Lewis & Co Planning

town planning consultants

EIA SCREENING REQUEST REPORT

FORMER HOWARD KENT SITE, 5 BRIGHTON ROAD, SHOREHAM HARBOUR, SHOREHAM-BY-SEA, BN43 6RN



ON BEHALF OF CAYUGA DEVELOPMENTS

JUNE 2021

RTPI

mediation of space · making of place

Client: Cayuga Developments Ltd

Site Location: Former Howard Kent Site, 5 Brighton Road, Shoreham-by-Sea, Shoreham Harbour, West Sussex, BN43 6RN

Job History:

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1.0 INTRODUCTION & EIA PROCESS

1.1 Cayuga Developments Ltd (the Applicant) are seeking planning permission for a proposed mixed-use re-development of an area of land at the former Howard Kent Storage Yard in Shoreham-by-Sea (the Application Site).

1.2 The application site covers an area of land approximately 0.56 hectares in size and falls within Adur District. Adur District Council (who have a combined services arrangement with Worthing Borough Council as 'Adur and Worthing Councils') are the local planning authority.

1.3 The redevelopment of the site is expected to comprise 45 residential apartments (Class C3) alongside a small-scale commercial unit (Use Class E).

1.4 The residential units are to be split between three-storey townhouses and a seven-story apartment building within the western part of the site.



Site Location Plan

1.5 The Environmental Impact Assessment (EIA) Directive requires that projects that are *likely to have significant effects* on the environment by virtue of their nature, size or location are made subject to an assessment of their environmental effects. **The scale of the proposed development for 45 new homes and commercial floorspace does <u>not</u> constitute, in our opinion, EIA development under the EIA Regulations**[1]. This is because it does not

[1] Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended in 2015 and 2017)

meet the definition of a Schedule 2 Development set in the Regulations as an Urban Development Project including more than 150 dwellings (10.b.ii) or a redevelopment of over 5 hectares (10.b.iii).

1.6 The EIA is a formal process to identify and assess the 'likely significant effects' of the project/development on the environment. The assessment should identify these effects for consideration by the relevant competent authority when considering whether to grant planning permission (in this instance, Adur District Council as the local planning authority).

1.7 The process is set out in the EIA Regulations and national planning practice guidance – these apply the EU *"Directive on the assessment of the effects of certain public and private projects on the environment*" (usually referred to as the 'Environmental Impact Assessment Directive'[2]). These are general requirements for the appropriate identification and assessment of impacts and the content of an Environmental Statement (if required). In some cases, a development may be "screened out" by the relevant competent authority.

1.8 The assessment enables the development to be refined by the project team to minimise possible adverse impacts on the environment and maximise the potential for beneficial outcomes.

1.9 A formal EIA Scoping Opinion can also be requested from the local planning authority to identify what issues need to be considered in an Environmental Statement (and during the formulation of the development proposals) as well as the specific areas where the proposals are likely to result in significant environmental effects. Other key environmental stakeholders and consultees can be involved in this process where necessary.

1.10 The purpose of this EIA Screening Opinion Request Report is to agree with Adur District Council that the proposed development is not Schedule 2 development. The Report summarises the existing environmental context, the development proposed, identifies potential environmental impacts and the steps, outside of the EIA process, that have or will be taken to minimise impacts on the environment.

[2] Directive 2014/52/EU (Amending Directive 2011/92/EU)

1.11 Although the project is an Urban Development Project (10.b), the thresholds set out in column 2 of Schedule 2 are not met/exceeded and therefore the project is not a Schedule 2 development. Planning practice guidance (Reference ID: 4-017-20170728) states:

"Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

1.12 Under a Schedule 2 development it may be necessary to prepare an Environmental Statement. However, as the proposals are not Schedule 2 development, the preparation of an Environmental Statement is not required. Notwithstanding this, an assessment of many of the same potential impacts will be set out across subject-specific technical reports that will accompany the planning application. These reports are:

- Air Quality Assessment
- Design and Access Statement
- Drainage Strategy
- Ecological Appraisal
- Energy and Sustainability Statement
- Flood Risk Assessment
- Foul Sewerage Assessment
- Geo-Environmental/Contaminated Land Assessment
- Internal Daylight Analysis
- Lighting Impact Assessment
- Noise Impact Assessment
- Transport Statement

1.13 These assessments will consider the impact of the development against the baseline conditions of the site, as well as the reasonable alternatives considered by the applicant, design development and the rationale for the submitted scheme.

2.0 SITE AND SURROUNDING CONTEXT

2.1 The site is located within the Western Harbour Arm of Shoreham Harbour, an allocated site within the Adur Local Plan 2017 (Adur Local Plan Policy 8) and Brighton and Hove City Plan – Part One. The application site forms a well-defined parcel of brownfield land, which is available for development.

2.2 The site is level grounded and lies at the eastern end of the Western Harbour Arm allocation. To the west of the site is the Kingston Wharf site (in the process of redevelopment following a grant of planning permission in 2020) and to the east lies Shoreham Rowing Club and RNLI Shoreham Lifeboat Station. The southern border is bounded by the River Adur and the A259 runs along the northern border of the site. The railway track is located to the north of the site. The Adur Sailing Club as well as residential flats are located south of the site across the River Adur at the far East side of Shoreham beach.

2.3 Planning applications have been approved for the Free Wharf site (approved in 2018) and Kingston Wharf (approved in 2020) – both to the west of the site. These sites also form part of the wider Local Plan allocation in the Adur Local Plan.

2.4 The character of the immediate locality of the site is currently a mix of residential and industrial/commercial uses, although this character is changing and will be markedly different once redevelopment proposals along the Western Harbour are delivered.

2.5 To the immediate north of the application side are a row of houses and series of small to medium industrial sheds on the north side of Brighton Road, beyond which lies the Brighton to Portsmouth Railway Line.



The site in context

2.6 Adur Local Plan Policy 8 sets a strategic requirement for the delivery of at least 1,100 new dwellings and 16,000m^2 employment generating floorspace across the Western Harbour Arm over the Plan period (to 2032) through the "comprehensive redevelopment" of the area as a mixed-use redevelopment.

2.7 The environmental priorities are to deliver a comprehensive flood defence solution and enhance the natural biodiversity of the area (currently dominated by large industrial uses) through multi-functional greenspaces, improved green infrastructure and the creation and enhancement of habitats.

2.8 The application site is not within a Conservation Area and the closest listed building is the Grade II listed Kingston Buci Lighthouse.

2.9 The nearest nationally designated site is the Adur Estuary to the west and which is designated as a Site of Special Scientific Interest (SSSI) for the presence of tidal mudflats and saltmarsh habitat. In terms of Landscape designations, the South Downs National Park is located approximately 1.5km to the north with the boundary effectively demarcated by the A27. There are no internationally designated sites within 10km of the site, the nearest is the Castle Hill Special Area of Conservation north-east of Brighton (13km).

2.10 The site is located within Flood Zone 3, land with a greater probability of fluvial flood risk (as defined by the Environment Agency). However, the Adur Tidal Walls Project has been proposed by the Environment Agency and was granted planning permission on 1 June 2016. The development at this site has been informed by this flood defence scheme and

in light of these flood attenuation details, the site is suitable for residential development in accordance with the Adur Local Plan allocation.

3.0 PLANNING CONTEXT

3.1 The principle of development is established through the Adur Local Plan 2017 and the Shoreham Harbour Joint Area Action Plan. Adur Local Plan Policy 8 is specifically relevant. It sets the following objectives for the Western Harbour Arm area:

- Deliver at least 1,100 new dwellings and 16,000 sqm employment generating floorspace (including B1 uses)
- Public open space, community uses and small-scale ancillary retail, restaurants and cafes, leisure, and tourism uses will also be provided as part of a sustainable, new waterfront development. Sustainability Statement to be provided with all applications, in accordance with guidance note.
- Area priorities for Western Harbour Arm include:
  - To facilitate the comprehensive redevelopment of the Western Harbour Arm (Waterfront) to become an exemplar sustainable, mixed-use area (classes B1 and C3).
  - To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces.
  - To deliver a comprehensive flood defence solution integrated with a publicly accessible riverside route including pedestrian/cycle way and facilities for boat users.
  - To enhance the area's natural biodiversity by incorporating multi-functional green space, creating and improving habitats and improved green infrastructure links.

3.2 Policy 15 of the Adur Local Plan (2017) requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces. As well as securing the effective and efficient use of the site, the policy also seeks to ensure that proposals will incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.

3.3 Policy 21 of the Adur Local Plan. This states that on sites of 15 (gross) dwellings or more 30% affordable housing will be sought where viable. The preferred tenure mix is 75% social/affordable rented housing and 25% intermediate housing.

3.4 The adopted Planning Contributions for Infrastructure Provision SPD (2013) details a number of infrastructure aims which will be sought through a planning obligation (S106 agreement). It is anticipated that for the proposed development contributions will be required for:

- Open space
- Leisure and sporting facilities
- Education (primary, secondary and 6th form)
- Libraries
- Waste management
- Highways and transport
- Air Quality
- Health Facilities

3.5 The Council's approach to the provision of open space is also set out in its adopted interim planning guidance "*Planning Contributions for Infrastructure Provision"* 2013.

4.0 PROPOSED DEVELOPMENT

4.1 The application is for a residential-led development comprising 45-units of 1-, 2-, 3- and 4-bedrooms. The units will be a mix of 21 townhouses and 24 flats.

4.2 Alongside the residential development will be the creation of new public recreational routes (including riverside walk and a segregated pedestrian and cycle routes along the A259), improved flood defenses and a small-scale commercial unit along the riverfront.

4.3 Parking facilities will be provided for 50 cars and cycle parking. The proposed parking will be the equivalent of one space per dwelling plus visitor parking, with a single space allocated to the commercial unit.

4.4 The proposal will be located on the site of the former Howard Kent removals unit that was demolished following a grant of prior approval.

4.5 The proposed development will comprise of a single seven-storey residential building to the western end and three-storey townhouses across the rest of the application site, alongside high-quality new public realm including the multifunctional riverside walk.

4.6 The Design and Access Statement sets out the range of alternative schemes considered throughout the design process. This sets out a range of environmental considerations including accommodating flood protection, minimising the visual and heritage impact of the proposals and incorporating landscaping and other green infrastructure.

5.0 POTENTIAL ENVIRONMENTAL IMPACTS AND LIKELY EFFECTS

5.1 This section sets out the potential environmental impacts and identifies where the proposed development may result in likely significant effects. It sets out the assessment/s to be undertaken and where necessary the methodology for doing so.

5.2 The accompanying technical studies will be carried out in accordance with relevant guidelines, legislation and statutory guidance.

5.3 In summary, the following environmental impacts have been considered in relation to the proposed development:

- Ground conditions
- Heritage
- Visual impacts
- Water and flood risk
- Climate change
- Construction
- Air quality
- Transport
- Ecology
- Waste
- Lighting
- Daylight, sunlight, overshadowing

Ground Conditions

5.4 A Geo-Environmental/Contaminated Land Statement will be prepared by HOP and will accompany the planning application. The Report will provide a full assessment of the ground conditions of the site and will provide an appropriate assessment and recommendations to identify and remediate contaminated land in accordance with statutory guidance.

Heritage

5.5 The submitted Planning Statement will assess the significance of heritage assets and the potential to be affected by the proposed development. The site itself contains no heritage assets.

5.6 To the east of the site is the Grade II listed Kingston Lighthouse (list entry number 1027897), the Kingston Buci Conservation Area is to the northeast, and the Scheduled Monument Shoreham Fort (list entry number 1005824) is located to the southeast across the harbour.

5.7 The development will form an enhancement to the quality of built development within the settings of the nearby heritage assets and will maintain those positive elements of setting that contribute positively to their heritage significance. The new riverwalk enhances views towards and the experience of Shoreham Fort from across the harbour, increasing the awareness and appreciation of this designated heritage asset.

Visual Impacts

5.8 The Design and Access Statement and Planning Statement will set out the impact of the development on key views. The proposal will improve permeability between the site, riverfront and the surrounding area – both in terms of visual and functional connectivity.

Socio-economic impacts

5.9 A socio-economic technical assessment will be prepared by Marshal Regen. The assessment will consider the impact of the development on economic activity, community infrastructure and local and regional economic development as well as the social and economic sustainability impacts of the development. This work will show that the development will deliver around £30million in investment in the construction phase and will provide an ongoing annual contribution of over £4million to the local economy.

Water and Flood Risk

5.10 The site is located along the western arm of Shoreham Harbour, which forms a key part of the Adur river estuary. The site is considered to be largely located in Flood Zone 3. The online EA maps show the site to be outside any flood risk associated with reservoir flooding and therefore the risk from this source is considered to be very low.

5.11 The flood defences in wider area of Shoreham Harbour are currently being upgraded as part of the Shoreham Adur Tidal Walls Scheme. The redevelopment of the former Howard Kent site includes rebuilding the harbour wall along this reach and crest levels will be in line with the guidance on hard defences, as per the SPD and JAAP guidance. This provides a benefit to the site and the land behind in reducing the current level of flood risk to the site from overtopping of the existing defences.

5.12 A detailed Flood Risk assessment and drainage strategy will be prepared by HOP Consulting. As a strategic allocation in the Adur Local Plan the site has already passed a Sequential Flood Risk Test for the Local Plan, however an Exception Test will be undertaken to show that the development plans do not represent an increase in the flood risk to the site or other properties. Approved improvements to the harbour wall and raised levels across the site will reduce flood risk overall.

5.13 In line with the SPD and JAAP, finished floor levels for the residential accommodation will be set at a minimum of 5.77m above Ordinance Datum (AOD). This requirement addresses the predicted 1 in 200-year tidal flood level for the lifetime of the development and is in full accordance with the requirements of Joint Area Action Plan Policy SH6 (Flood Risk and Sustainable Drainage). Other areas of the development will be protected to 5.47m AOD and will also protect against a 1 in 200-year tidal flood event in accordance with Policy SH6.

5.14 Flood risk to the site generated by high tides and storm surges or a combination of the two are monitored by the Environment Agency and the predictable nature of these events enables some forewarning of potential flood risk. Residents, occupiers and the site management will be signed up the EA's Floodline Warnings Direct service, which alert site users to potential flood risk and allow time to prepare accordingly.

5.15 The proposed residential land use represents a low risk of pollution hazard level to water quality (in accordance with CIRIA C753 SuDS Manual). Introducing pollution control and treatment as part of the drainage strategy can result in a significant improvement to the discharging quality of surface water from the site.

5.16 The river wall is to be rebuilt which will further enhance the sustainability of the site. The planned improvements, upgrades and new infrastructure reduce the potential for flood risk offsite too.

Climate change

5.17 Adur District Council declared a 'Climate Emergency' in 2019 and the long-term and short-term climate impacts of new development are a key consideration in both assessing the environmental impact and wider planning considerations.

5.18 Increased rainfall intensity, longer storm durations and rising sea levels are all attributed to global climate change. Worldwide climate change is influenced by a wide range of human factors, many of which can be affected both positively and negatively by new development.

5.19 Climate change resilience, energy efficiency and flood protection have formed a key part of the design process.

5.20 Given the sensitive location of the site alongside the River Adur, the Flood Risk Assessment and Sustainable Drainage Strategy will form a key part of the application and have informed the development proposals from their inception.

5.21 EA guidance states that up to an additional 40% of rainfall intensity is to be taken into account in the design of surface water management. The site-wide surface water drainage infrastructure will be designed to manage the 1 in 100-year storm event with allowance for climate change in accordance with the Non-Statutory Technical Standards for SuDS.

5.22 An Energy Statement will set out the energy strategy for the site, including provision for a District Heating Network when this project is completed for the Western Harbour Arm.

5.23 Electric charging points and connectivity will be provided across the development in accordance with local standards.

5.24 These proposals, and a wide range of more detailed measures set out in the application documents, will demonstrate the sustainability of the proposals and their ability to respond to climate change and its current and future impacts on the built and natural environment.

Construction

5.25 Full details for the construction process will be controlled through a Construction Management Plan, contents to be agreed with the Council at an appropriate time.

Air Quality

5.26 A detailed Air Quality Assessment will by prepared by Southdowns Environmental Consultants.

Transport

5.27 A Transport assessment will consider the implications of the proposed development on the capacity of the local road network, public transport, cycle and pedestrian facilities as well as the wider sustainability of the site.

Ecology

5.28 An Ecological Appraisal produced by Phlorum will accompany the planning application. This will assess the site's potential to support protected species and habitats which may be affected by the development proposals and suitable mitigation measures and recommendations.

5.29 The site does not lie within or adjacent to any statutory or non-statutory designated sites. The closest protected area is separated by the estuary and a residential area. The change in land-use is not considered to increase any indirect negative impacts already felt on these protected areas by the existing levels of traffic and disturbance on site.

5.30 The site consists almost entirely of hardstanding and has low ecological value for the reasons set out in the Ecological Appraisal.

5.31 Some species may utilise the estuary to forage along, however this route is not considered to be impacted by the proposals. A sensitive lighting scheme is recommended. Intertidal mudflats are the only priority habitat in close proximity to the site (with the closest such habitat on the southern side of the estuary) but these areas will be untouched by the proposals. The Ecological Appraisal will consider any indirect or cumulative impacts arising from the development and other projects.

5.32 Measures to improve the ecological value and potential of the site will be set out within the Ecological Appraisal.

Waste

5.33 Each residential core (six in total) will have a designated refuse store at street level. These will be easily accessible from the vehicle access routes for collection by the Council's Local Authority and Waste Strategy Team.

5.34 The refuse stores will be secure and enclosed and will be positioned adjacent to core entrances and easily accessible for collection.

5.35 The final design will meet Adur District Council waste standards.

Lighting

5.36 Energy efficient external lighting to be specified for the whole development.

5.37 A Light Pollution Assessment prepared by GIA will assess the impact of the development, particularly with regard to the conspicuity of navigation light from the nearby lighthouse and serving the Harbour. No adverse environmental effects are anticipated.

Daylight, sunlight and overshadowing

5.38 The heights of the proposed buildings have been significantly reduced across the majority of the site as part of an iterative design process and the distribution of mass has been thoughtfully considered to ensure the proposed buildings sit appropriately within their context. The only tall building is situated along the western side of the development and relates well to the permitted scheme at Kingston Wharf, reducing the impact on surrounding dwellings.

5.39 A full daylight and sunlight assessment has been undertaken and will demonstrate that the development does not result in significant adverse impacts to surrounding dwellings on the north side of Brighton Road.

Cumulative Impacts

5.40 The site lies in an area identified for redevelopment though the Development Plan. The proposed application will address potential cumulative impacts that could occur from the delivery of multiple large-scale development projects within the Shoreham Harbour area. These potential impacts, covering a variety of different considerations, will be addressed through each relevant application document.

5.41 The delivery of the proposed development alongside the wider redevelopment of the Western Harbour Arm will help deliver cumulative benefits including through the delivery of a continuous riverside walk, creation of a new waterfront community, net gains in biodiversity and flood defence improvements.

6.0 CONCLUSION

6.1 This screening opinion request report includes the necessary information for concluding on the significant effects of the proposed development on the environment or directs the decision-maker to the relevant reports that will contain this information.

6.2 Most importantly, the proposed development does not meet the definition of a Schedule 2 Development due to not meeting the relevant thresholds in terms of site size or quantum of development.

6.3 The report summarises the key environmental considerations that will still form part of the assessment of the proposals at application stage and shows the approach that will be adopted for the development at the former Howard Kent site.

6.4 It is not considered that the site lies within a sensitive area, nor will the development result in any significant effects on the environment.

6.5 If this report provides sufficient information with which the local planning authority can 'screen out' the proposed development, then we request that it issues a screening opinion stating so.

Lewis & Co Planning
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