting will consist, as a minimum, of a site visit attended by the applicant and Natural England shall be carried out to identify an area that will not be worked during the following month of March</p>
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KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	<p>A summary of the meetings will be provided to Kent County Council.</p> <p>The meetings will ensure that conservation objectives of the designated sites are still being met with respect the applicant and and the Environment Agency's activities</p> <p>The meetings will discuss the following:</p> <ul style="list-style-type: none"> a) The results of the annual monitoring of beach profile and vegetation distribution. b) Annual review of shingle volume extraction. c) Annual assessment of extraction limits and areas of vegetation colonisation to ensure extraction operations are within the parameters set out in the mitigation and that at least 100,000m³ of shingle accretes over each rolling three year period. d) The volume for extraction for the next beach feeding season. To be within the limits agreed within Section 2.2 of the Environmental Statement: e) The division of the borrow area. <p>5) Written agreement between all parties regarding the volume of shingle to be taken that winter must be confirmed prior to any extraction commencing.</p> <p>6) Production of an annual monitoring report comprising of:</p> <ul style="list-style-type: none"> (a) Beach profiles over the eastern shore from the ness to Greatstone, to ensure that the 3 target for accretion of at least 100,000m of shingle in each rolling three year period is achieved. (b) Mapping of newly formed or widened shingle ridges in the extraction area itself and elsewhere along the eastern shore. (c) Annual vegetation within the borrow area, monitored using shore-normal transects. (d) Perennial vegetation within the borrow area, monitored using random mini quadrats.
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KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

	<p>Each of these elements will be monitored and reported annually, for inclusion in an October annual review. In addition, there will be a full review of the operations in years 3, 6, 9 and 12 which will assess whether the operations are meeting the parameters set out above and the conservation objectives for the SAC and pRamsar site.</p>
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CONCLUSION

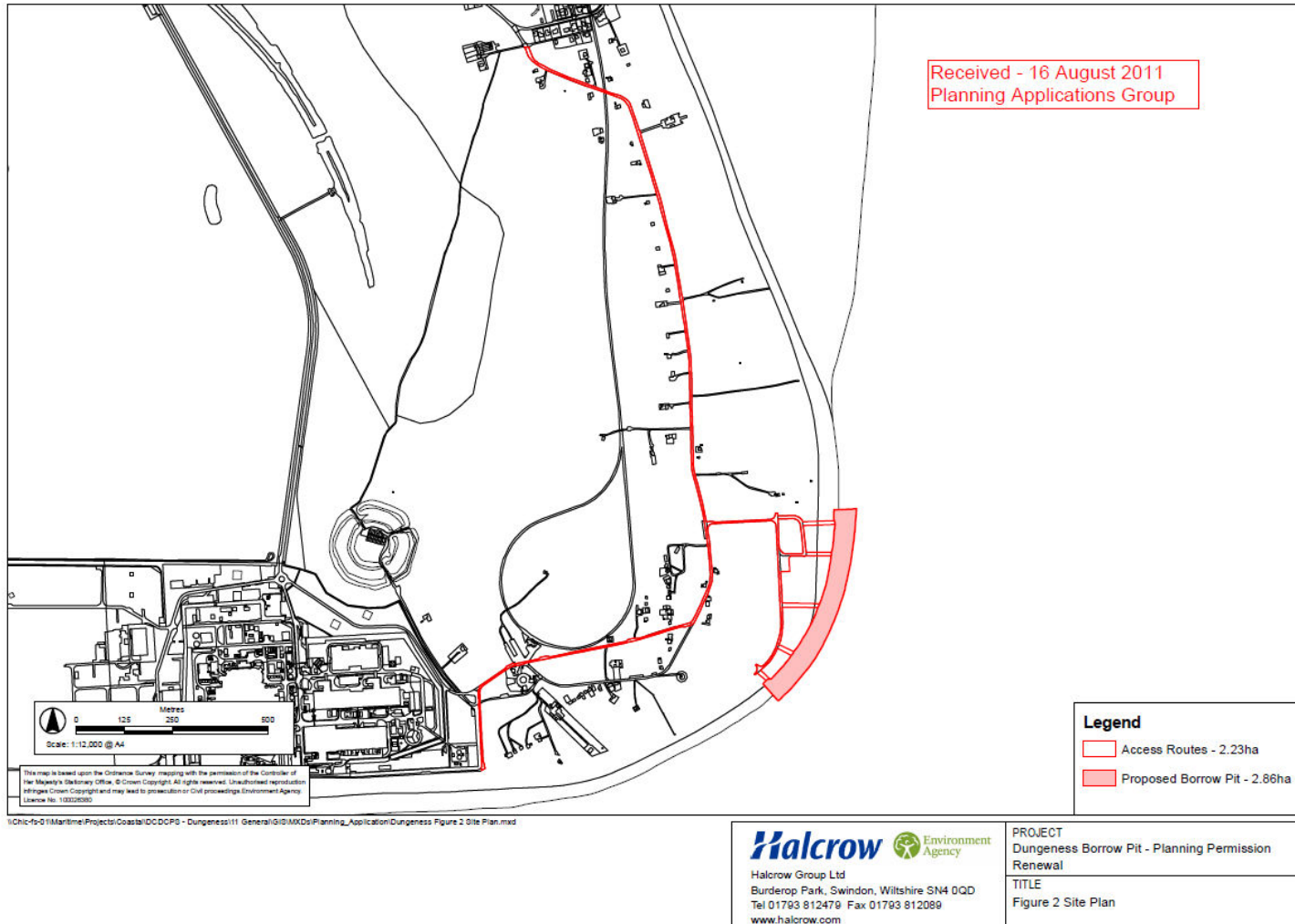
Kent County Council concludes, that this project alone or in-combination will not have an adverse effect on the integrity of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), Dungeness Special Area of Conservation (SAC) and proposed Wetland of International Importance under the Ramsar Convention (Ramsar Site) provided the works are carried out as set out in the application and the mitigation measures outlined above are secured through conditions and a legal agreement attached to any planning application granted and are implemented as agreed.

Signed:

Dated:

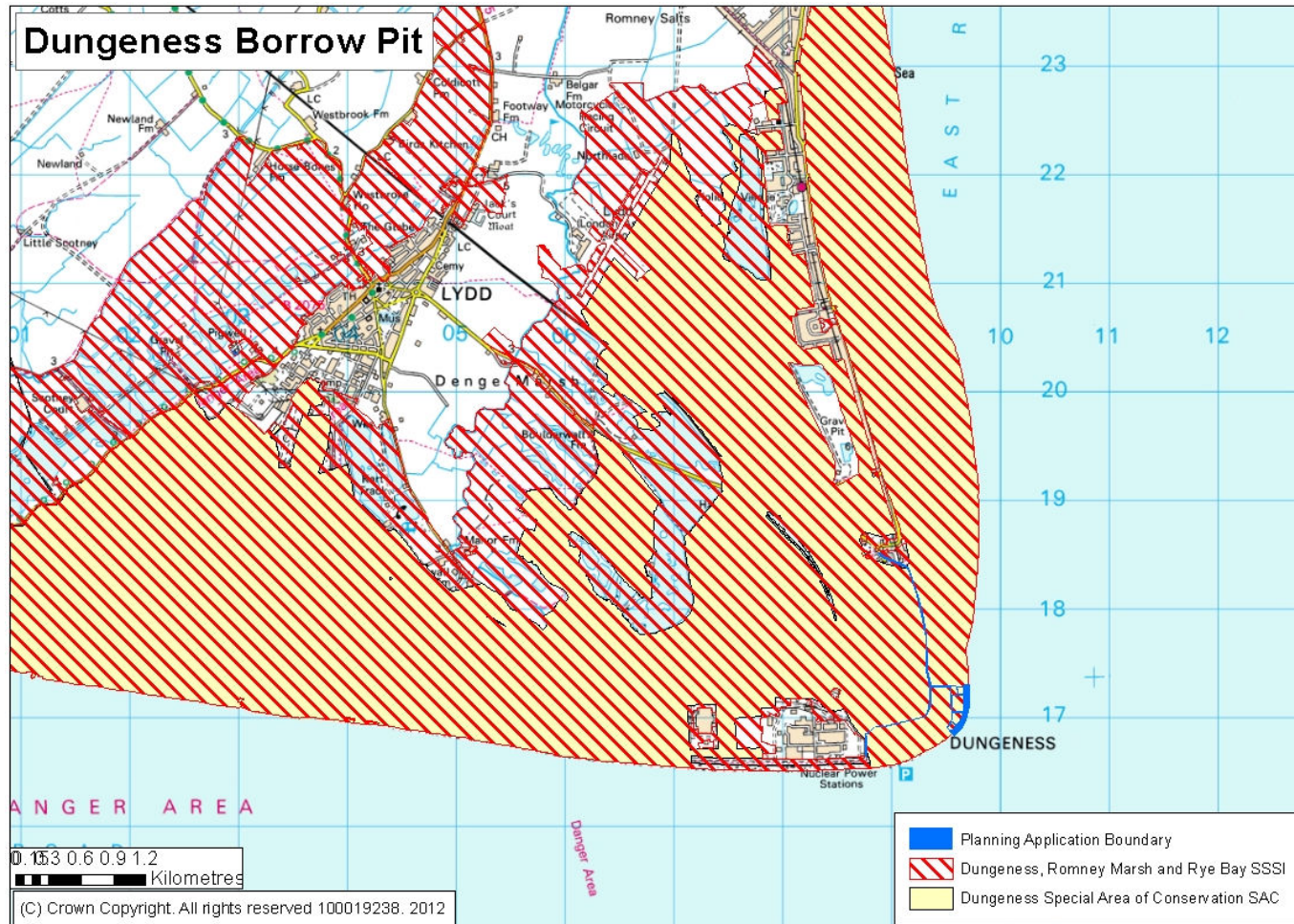
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Appendix A



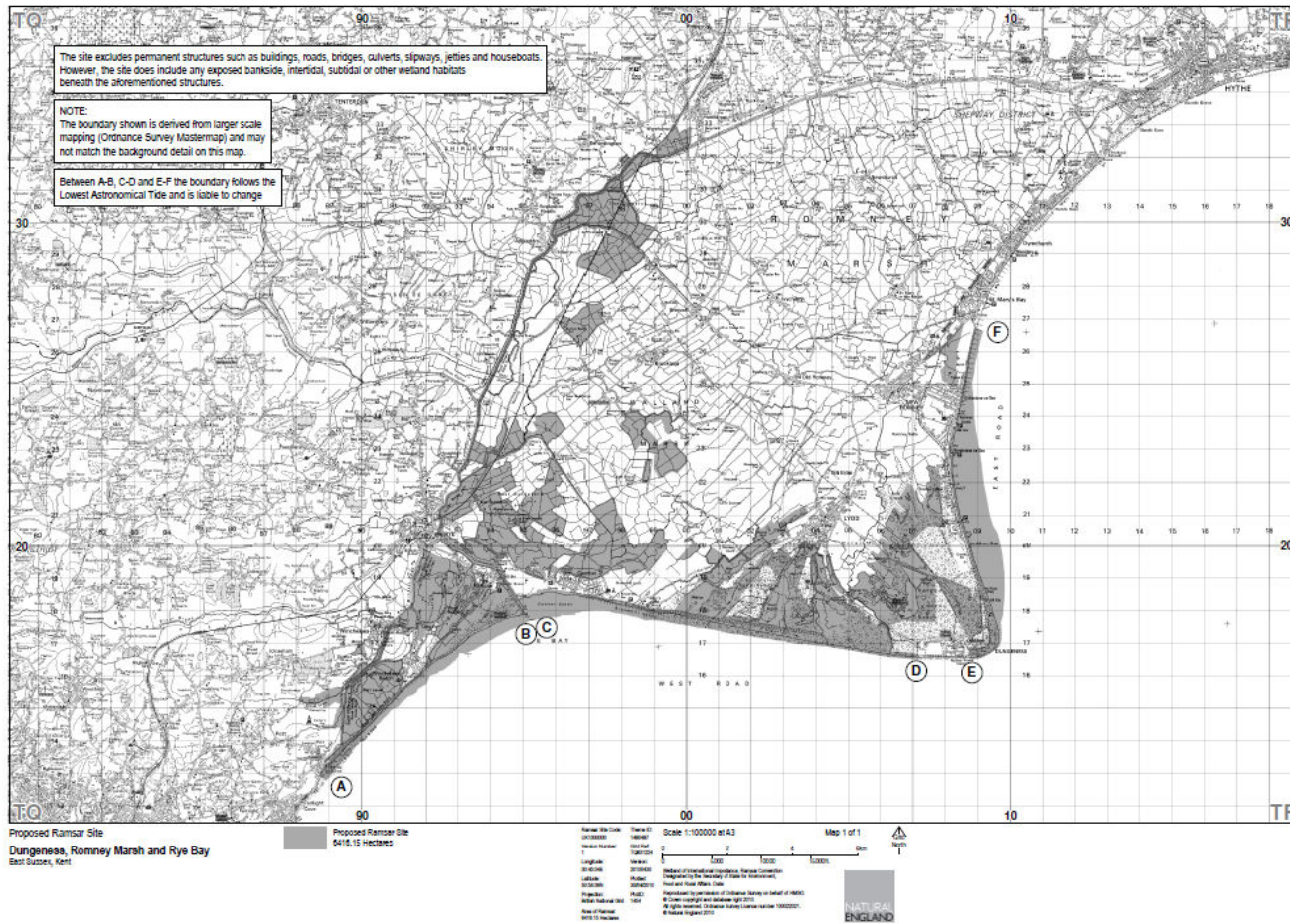
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Appendix B1



KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Appendix B2



KCC/SH/0381/2011 – Shingle recycling for the purpose of flood defence at Dungeness Borrow Pit, Dungeness, Romney Marsh, Kent

Appendix c

