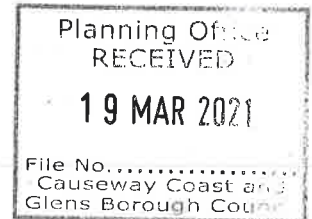


## Laura Crawford

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**From:** Jennifer Lundy  
**Sent:** 19 March 2021 14:48  
**To:** Laura Crawford  
**Subject:** FW: Royal Portrush Golf Club Sea Defences - Follow-up to meeting 12 March 2021  
**Attachments:** 210319 CS response letter to DAERA.pdf; RE: Record of meeting between Royal Portrush Golf Club and DAERA



**From:** Clyde Shanks [redacted]@clydeshanks.com]  
**Sent:** 19 March 2021 13:01  
**To:** Vincent, Claire [redacted]@daera-ni.gov.uk>  
**Cc:** Denise Dickson [redacted]@causewaycoastandglens.gov.uk>; Jennifer Lundy [redacted]@causewaycoastandglens.gov.uk>  
**Subject:** RE: Royal Portrush Golf Club Sea Defences - Follow-up to meeting 12 March 2021

Good afternoon Claire,

Please find attached letter responding to your correspondence of 18 March 2021 together with attached file with related correspondence previously shared with you.

Best regards

[redacted]  
**Clyde Shanks**  
Director

## CLYDE SHANKS

2<sup>nd</sup> Floor

7 Exchange Place

Belfast

BT1 2NA

Tel: 02890434393

Mob: [redacted]

[www.clydeshanks.com](http://www.clydeshanks.com)

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**From:** Vincent, Claire [mailto:[redacted]@daera-ni.gov.uk]  
**Sent:** 18 March 2021 19:42  
**To:** Clyde Shanks [redacted]@clydeshanks.com>

Cc: [REDACTED]@royalportrushgolfclub.com; [REDACTED]@royalportrushgolfclub.com; Denise Dickson (CC&G)  
[REDACTED]@causewaycoastandglens.gov.uk>; Jenny Lundy (CC&G)  
[REDACTED]@causewaycoastandglens.gov.uk>; Armstrong, Colin (DAERA) [REDACTED]@daera-ni.gov.uk>;  
Hanna, Joanne [REDACTED]@daera-ni.gov.uk>; Lyttle, Owen [REDACTED]@daera-ni.gov.uk>; DAERA Marine  
Licensing Team <MarineLicensingTeam@daera-ni.gov.uk>  
**Subject:** Royal Portrush Golf Club Sea Defences - Follow-up to meeting 12 March 2021

Clyde

A follow-up letter as promised to our discussions Friday.

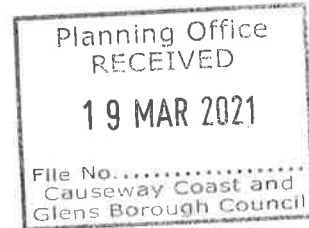
Regards

Claire

Claire Vincent | Principal Scientific Officer – Marine Strategy and Licensing | DAERA Marine & Fisheries Division  
1st Floor | Klondyke Building | Cromac Avenue | Gasworks Business Park | Belfast | BT7 2JA  
02890 569250 or 69250 (Internal calls)



Ms. Claire Vincent  
Principal Scientific Officer  
DAERA Marine and Fisheries Division  
1st Floor  
Klondyke Building  
Cromac Avenue  
Belfast  
BT7 2AJ



**BY E-MAIL**

19 March 2021

Our Ref: RPG1000

E: [REDACTED]@clydeshanks.com

Dear Claire,

**RE LANDS AT CURRAN STRAND, PORTRUSH PROPOSED 20 METRE EXTENSION TO EXISTING ROCK ARMOUR (LA01/2017/0539/F)**

I write in response to your letter of 18 March 2021.

Your letter raises three main issues:

- i. the contents of the environmental statement and compliance with Regulation 13(3) of the Marine Works (Environmental Impact Assessment) Regulations 2007 (the 'Marine EIA Regulations 2007');
- ii. an allegation that I have sent '*misleading and inaccurate*' information to Councillors in advance of the Planning Committee meeting which is due to be held on Wednesday 24 March 2021;
- iii. it sets out your recollection of the meeting held on 27 October 2017.

I will address each issue in turn.

**The Contents of the Environmental Statement and Compliance with the Marine EIA Regulations 2007**

Before correcting your misunderstanding of the factual and legal position, it is important to remind you, and the local planning authority in this case, that the application before members is an application for planning permission, not a marine licence. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 apply to the decision that members will take on Wednesday 24 March 2020. The marine licencing

process is separate. Issues relating to compliance with the Marine EIA Regulations 2007 will be resolved through the marine licensing process, not the planning consent process.

Without prejudice to our right to make further legal submissions on this point during the marine licensing process, the point that you have made in your letter about Regulation 13(3) is wrong.

You assert that (underlining added):

*'the Department had also requested that alternative options were fully explored and specifically requested that the Statement should model tapering by the removal of a portion of the existing structure to reduce the possibility of end-effects'.*

That is wrong.

The scoping opinion was issued on 21 August 2018. I can only presume that the part of the scoping opinion which you are referring to in your letter is Section 4.1.2, at the bottom of pg. 9. That does not say that the applicant must *'model tapering by the removal of a portion of the existing structure to reduce the possibility of end-effects'*. All that it says is that alternatives must be examined. I have set this out for your convenience (underlining added):

*'The document must also examine alternatives such as the tapering (i.e. removal of a portion of the existing structure) to reduce the possibility of end-effects'.*

What is required is an examination of alternatives, such as the removal of a portion of the existing structure; that is not the same as saying, as you do in your letter, that all of these alternatives must be modelled. You have wrongly read the word *'examine'* to mean *'model'*. That interpretation is unsustainable. It is wrong in law.

The only other reference in the scoping opinion to alternatives is at Section 4.1.7 which says this (underlining added):

*'The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the Applicant's choice, taking account of the environmental effect. This should include matters such as, inter alia, alternative design options and alternative mitigation measures. This should include a review of the hard and soft approaches to sea defence in the locality, with justification for their preferred option, and consideration of any alternative designs such as tapering of the existing structure, and also consideration of a 'do-nothing' scenario'.*

Again, all that is required is that alternative designs, such as tapering the existing structure, are considered. Consideration does not mean the same thing as modelling.

Once the scoping opinion is correctly understood (i.e. that it requires consideration and examination of alternatives such as the tapering of the existing structure), your assertion that there has been a breach of

Regulation 13(3) of the Marine EIA Regulations 2007 is unsustainable because there clearly has been examination and consideration these matters in the environmental statement.

Chapter 4 of the Environmental Statement is entitled 'Consideration of Reasonable Alternatives'. It draws on the extensive consideration of alternatives in the report prepared by RPS and submitted as part of the Environmental Statement. Your attention is drawn towards Section 8 of that report, pgs. 69 – 81. That section contains a detailed consideration of alternatives.

Critically, it includes a consideration of the proposal that you have referred to (i.e. tapering of the existing structure) at pg. 78 which I set out here for your benefit:

*'It should be noted that removing a portion of the existing 90m rock revetment to create a transition zone was not considered as a feasible option given that the entire length of the existing defence is crucial in preventing erosion of the 6th tee. Thus even a minor reduction in the extent of this defence could result in significant and unacceptable detrimental impacts to the 6th tee.'*

In other words, the professional judgement of RPS — a body which you rightly recognise in your letter is 'highly respected' — was that the proposal which the Department put forward was not feasible and could result in significant and unacceptable detrimental impacts on the sixth tee. That being the case, there was no need to proceed to undertake any further modelling work. The option was a non-starter. Undertaking modelling work on an option that recognised experts in the field have ruled out as not being feasible would be disproportionate and would not serve to assist the decision-maker. The Department has not presented any credible evidence to the contrary.

The above reference demonstrates that the Environmental Statement does 'contain all of the information specified in the scoping opinion' in respect of alternatives (Regulation 13(3)).

I invite you to withdraw your suggestion that there has been a breach of Regulation 13(3). It has no basis in law.

So far as the determination of the application for planning permission is concerned, the Council has, rightly, not suggested that there has been any breach of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

For the avoidance of any doubt, and for the benefit of the Council, the matters set out by the Department do not affect your ability to lawfully determine the application for planning permission on 24 March 2021 as currently planned.

Finally, for the record, we welcome your acknowledgement that the 'RPS modelling team is highly respected by the DAERA teams', as this has not been clear from previous consultation responses.

### **The Contents of the Briefing Pack**

You assert in your letter that there were *'inaccuracies'* in the information which was recently circulated to members. You assert that it was *'misleading and inaccurate'* to say that the Principal Officer at the Department recommended modest tapering, and that after doing so the Department had adjusted its position. I have set out my understanding of that meeting in the next section, below.

I wish to put on record that I refute your allegation that the information which I disseminated in that document was *'misleading and inaccurate'*.

### **27 October 2017 Meeting**

In your letter, you dispute that during the 27 October 2017 meeting you recommended modest tapering. You attached to your email a copy of your note of that meeting.

First, your note is, rightly, in 'Draft' form. It was never agreed by me or by the applicant.

Second, in fact, following the meeting of 27 October 2017 I emailed you and your colleagues on 23 November 2017, setting out a tracked changes version of your note in order to *'reflect the full extent of the discussions both on the beach and in the subsequent meeting'*. I have attached the email for your convenience.

In that tracked changes version, the following was included (pg. 2):

*'CV said the Club need to consider how they might climate change proof their links. She did however suggest that an option may be to look about a tapering of the existing revetment as an option'*.

And later (pg. 3):

*'RPGC need to consider a 'do nothing' option, a 'tapering of the removal of existing rock revetment option [ ... ]'*

These comments show that the tapering of the revetment was an option that was raised by you at the meeting on 27 October 2017.

The Department did not respond to the tracked changes, so the applicant reasonably assumed, in the absence of a response, that the Department agreed with the note.

The note was included in the Environmental Statement, which was published in February 2019. If it had an issue with the characterisation of what was said at the meeting, as recorded in that note, then the applicant would have expected the Department to have raised that long before now.

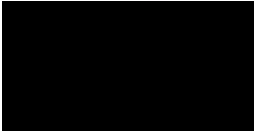
## CLYDE SHANKS

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I note your comment that outstanding matters will need to be addressed as part of the marine licensing process. I hope that we can have a constructive dialogue as part of that process. The applicant reserves its right to respond further to the comments made in your letter as part of the marine licensing process.

I intend to write to the Planning Authority later this morning in order to clarify the relevance of your letter to the forthcoming determination of the application for planning permission.

Yours sincerely,



Clyde Shanks  
**Director**

cc Jennifer Lundy, CCGBC





**Laura Crawford**

---

**From:** Clyde Shanks [redacted]@clydeshanks.com>  
**Sent:** 23 November 2017 12:45  
**To:** Lavery, Cara [redacted]@philiptweedie.com; [redacted]@johnbamberltd.co.uk; [redacted]@royalportrushgolfclub.com; Dempster, Michael; Clare McParland; [redacted]@ulster.ac.uk; Heidi Clarke; [redacted]@rpsgroup.com; Kristopher Calder [redacted]@rpsgroup.com); Clare McParland  
**Cc:** Vincent, Claire; Connery, Nichola  
**Subject:** RE: Record of meeting between Royal Portrush Golf Club and DAERA  
**Attachments:** Note of meeting Royal Portrush Golf Club 27 October 2017 + CS revisions.pdf; Note of meeting Royal Portrush Golf Club 27 October 2017 + CS revisions CLEAN VERSION.pdf

Planning Office  
RECEIVED  
19 MAR 2021  
File No.....  
Causeway Coast and  
Glens Borough Council

Thanks Cara and apologies for the delay in coming back to you.

I attach a tracked version of your meeting note with some additions to reflect the full extent of the discussions both on the beach and in the subsequent meeting.

The Club is considering next steps in terms of a considerably more modest extension/tapering of the existing revetment of c.15-20 metres.

In addition to my tracked note I also attach a clean version of the meeting note and trust this reflects our wider discussions.

We will be in touch to discuss and seek to agree ES scope.

Best regards,

[redacted]

**Clyde Shanks**  
Director

**CLYDE SHANKS**  
5 Oxford Street Belfast  
BT1 3LA

Tel: 02890434393  
Mob: [redacted]  
[www.clydeshanks.com](http://www.clydeshanks.com)

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**From:** Lavery, Cara [mailto:Cara.Lavery@daera-ni.gov.uk]  
**Sent:** 07 November 2017 16:27

To: [REDACTED]@philiptweedie.com; [REDACTED]@johnbamberltd.co.uk; [REDACTED]@royalportrushgolfclub.com; Dempster, Michael ; Clyde Shanks ; Clare McParland ; [REDACTED]@ulster.ac.uk; Heidi Clarke  
Cc: Vincent, Claire ; Connery, Nichola  
Subject: Record of meeting between Royal Portrush Golf Club and DAERA

Dear All,

Please find attached a record of the meeting held between DAERA and Royal Portrush Golf Club on Friday 27<sup>th</sup> October.

Please contact me if you have any further queries.

Regards

Cara

Cara Lavery  
Marine and Fisheries Division  
Department of Agriculture, Environment and Rural Affairs

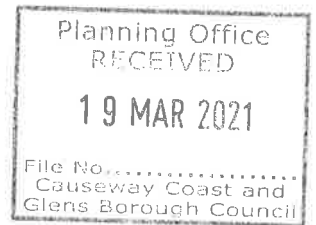
Marine Licensing Team  
1st Floor  
Klondyke Building  
Cromac Avenue  
Malone Lower  
Belfast  
BT7 2JA

Telephone 02890 569240



Note of Meeting – Royal Portrush Golf Club/DAERA/UU/CCGBC

27 October 2017



Meeting on site 10:30, Whiterocks Strand

Present:

**Royal Portrush Golf Club** - Clyde Shanks (Planning Consultant) & Philip Tweedie, RPGC Rep

**RPS** - Adrian Bell, Kris Calder

**DAERA/NIEA** - Claire Vincent, Martin McAleese, Michael Dempster

**UU** - Derek Jackson

**CCGBC** – Heidi Clarke

The background to the placement of the existing gabions / rock revetments placed during the early 1980s was explained by CS. He outlined that this 90m long revetment had been in situ for 34 years and had been successful in maintaining the integrity of the dune to the rear of the 5<sup>th</sup> green/6<sup>th</sup> tee of the RPGC golf links without giving rise to any material impact on the wider health of the beach or wider dune landscape.

He explained that the storm surges of 2013/14 had led to the Club examining an extension to protect the sixth tee and the wider investment in the new holes on the Course. That was where the proposed extension proposal had arisen.

CV said that the existing 90m revetment occurred at pre-marine licensing time, although a marine expert was consulted at the time (Dr Carter).

PT/CS outlined the proposal and the importance of this to the Club in maintaining the integrity of this iconic part of the golf course. They emphasised that this had been very successful in terms of what was done in 1983 and they wish to explore how to reinforce this.

CS made reference to the EIA screening exercise and DAERA and consultee comments. He wished to establish if there was a closed mind approach on DAERA/consultee part in relation to the proposed expansion of the revetment.

CS keen that there is a common understanding of what can be achieved and what work needs to be done to support any application/ES.

He made reference to the evidence of the beach behaviour at the revetment location and the suggested/feared major impact/concerns that have been voiced relating to a 60m extension. He suggested that this apparent worst case scenario fear is not supported by the effects of the protection that has existed since 1983. They have not caused any major loss or impact on beach equilibrium.

CV said we were right to ask the question about the approach from DAERA. She confirmed that DAERA now have in-house resource to look at the proposal. The concern is in placing further hard structures in to a soft system.

CV agreed that the ES may be of a narrow scope and require further assessment to ensure that Habitat Assessment Regulations can be complied with.

CV also said DAERA would require further analysis of tidal sandbank movement and sediment movement up and down the beach and the impact of the armour.

AB clarified that the armour does not impact this and rather stops movement of sand from the dunes.

CV said the Club need to consider how they might climate change proof their links. She did however suggest that an option may be to look about a tapering of the existing revetment as an option.

AB confirmed that there was an opportunity to terminate the existing revetment in a more appropriate and more effective manner. He said that the climate change and future proofing were valid elements that the Club did need to consider and agreed that there was a balancing act in doing so.

PT emphasised that RPGC take environmental sensitivity and management very seriously and that is evident in how they manage the Course.

The geomorphology of the site was explained by DAERA experts – DJ and MD.

AB and KC explained the modelling work that has been carried out to support the proposal, the energy at the site and expected sediment transport. The sand quantities on the north coast are static and are not being replenished.

Sand is moved on and off the beach throughout the annual cycle of storms and calmer times. DJ explained that UU has a long term data set of beach morphology. CV explained that the sub-tidal sand dunes, which are contiguous with the dune system, are a site feature of the European Special Area of Conservation (SAC), and that system has the highest level of environmental protection.

CS emphasised how the protection provided in the 1980s has served its purpose and has caused minimal damage to the wider environment.

However, it was explained that the existing protection was in an area of relatively low mobility. The proposal would move into an area with the potential for greater sand movement, and could therefore be much more damaging.

CS again reiterated the limited/negligible impact that the 90m extent of revetment has had. He challenged the suggested impact and move in to an area of greater sand movement and suggested that RPGC and RPS could further explore the tapering suggestion with a lesser level of extension perhaps offering a more agreeable consensus. That would be for RPS to look at and present to DAERA.

HC emphasised the importance of the visual and amenity value of Whiterocks beach, both on site and from the coast road. This is an important consideration in addition to the coastal processes.

#### **11.15 - Meeting retired to the Coastal Zone, at Portrush**

CV outlined the stage that this application is at in the marine licensing process. The proposal has been screened in (i.e. will require an Environmental Statement under Annex II - EIA).

Should the applicant wish to proceed, a Scoping Report will need to be produced for both CC&G Planners, and for DAERA Marine Licensing.

This will outline their proposed scope of the Environmental Statement. Both consenting authorities will then give a Scoping Opinion to confirm that scope.

From discussions to date, this will likely include coastal processes, enough information on the SAC feature of sub-tidal sandbanks to allow an HRA to be taken forward, aesthetics etc. (Note – this is not an exclusive list at this stage).

RPGC need to consider a 'do nothing' option, a 'tapering of the existing rock revetment option', and must consider climate change factors in all options investigated. These requirements will be detailed in any Scoping Opinion.

DAERA strongly encouraged RPGC to consider 'climate change proofing' of the golf course, using golf course designers and coastal process experts to investigate the amenity value of both the course, and the beach for future generations.

