

Addendum

LA01/2017/0539/F

1.0 Update

- 1.1 A Briefing note for Members on the proposal and Drawing indicating Bed level changes were received from the agent. A letter from DAERA dated 18th March 2021 and two letters from the agent dated 19th March 2021 have also been received.
- 1.2 The Briefing note provides background and supporting information for the proposal and further highlights the lack of consensus between the agent and consultees. The Annex contains letters in support of the proposal. These letters are contained within the Environmental Statement. The exceptions being the letter of support within Annex 2 from The Open, dated 16th December 2020 and within Annex 4 from Tourism NI, dated 15th March 2021. An economic argument in favour of the proposal has again been highlighted within the Briefing note. The consideration of this argument is discussed at paragraph 8.45 of the Planning Committee report and further below in this addendum.
- 1.3 A summary of the content of the letters received from DAERA and the agent are as follows:

Claire Vincent (Principal Scientific Officer) - DAERA Marine & Fisheries Division Letter to Clyde Shanks – 18th March 2021

- Timeline of discussions between Marine Licensing following meeting on Friday 12 March 2022.
- DAERA works with RPS modellers, who are highly respected by the DAERA teams but the scenario requested to be modelled have not been provided.
- Queries around modelling the marine and terrestrial environments separately were raised despite being part of the same coastal system and inter-related which is critical in this scenario.
- DAERA requested that alternative options were fully explored and requested the statement should model tapering

by removal of a portion of the existing structure to reduce the possibility of end effects.

- DAERA will not be able to consider an Environmental Statement which has not been completed to the specification of the statutory Scoping Opinion under Regulation 13 of the Marine Works (EIA) Regulations.
- Inaccuracies in the information to Councillors which states DAERA's Principal Officer recommended the modest tapering and after recommended the 20m extension, DAERA had adjusted its position. This is misleading and inaccurate as no member of the Department has recommended an extension of the existing structure.
- A copy of the Site Meeting notes dated 27th October 2017 is attached which illustrates what was discussed and reference made to the Department's formal Scoping Opinion.
- Consistent request has been to climate change-proof the course but if not possible at this stage to deal with the end effects by tapering the existing structure through the removal of hard defences.
- These outstanding matters will need to be addressed for the Marine Licence application.

Clyde Shanks Letter to Claire Vincent, DAERA Marine & Fisheries Division -19th March 2021

- This proposal deals with an application for planning permission and The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 apply to the decision with the marine licensing process separate.
- The point made about Regulation 13(3) is wrong.
- Makes reference to the scoping opinion issued on 21st August 2018 and refers to Section 4.1.2 which does not say the applicant must model. All that it says is that alternatives must be examined. 'Examine' has wrongly been read to mean 'model'. This interpretation is unsustainable and wrong in law.
- The only other reference in the scoping opinion to alternatives is at Section 4.1.7 which states that all is required is alternative designs which are considered. Consideration does not mean the same thing as modelling.

- Once the scoping opinion has been understood the assertion that there has been a breach of Regulation 13(3) of the Marine Works (EIA) Regulations 2007 is unsustainable as there has clearly been examination and consideration of these matters in the Environmental Statement.
- Chapter 4 of the Environmental Statement is entitled ‘Consideration of Reasonable Alternatives’, draws on the alternatives considered in the RPS report and contains a detailed consideration of alternatives.
- The consideration of the proposal referred to – tapering of existing structure was considered at pg 78. The professional judgement of RPS on the Department’s proposal was determined not to be feasible and could result in significant and unacceptable detrimental impacts on the sixth tee. That being the case, there was no need to undertake any further modelling work as the option was a non-starter. Undertaking modelling work on an option that recognised experts have ruled out would be disproportionate and would not assist the decision-maker.
- It has been demonstrated that the Environmental Statement does contain all of the information specified in the scoping opinion in respect of alternatives (Regulation 13(3)) and it is invited to withdraw the suggestion that Regulation 13(3) has been breached.
- Council has rightly not suggested the breach of the Planning (EIA) Regulations (NI) 2017 and the matters set out by the Department do not affect the ability of the Council to lawfully determine the application for planning permission on 24th March 2021.
- Refute the allegation that information disseminated in the document to members was ‘misleading and inaccurate’.
- The meeting notes are in Draft form.
- Hope that a constructive dialogue can be undertaken on outstanding matters that will need to be addressed as part of the marine licensing process.

Clyde Shanks Letter to Denise Dickson, Causeway Coast and Glens Borough Council - 19th March 2021

- Noted the correspondence from Claire Vincent of the Department who suggested there had been a breach of the

Marine Works (EIA) Regulations 2007 and that misleading and incorrect information has been sent to Members.

- The applicant does not agree with the contents of the letter sent by the Department.
- None of the matters set out by the Department affect the ability of the Council to make a decision on this application on 24 March 2021.
- This is a vitally important proposal which stands to deliver significant tourism and economic benefits for the local area and Northern Ireland and has been the subject of extensive work over the course of four years.

2.0 Assessment

- 2.1 Section 45 (1) of the Planning Act (Northern Ireland) 20122 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations.
- 2.2 The economic importance of RPGC, as set out in Annex 1 of the additional information submitted by the agent, is such a material consideration, and its value to the Borough. The letters from The Open which supports remedial measures to secure the future of the 5th and 6th holes and welcomes a solution to be found. The additional letter from Tourism NI also discusses the iconic 5th and 6th holes with imagery of the Whiterocks and Dunluce Castle in the background. However, the consultees have significant concerns with the proposed hard engineering, and the potential irreversible loss of the soft dune system, impacting on the coast line and ultimately the golf course. The aim is to enable the golf course and the Curran Strand to co-exist through further examination and discussion around other alternatives.
- 2.3 Issues in relation to the modelling approach are discussed at paragraph 8.19 of the Planning Committee report. No consideration of alternatives are highlighted within the documents received.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.