Adur & Worthing Councils
Development Control
Portland House Richmond Road
Worthing
West Sussex
BN11 1LF

Our ref: HA/2018/120433/04-L01
Your ref: AWDM/0709/18

Date: 29 January 2019

Dear Sir/Madam

ADDITIONAL INFO. - DEMOLITION OF EXISTING CLUBHOUSE FOR SUSSEX YACHT CLUB AND RECONFIGURATION OF SITE INCLUDING THE ERECTION OF NEW CLUBHOUSE ON SOUTH-EAST PART OF SITE WITH CAR PARK TO NORTH-EAST PART OF SITE AND BOATYARD AND WORKSHOPS/STORES ON WEST PART OF SITE. REALIGNMENT OF VEHICULAR ACCESS, NEW PEDESTRIAN ENTRANCE FROM WEST AND ASSOCIATED LANDSCAPING AND EXTERNAL WORKS. 85 - 89 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RF

Thank you for the consultation on the above application, please quote our reference on all correspondence.

We have reviewed the information as submitted and have the following comments.

Environment Agency Position

We **maintain our objection** to this application. Whilst we are in receipt of further information supplied by the applicant to address our objection concerning compensation schemes for the loss of Intertidal Habitat proposed by this scheme the following matters are still requiring further clarification;

- **Compensation for the Redevelopment of Sussex Yacht Club**

To be clear the proposed flood defence scheme which requires the Sussex Yacht Club Clubhouse to be redeveloped is **not** a joint EA/AWDC scheme. AWDC are leading on this scheme and the EA has no involvement in this project other than a regulatory one for Flood Defence Grant in Aid.

During talks with AWDC we were informed that the SYC were not open to the concept of pre commencement conditions and therefore, we require the full details of the compensatory habitat scheme to be agreed for us to remove our objection.

We are not satisfied with the current proposal for creation of compensatory intertidal habitat. The applicant has stated (without sufficient justification) that they do not plan to remove the concrete slipway. Whilst the concrete remains in place there is no guarantee further use

could not be found for this asset and may result in less than satisfactory development of intertidal habitat. Leaving the concrete in situ may impact drainage and sedimentation rates as well as causing artificially high saturation of the mud which may also impact silt accumulation.

The WFD Assessment (14896/06/HOP/WFD/01) currently states that loss of saltmarsh will be mitigated. This should read compensated.

To resolve this objection it will be necessary for the applicant to demonstrate that the removal of the concrete is not possible or necessary (confidence that sedimentation will mimic adjacent, natural mudflat) and if that is the case how will it be ensured habitat can develop to its maximum potential i.e. use of brushwood fencing to increase accretion. Confirmation should also be provided as to how and how much compensatory saltmarsh habitat will be created.

- **Tarmount Hard**

Part of the proposals for the redevelopment of Sussex Yacht Club utilises the infilled Tarmount Hard site. We have outstanding concerns that compensatory habitat for the loss of intertidal habitat at Tarmount Hard is still to be delivered (contrary to claims by SYC that our Adur Tidal Walls scheme subsequently built over compensatory habitat).

As we understand it the Tarmount Hard planning permission was never issued. The EA had an outstanding objection on this application and AWDC sought to resolve this objection with a s106 for compensatory habitat. This s106 was never agreed by the EA, no details were received or approved by the EA and as far as we are aware never signed and agreed by Sussex Yacht Club.

The applicant has now provided information (2016 05 18 Tarmount Hard Infill - Compensatory Habitat 14896-01-034 and the HOP report 2016 07 04 - Biodiversity Tarmount Hard Compensatory Habitat) as evidence that the compensatory habitat scheme has been carried out for the Tarmount Hard application.

Our evidence suggests that at the time of carrying out the Shoreham Adur Tidal Walls project this work had not been carried out. The derelict boats were still in situ, therefore the compensatory site was not carried out in full. As part of our project the removal of these boats was investigated but was ruled out, instead the scheme was designed in such a way that the built area on this site represented only a small foot print of 10m^2.

Ultimately, the decision lies with AWDC as to whether they have enough evidence to resolve the outstanding s106. From an EA perspective without this we would maintain our objection on Tarmount Hard.

The following policies set out the Council's responsibilities and should carry substantial weight in any decision on the proposed development.

The Adur Local Plan 2017 ('the Local Plan') was adopted in December 2017 and constitutes the principal development plan document for the district.

Policy 31 of the Adur Local Plan 2017 states that, with regards to impacts on biodiversity:

'If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused.'

This is in accordance with Paragraph 118 of the National Planning Policy Framework (NPPF) which states that if significant harm resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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As set out in the Planning Practice Guidance, Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity (PPG ref. 8-007-20140306). A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its Biodiversity 2020 strategy.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify the Environment Agency to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

Please do not hesitate to contact me on the number below should you have any queries on the above information.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

Direct dial 02030 257250
Direct e-mail planningSSD@environment-agency.gov.uk

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