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6 February 2013

Dear Sir or Madam

**Proposal** Flood alleviation scheme  
**Site Address** Church Street Whitby North Yorkshire  
**Applicant** Haskoning UK Ltd (Ms K Basford)

I refer to your recently submitted request for a screening opinion which I received on 16 January 2013.

**Is the development Schedule 1 or Schedule 2 development?**

The development is a Schedule 2 Development (item 10(m) refers to new coastal defence works)

**Is the development part of a more substantial development?**

Yes - potentially. Coastal protection works are on going and protection measures are regularly reviewed to ensure proper maintenance and to assess whether the measures remain appropriate or require upgrading.

**If yes, can the development be implemented independently of the wider scheme?**

Yes

**Characteristics of the potential impact - issues to consider**

The proposed scheme is located within the North Yorkshire and Cleveland Heritage Coast and the River Esk is designated in the adopted Scarborough Borough Local Plan as a Local Site of Importance for Nature Conservation. The coastal cliff and slope is classified as Maritime Cliff and Slope priority habitat under the UK Biodiversity Action Plan (BAP). In addition the site of the proposed works lies within the Whitby Conservation Area and a high proportion of the buildings in Church Street are included in the List of Buildings of Special Architectural or Historic Interest (there are approximately 30 listed buildings in the locality)

There is potential for impacts on the following:

- Tourism and recreation
- Ecology through effects on migratory fish and on the SINC through changes in estuarine physical processes and water quality
- Archaeology and cultural heritage
- Landscape, seascape and visual amenity

- Air quality
- Road traffic
- Noise and Vibration

Also there are residential properties, harbour based leisure receptors and businesses in the area including land and water based enterprises that could be affected during the implementation of the proposed works.

### **Extent of the Impact:**

#### **Will the effect extend over a large area?**

Relates to approximately 400m of quayside abutting Church Street and the flood alleviation scheme comprises works to the quay wall which acts as a retaining wall to the adjacent highway (Church Street), construction of a wall at pavement level, floodgates and other alterations in the vicinity of Eskside Wharf, the Seamen's Hospital Gardens, the Fleece Inn and Church Street Car Park. The works will be widely visible from Church Street and the west side of the river and from residential/commercial properties, users of the river with potential disturbance for residents, visitors and businesses during construction works. The intention is for contractors to use the Museum Car Park resulting in the loss of 41 parking spaces for up to 7 months and there may be some impact on street parking in Church Street. In addition the storage areas for crab/lobster pots may need to be re-located, the summer houses at the Seamen's Hospital Gardens rebuilt and alterations at the Fleece Inn's decking/outdoor open space which overlooks the harbour and also at the Church Street Car Park.

#### **Will many people be affected?**

Yes, both local people and visitors frequent Church Street which is the main road into town from the East side of the river and is popular for its harbour views.

### **Transboundary nature of the impact:**

#### **Will there be any potential for transboundary impact?**

It is not anticipated that a Marine Licence from the Marine Management Organisation will be required as the proposed works are above Mean High Water Spring Tides. Planning Permission will be required from the Local Planning Authority (Scarborough Borough Council) for the land based works and Conservation Area Consent maybe required for the demolition of the summer houses at the Seaman's Hospital Gardens which are to be rebuilt. Prior written consent is required from the Environment Agency for any works in, under or near a watercourse or flood defence structure on any main river. The River Esk is classified as a main river by the Environment Agency and as such an application for 'Consent for works affecting watercourses and/or flood defences' will be required. In addition consents maybe required from the North Yorkshire County Council as Highway Authority for any works affecting the footpaths/highway in Church Street and access thereto.

### **Magnitude and complexity of the impact:**

#### **Will there be a large change in environmental conditions?**

There could be potential environmental effects on the following:

Tourism and Recreation - the coast and harbour at Whitby provide valuable recreational facilities and provide the principal attraction for many visitors in the area. The intention is to carry out the construction works outside the main peak tourism season to minimise the impact on tourism.

Biodiversity, Flora and Fauna - there are a variety of fish species in the Esk estuary and Salmonid species migrate through the estuary in order to reach spawning grounds further up stream within the River Esk and its tributaries. To ensure best practice consultations will be undertaken with the Environment Agency to ensure suitable measures to avoid/mitigate against any adverse effects and works will be undertaken during daylight hours only.

Water Quality - the works have potential to affect water quality through the release of potentially contaminated material from accidental leaks and spillages. Further assessments will be made to ensure compliance with the Water Framework Directive on waterbodies to ensure the current status is maintained and any opportunity for enhancement is identified.

Archaeology and Cultural Heritage - the site of the works is within the Conservation Area and the main visual impact will be the replacing of railings alongside the river by a flood defence wall. The railings are unusual and quite distinctive to Whitby harbour and the wider Conservation Area and the normal presumption would be in favour of retaining these. However, this must be balanced against the benefits arising from the provision of a flood defence wall in the protection of other heritage assets including listed buildings that are prone to damage from flooding. The need for a wall is accepted and as a mitigation measure the wall should be kept as low as possible and the materials used should be selected to ensure that the wall is not intrusive. The proposed works incorporate design guidance from the Council's Conservation Officer to minimise the visual impact also provides for the historic 'penny hedge' plaque to be incorporated into the wall. The iron railings that are to be removed will be used in areas which currently have less attractive railings (e.g. the Church Street Car Park)

Air Quality - the construction works will be in relative close proximity to residential properties and businesses and as such there will be a potential risk of dust emissions - this is to be minimised by adhering to best practices and routine dust control procedures.

Road Traffic - the delivery of equipment and materials to site is anticipated to be by road and where possible avoiding the swing bridge with the works programmed to commence in September to avoid the peak tourism period and delivery times organised to avoid peak traffic periods. The works are to be advertised locally and a letter drop to nearby properties is planned

Noise and Vibration - there is significant potential effects and in order to minimise the impact the works will be undertaken between 8.00-18.00 Monday - Friday with weekend working by agreement only and contact details for any complaints will be placed around the site.

### **Will the effect be unusual in the area or particularly complex?**

It is not considered that the effect will be unusual in the area or particularly complex provided the mitigation measures suggested are adhered to. The building of a low wall as

a flood defence measure and the introduction of floodgates are not unusual features in a coastal town.

**Will many receptors other than people (fauna and flora, businesses, facilities) be affected?**

There may be some effect on migratory fish however consultations are to be undertaken with the Environment Agency to ensure appropriate mitigation measures are in place. Some businesses may be temporarily affected during construction works for example the outdoor seating areas at the two public houses in the vicinity (The Fleece and The Middle Earth although the works are programmed to commence in the autumn season when the demand for outdoor seating will be reduced), the fishing vessels that provide angling trips moor their boats in this area, crab and lobster pots are also stored in the locality and there will be an impact on the available parking in Church Street.

**Will valuable or scarce features or resources be affected?**

Unlikely provided that appropriate mitigation measures are in place.

**Is there a risk that environmental standards will be breached?**

It is expected that environmental standards associated with any works at the site will adhere to national and local policy guidance.

**Is there a risk that protected sites, areas, features will be affected?**

If the work is not undertaken there is a danger of flooding to the properties in Church Street which include approximately 30 listed buildings. Flooding in this location could pose a safety risk to members of the public in addition to residents and occupiers of business premises that overlook the river.

**Probability of the Impact:**

**Is there a high probability of the effect occurring?**

Yes if the flood alleviation measures are not carried out.

**Is there a low probability of a potentially highly significant effect?**

Yes

**Duration, frequency and reversibility of the impact:**

**Will the effect continue for a long time?**

The proposed scheme is intended to be permanent to reduce the risk of flooding and a further intervention is proposed in year 2051 to increase the height of the wall to accommodate further climate change and to provide a 1:100 Standard of Protection.

**Will the effect be permanent rather than temporary?**

Permanent.

**Will the impact be continuous rather than intermittent?**

Yes

**If intermittent, will it be frequent rather than rare?**

Not applicable

**Will the impact be irreversible?**

No as could remove flood wall and alter the harbour wall on the rivers edge that supports the highway.

**Will it be difficult to avoid, or reduce or repair or compensate for the effect?**

No - mitigation measures should assist.

It is considered that the environmental issues associated with these works can be addressed through the mitigation measures identified in the Report. The report confirms that appropriate consultations will be maintained with the Local Planning Authority (Scarborough Borough Council) and the Environment Agency. Residents and businesses within 500m will be informed of the proposed works and to minimise the potential effects on tourism the intention is to carry out the works outside of the peak tourism period. It is also considered to be advisable to contact the North Yorkshire County Council as Highway Authority in relation to any aspects of the work that will impact on access to the footpath running alongside the river and to the highway in Church Street and any works thereto.

In light of the above and the likelihood that the environmental issues identified will not pose significant constraints on the proposed works it is considered that an Environmental Impact Assessment is not required

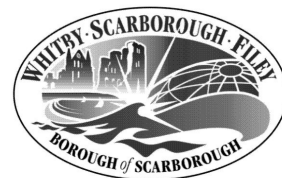
If you require any further assistance please contact the case officer noted above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Low', with a long, sweeping vertical line extending downwards from the 'J'.

**Mrs Jill Low**  
**Planning Manager**

# **TOWN & COUNTRY PLANNING (ENVIRONMENTAL ASSESSMENT (ENGLAND) REGULATIONS)**



## **Screening Opinion for Environmental Impact Assessment**

<b>Proposal</b>	<b>Flood alleviation scheme</b>
<b>Site address</b>	<b>Church Street Whitby North Yorkshire</b>
<b>Reference</b>	<b>13/00146/SCR</b>

**6 February 2013**

### **1 Is the development Schedule 1 or Schedule 2 development?**

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### **2 Is the development part of a more substantial development?**

Response : Yes - potentially. Coastal protection works are on going and protection measures are regularly reviewed to ensure proper maintenance and to assess whether the measures remain appropriate or require upgrading.

### **3 If yes, can the development be implemented independently of the wider scheme?**

Response : Yes

### **4 Characteristics of the potential impact - issues to consider**

Response : The proposed scheme is located within the North Yorkshire and Cleveland Heritage Coast and the River Esk is designated in the adopted Scarborough Borough Local Plan as a Local Site of Importance for Nature Conservation. The coastal cliff and slope is classified as Maritime Cliff and Slope priority habitat under the UK Biodiversity Action Plan (BAP) In addition the site of the proposed works lies within the Whitby Conservation Area and a high proportion of the buildings in Church Street are included in the List of Buildings of Special Architectural or Historic Interest (there are approximately 30 listed buildings in the locality)

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low wall as a flood defence measure and the introduction of floodgates are not unusual features in a coastal town.

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Response : Unlikely provided that appropriate mitigation measures are in place.

**12 Is there a risk that environmental standards will be breached?**

Response : It is expected that environmental standards associated with any works at the site will adhere to national and local policy guidance.

**13 Is there a risk that protected sites, areas, features will be affected?**

Response : If the work is not undertaken there is a danger of flooding to the properties in Church Street which include approximately 30 listed buildings. Flooding in this location could pose a safety risk to members of the public in addition to residents and occupiers of business premises that overlook the river.

**14 Probability of the Impact:**

**Is there a high probability of the effect occurring?**

Response : Yes if the flood alleviation measures are not carried out.

**15 Is there a low probability of a potentially highly significant effect?**

Response : Yes

**16 Duration, frequency and reversibility of the impact:**

**Will the effect continue for a long time?**

Response : The proposed scheme is intended to be permanent to reduce the risk of flooding and a further intervention is proposed in year 2051 to increase the height of the wall to accommodate further climate change and to provide a 1:100 Standard of Protection.

**17 Will the effect be permanent rather than temporary?**

Response : Permanent.

**18 Will the impact be continuous rather than intermittent?**

Response : Yes

**19 If intermitent, will it be frequent rather than rare?**

Response : Not applicable

**20 Will the impact be irreversible?**

Response : No as could remove flood wall and alter the harbour wall on the rivers edge that supports the highway.

**21 Will it be difficult to avoid, or reduce or repair or compensate for the effect?**

Response : No - mitigation measures should assist.

22 It is considered that the environmental issues associated with these works can be addressed through the mitigation measures identified in the Report. The report confirms that appropriate consultations will be maintained with the Local Planning Authority (Scarborough Borough Council) and the Environment Agency. Residents and businesses within 500m will be informed of the proposed works and to minimise the potential effects on tourism the intention is to carry out the works outside of the peak tourism period. It is also considered to be advisable to contact the North Yorkshire County Council as Highway Authority in relation to any aspects of the work that will impact on access to the footpath running alongside the river and to the highway in Church Street and any works thereto.

In light of the above and the likelihood that the environmental issues identified will not pose significant constraints on the proposed works it is considered that an Environmental Impact Assessment is not required



**Mrs Jill Low**  
**Planning Manager**