Marine Management Organisation

Deferral Decision

Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) ("the Regulations")

Case Title: Free Wharf, Shoreham-by-Sea

Applicant: Mr Jeremy Barkaway, Strategic Partnerships Manager, Southern Housing Group

MMO Reference: MLA/2017/00461

Date: 30 August 2018

Contents

1 Introduction 2
2 Proposal 3
2.1 Project Background 3
2.2 Location 4
3 Deferral Information 5
3.1 Notifications – MMO's intent to defer 5
3.2 Review of the other Appropriate Authority's assessment 5
4 Deferral Decision 5

ENVIRONMENT ISO 14001 CERTIFIED QUALITY ISO 9001 CERTIFIED

1 Introduction

The Marine Management Organisation (MMO) considers that the proposed works fall under Schedule A2 paragraph 58 of the Regulations.

'58. Urban Developments, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.'

On the 09 August 2018, Adur District Council issued their EIA consent decision for Free Wharf, Shoreham-by-Sea.

On the 17 May 2018, MMO issued their intent to defer EIA letter by virtue of article 10(1)(b)(i and ii) of the Regulations, on the basis that assessment of the effects of the project has been carried out/would be carried out under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended in 2015).

A decision to defer is subject to MMO being satisfied that the decision issued by the other Appropriate Authority is sufficient to meet requirements of the EIA Directive in relation to the project, as determined through the information assessed below.

2 Proposal

Southern Housing Group have proposed to redevelop the historic Tarmac Wharf and Free Wharf site, Shoreham-by-Sea. The proposal will comprise the construction of ten buildings of mixed use containing 540 new homes, fronting the River Adur. As part of the development, a reinforced concrete (RC) river wall will be constructed along a 300m length of riverbank. This will be set back from the existing steel sheet pile (SSP) wall line. Once the RC river wall is complete the level of existing SSP wall line will be reduced in height to establish 1,180m² of artificial tidal terraces in front of the RC wall. Tidal terraces, which will be submerged at high tide and exposed at low tide, will be covered in rock revetment to provide new intertidal habitat. Above the tidal terraces will be a timber boardwalk. Thirty-four tubular piles of approximately 610mm diameter will be installed within the river zone to provide supports and moorings for the new access jetty, link span bridge and pontoons, which have a total area of approximately 805m².

2.1 Project Background

The application site was recently occupied by Minelco Ltd and comprised of large scale warehouses, predominately 2/3 storeys in height, previously used for the delivery of minerals and aggregate with a large area of hardstanding. A number of large scale warehouses were demolished to slab level in 2016, with only two warehouse buildings remaining. These will be demolished by Q3 2018. The application site occupies an area of approximately 2.96 hectares (ha) of land; approximately 0.28 ha is located within the River Adur.

Condition reports have identified the existing piles at the Tarmac Wharf as failing and therefore need replacing. The existing piles at Free Wharf are considered to have an acceptable residual life but is in need of a corrosion protection system to ensure its continuing life. The existing Tarmac Wharf river wall will be replaced by installing new SSP using over piling techniques. The total area of intertidal mudflat habitat subject to direct loss as a result of the over piling works is 38m².

Mitigation proposed by the proposed development for potential damage to, loss of and shadowing of intertidal mudflats includes implementation of a CEMP and the provision of 1,180m² intertidal terraces provided within the application site, replacing the existing hard-edged estuary wall. The intertidal terraces will vary in height along the length of the wall to maximise the potential for vegetated habitat development, including saltmarsh. The terraces would have a gradual slope forward towards the estuary, to prevent fish and crustaceans becoming trapped on them, and would have a gabion basket base allowing silt accumulation on the surface.

It is the Environment Agency's opinion that current compensation for habitat loss is not strictly like for like. To address this concern, a Section 106 Agreement has been signed between the District Council of Adur, West Sussex County Council and, the applicant, Southern Housing Group Limited, within which it commits the applicant to offer Adur District Council and the Environment Agency payment of the Environmental Improvements Contribution, which is up to a maximum of £30,000 and is to be used towards environmental improvement and mitigation measures necessary as a result of the development.

2.2 Location

The application site is located in Shoreham-by-Sea, West Sussex, within the Western Harbour Arm of the Shoreham Harbour Regeneration area. The application site is bound by the A259 (Brighton Road) to the north and the River Adur (Shoreham Harbour) to the south. The English Channel is located approximately 500m to the south of the application site. The location of the development is displayed in Figure 1 below and the marine element is displayed in Figure 2.

Figure 1: Location of the Free Wharf development.

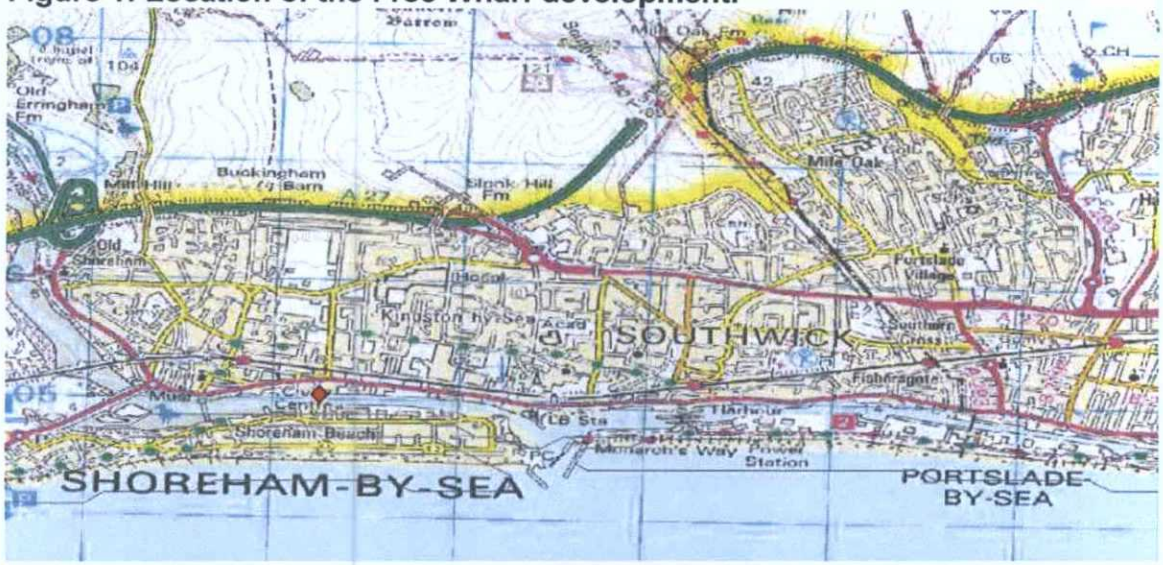
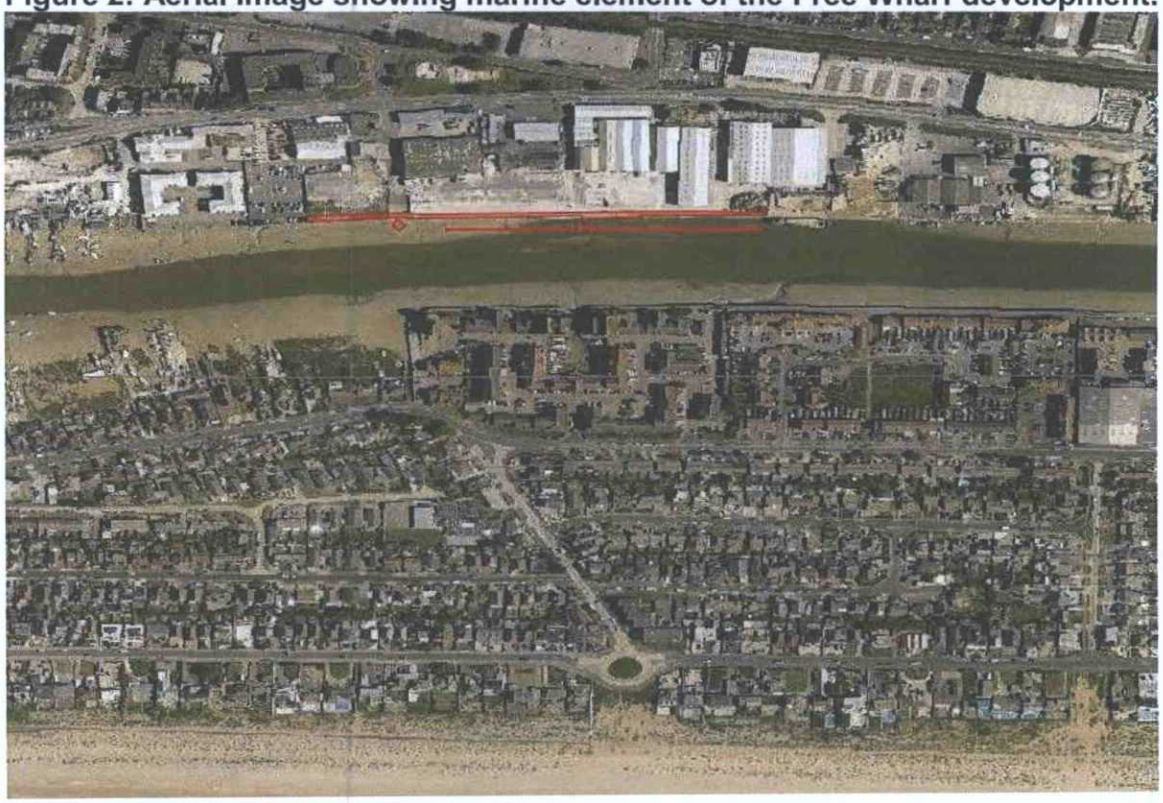


Figure 2: Aerial image showing marine element of the Free Wharf development.



3 Deferral Information

3.1 Notifications – MMO's intent to defer

3.1.1 Applicant has been notified of MMO intent for EIA deferral on MMO marine response cover letter, sent by email on 17 May 2018.

3.1.2 The other Appropriate authority has been notified of MMO's intent for EIA deferral, sent by email on 17 May 2018.

3.2 Review of the other Appropriate Authority's assessment

3.2.1 The other Appropriate Authority has provided consideration relating to EIA and on 09 August 2018, concluded that EIA consent decision **should** be given. **As such, MMO is** satisfied that the information incorporated in the other Appropriate Authority's assessment and subsequent consent is up to date in line with Part 2, 10. 4B of the Regs.

3.2.2 The only likely significant adverse effect that relates to the proposed works in the marine environment is the loss of intertidal mud. This has been addressed by the Section 106 Agreement between the District Council of Adur, West Sussex County Council and, the applicant, Southern Housing Group Limited, which commits the applicant to offer Adur District Council and the Environment Agency payment of the Environmental Improvements Contribution, which is up to a maximum of £30,000 and is to be used towards environmental improvement and mitigation measures necessary as a result of the development.
No other significant adverse effects associated with the works in the marine environment were identified.

4 Deferral Decision

MMO can confirm deferral on the basis that the MMO is satisfied that Adur District Council assessment and subsequent decision is sufficient to meet the requirements of the EIA Directive in relation to the project.

Adam Tillotson
Marine Case Officer

[redacted]

30 August 2018