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Councillor Geoff Jung (Chair of Advisory Group) and  
Mr Tom Buxton-Smith (EDDC's Engineer)  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

**Re: Briefing for Sidmouth & East Beach BMP Advisory Group 15 July 2021**

Dear Cllr. Jung and Mr Buxton-Smith

We understand that EDDC have secured additional funding for a beach management scheme at Sidmouth and East Beach, and we welcome the opportunity that these funds present to the Council to reconsider their assessment of the short-list options previously presented and those that were rejected on financial feasibility grounds. The Jurassic Coast Trust remain committed to working with EDDC and other stakeholders through the BMP process in order to agree a scheme that is viable, affordable and environmentally acceptable.

However, having reviewed the recording of the BMP Advisory Group briefing held on 15 July 2021 the Senior Leaders and Trustees of the Jurassic Coast Trust are left feeling extremely concerned. We wish to raise a number of points, which are summarised then discussed in more detail below. They are followed with information relating to some of the questions raised during the briefing.

## Summary of concerns

- The bias against environmental concerns that seemed apparent amongst stakeholders and EDDC representatives in the recent briefing was deeply troubling and has damaged our confidence that the BMP process will be able to deliver a balanced and environmentally acceptable scheme.
- Regarding a temporary rock revetment, the comparison with Branscombe is not appropriate because the environmental sensitivities at Branscombe are wholly different to those at East Beach, Sidmouth.
- Further, the comparison with Branscombe provides no confidence that a temporary revetment along East Beach at Sidmouth will indeed be temporary.
- Environmental objectives must be applied thoroughly at every step of the BMP process in order to avoid call-in procedures and/or referral to UNESCO as per paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention.
- The Jurassic Coast Trust currently remain committed to working with EDDC and the BMP stakeholders in order to identify a scheme that protects Sidmouth, is affordable and is environmentally acceptable.

## Points of information discussed below

- Processes relating to the WHS, Government and UNESCO
- Sensitivities of the WHS at East Beach
- Environmental objectives during the 'pause' desk study
- Use of Excavators on East Beach
- Cliff top draining

## Language and tone

During the recent briefing, a bias against environmental concerns seemed apparent amongst stakeholders and EDDC representatives based on the language and tone used and comments made relating to the natural environment and Natural England specifically. This was deeply troubling and has damaged our confidence that the BMP process will be able to deliver an environmentally acceptable scheme.

We feel it necessary to assert, once more, that World Heritage Status is literally the highest conservation designation possible and one that the UK government has committed to protecting through international convention administered by a specialist agency of the United Nations. The discussions at the briefing gave the impression that East Devon District Council and the rest of the stakeholder group regard the WHS as an inconvenience to be circumvented, rather than a very real asset to Dorset and East Devon that is worthy of care. The key Site management policy here, which East Devon District Council has adopted, is;

***Policy R2;** Any development resulting in a negative impact to the OUV of the WHS will only be acceptable if it is both essential and unavoidable. In these circumstances mitigation measures will be undertaken.*

The discussion relating to temporary rock armour specifically suggested a general attitude exists that views agreed policy and statutory considerations towards a SSSI that protects the WHS as a cause of unhelpful delay rather than the sole means to safeguard a vital natural asset.

The long history of attempts to get a rock revetment built along East Cliff are well known, as are the various reasons permission for it has been denied. The latest request for temporary revetment closely follows a request for an emergency rock revetment when funding for the current option was still uncertain. In the BMP process rock revetment on East Beach was discounted at the long list stage as it was not considered to be environmentally acceptable. This has not changed, and we have grave concerns about the suggestion of a temporary rock revetment there.

## Branscombe comparison

Branscombe rock revetment was highlighted as an example where temporary consent has been applied to coastal defences built within the WHS. This comparison is not appropriate because the environmental sensitivities at Branscombe are wholly different to those at East Beach, Sidmouth. In addition, the intention of the temporary consent at Branscombe was to allow an *unconsented* development (which was protecting temporary wooden chalets in an unsustainable location) to be brought under planning control. A condition was included for an 'exit strategy' for the wooden chalets as well as a plan to dismantle the revetment to be submitted by the applicant once the improvements were completed. We do not know whether or not the applicant complied with this condition and the temporary consent there has yet to be tested in terms of the removal of the revetment. In short, this comparison provides no confidence that a temporary revetment along East Beach at Sidmouth will indeed be temporary.

## Processes relating to the WHS, Government and UNESCO

Comments made by Amanda Newsome on behalf of Natural England were raised as a matter of concern by the Cliff Road residents. I wanted to take this opportunity to clarify what was referred to as ‘the nuclear option’.

As you know, the Jurassic Coast World Heritage Site is protected via the statutory designations, mainly SSSIs and the AONBs. Whilst the WHS has no statutory status, it is given the highest level of significance in NPPF and as previously stated, the UK government have committed to protecting WHSs within their territories via international convention.

*The NPPG states “Planning authorities are required to consult the Secretary of State for Communities and Local Government before approving any planning application to which Historic England maintains an objection and which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent. The Secretary of State then has the discretion as to whether to call-in the application for his/her own determination.”*

The Jurassic Coast is currently in a unique position as the only natural World Heritage Site in England. Historic England does not have the remit or expertise to advise on impacts on a natural World Heritage Site, but can advise on UNESCO processes in relation to notification to the Department for Digital, Culture, Media and Sport (DCMS) and the World Heritage Committee. NPPG indicates that **Natural England should be consulted on proposals that might affect natural WHSs**, and in the context of call-in regulation their views should be taken into account in combination with those of Historic England. Therefore, Natural England have a key role here in partnership with the Jurassic Coast Trust.

In addition, a procedure by which issues affecting the WHS can be referred to government and UNESCO comes from paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention;

*“172. The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.”*

Threats to natural WHSs are interpreted based on impacts to their OUV and Integrity and advice on such matters is provided to UNESCO by the International Union for Nature Conservation.

Whilst we do not currently feel it necessary to act on paragraph 172 in relation to the Sidmouth BMP proposals, it is important to realise this is largely due to the good faith that remains for the BMP process. If that continues to be undermined, then we may be left with no choice but to use other options available to us to protect this shared natural asset.

The worst case scenario for any WHS is that damage is extensive enough to irreparably compromise the OUV of the Site. In that case WH status is lost wholesale, not just locally. For the Jurassic Coast that means a single damaging development in just one location can lead to all communities in Dorset and East Devon losing the benefits WH Status brings.

This is what amounts to ‘the nuclear option’ and I’m happy to say we are a long way from that. But I am sure you will agree that efforts that allow us all to avoid straying carelessly in that direction are perfectly reasonable. The consequences of not doing that, and making the wrong decisions, can be very real. On 21<sup>st</sup> July this year it was announced that the city of Liverpool was stripped of its WH status because its OUV had been irrevocably damaged by inappropriate development.

For reference, two cases on the Jurassic Coast have been referred to DCMS and UNESCO – Navitus Bay Wind Park near Swanage and a proposal to build a large Energy Reclamation Facility on Portland. The secretary of state denied permission to Navitus Bay partly on grounds of the damage it caused to the WHS. We are awaiting a response from DCMS about the Portland case.

### **Sensitivities of the WHS at East Beach**

The Jurassic Coast World Heritage Site will be permanently damaged by the works at East Beach, whichever of the current options being investigated eventually gets built. The details of the geological interests have been presented previously, so I will not repeat them here. I will only emphasise that due to the nature of this coastline the interests at East Beach are unique on the WHS. Therefore, the way the environmental considerations are dealt with within the BMP must be uniquely targeted. Drawing comparisons with works at other locations is not appropriate as the particular sensitivities in those cases will not be the same. In other words, what is acceptable on one part of the WHS will not be acceptable everywhere. This natural variability along the coast – its geodiversity – is central to the Site’s Integrity, which itself arguable the most sensitive part of coast’s World Heritage status.

### **Environmental objectives during the ‘pause’ desk study**

The current BMP option was designed to be environmentally acceptable. For this same objective to be secure during the ‘pause’ desk study and related investigations, the same level of consideration must be shown to the environmental designations now as it has been at previous stages. We strongly recommend that environmental objectives and sensitivities be factored into modelling during the desk study phase, and then again to an appropriate level of detail at every phase as things progress.

## Use of Excavators on East Beach

One of the key features of interest are the rock ledges that are exposed on East Beach during time when the beach is low. These could be damaged by inappropriate use of excavators. This should be mitigated against during construction methodologies e.g. by using rubber tired vehicles rather than tracked vehicles.

## Cliff top draining

The importance of cliff top draining in reducing erosion rates at East Cliff was discussed at the early stages of the BMP. However, we believe it was discounted as it would not contribute to protecting Sidmouth itself from flooding and therefore would not qualify for support within the funding calculations.

For any queries relating to the contents of this letter please contact me by email in the first instance, or the Jurassic Coast Trust on [info@jurassiccoast.org](mailto:info@jurassiccoast.org). We can also be reached by telephone, but please be aware that due to our working arrangements our office is often unattended.

Yours sincerely



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