Adur & Worthing councils

Development Management

Mr Joseph Pearson
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2 Port Hall Road
Brighton
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Our reference: EIAOPINION/0001/18
Please ask for: Jackie Fox
Direct Line: 01903 221312
Date: 26th March 2018

Dear Pearson,

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015

EIA Screening Opinion for mixed used development comprising approximately 179 apartments (Class C3) and mixed use commercial element of 1no. supermarket (Class A1), 1 no. retail store (Class A1), 1no. Cafe (Class A3) and Class B1 offices.

Kingston Wharf Brighton Road Shoreham-By-Sea West Sussex

I refer to your letter received on 28th February 2018 requesting a Screening Opinion for the development described above.

The Council considers that the proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects' of the Regulations. The site is not located in a sensitive area and therefore the thresholds should be applied. At approx. 176 dwellings and 1.6ha, the proposed development exceeds the threshold of 150 dwellings but does not exceed the overall 5ha threshold, and accordingly the submission of a request for a screening opinion is considered to be appropriate.

Screening Assessment Exercise

In undertaking its screening assessment, the Council has had regard to the selection criteria in Schedule 3 of the 2017 Regulations, the requirement to consider cumulative effects identified in Schedule 4, and advice in the NPPG. The Council's consideration of the potential environmental effects of the development is set out below in relation to the characteristics of the development, the location of the development, and the characteristics of the potential impact of the development:

The Planning Practice Guidance (PPG) advises that Schedule 2 projects should be assessed on whether the proposal is likely to have significant effects on the environment, taking account of the selection criteria set out in Schedule 3. If this assessment finds that environmental effects are likely, then an EIA will be required. The PPG also advises that only a very small proportion of Schedule 2 development will require EIA.

Schedule 3 Assessment

Schedule 3 of the Regulations requires the proposal to be assessed against three main selection criteria: Characteristics of the Development, Location of the Development, and Characteristics of the Potential Impact.

Schedule 3 lists certain Characteristics of the Development that should be considered:

a) Size of the development – The site comprises an area of approx. 1.6 ha. The proposal is for a mixed use development which will include residential units – approx. 179 apartments in four main blocks and a mixed use commercial element of 1 supermarket , 2 retail stores, a cafe and B1 offices. The commercial development will provide 2,797sqm of retail floorspace (use class A1) across two units; 224sqm of café floorspace (use class A3) and 634sqm of office floorspace (use class B1). The height of residential buildings is 4-8 storey. The development would replace an existing warehouse/retail unit and day aggregates builders yard and store.

The scheme proposes development which would be greater in scale and use than the existing site and surrounding context which is predominantly a mixture of commercial development. It is however situated in an area identified for mixed development with a greater scale of development. A Landscape and Visual Impact Assessment (LVIA) would be submitted in support of any planning application. It is important that this document not only identifies the impact of the development on key views but also how the development relates to the existing near and wider townscape context.

The scheme proposes a supermarket and 2 retail stores with a retail floor space of approx. 2,797sqm. The site is out of centre and therefore important that any submitted documentation with an application includes a retail assessment to address the likely impact on the town and other centres of a retail development which is more than ancillary.

b) Cumulative Effects with other development – The site is part of wider redevelopment identified within the Adur Local Plan and Shoreham Harbour Joint Area Action Plan (JAAP). There are some committed developments along the Shoreham Harbour frontage and two current major planning applications close to the site at Free Wharf (to the west of the site) and the former Howard Kent site (immediately to the east). The proposal therefore has potential for cumulative impact. It is considered that the application documents need to take into account the relationship with existing and potential developments and any cumulative effects in terms of traffic and other consequences.

c) The use of natural resources – The site comprises brownfield land. It is anticipated that the use of natural resources will be typical for an urban development project such as that proposed. The commercial development would be subject to a BREEAM assessment. The site would be expected to comply with Local Plan policy and the Shoreham Harbour Joint Area Action Plan (JAAP) to provide renewable energy opportunities

d) The production of waste – This will largely comprise the demolition of the existing buildings and waste material from the site. The development would result in the production of operational waste which would be disposed of in line with Adur District Council and applicable national legislation. A site waste management plan should be prepared at the appropriate stage and could be dealt with by condition.

e) Pollution and nuisances – the demolition and construction will generate dust and potential impacts on air quality and noise. A Construction and Demolition Management Plan could be secured by condition to any subsequent planning permission which will limit the hours of construction and control dust. Once the development is in use there will be potential impacts on air quality such as additional vehicle movements relating to the residential and commercial uses which need to be carefully assessed. An air quality assessment and noise assessment will be provided with any application.

The site is situated with Shoreham Harbour where there is a known conflict with potential for harmful light sources to shipping. A lighting assessment will be provided with any application.

f) The risk of accidents. There is not expected to be a high risk of exposure to or use of hazardous materials, or contaminants being released into the land or water environment. The anticipated risk of accidents will be low and managed in accordance with Health and Safety regulations. The site is adjacent to an estuary and measures would need to put in place to accord with health and safety regulations. A Construction Management Plan can be dealt with by condition.

The site is largely in flood zone 3. The flood defences in wider Shoreham Harbour are currently being upgraded. The application site includes rebuilding the harbour wall along the reach and crest levels will be in line with guidance on hard defences as per the SPD and JAAP guidance. A detailed flood risk assessment and drainage strategy will be prepared as part of the application.

The Location of the Development needs to be considered in respect of the environmental sensitivity of the site and surrounding area, looking at the following factors:

a) The existing land use – the site is currently being used as a builders merchant and day aggregates bagging plant, both sites have existing permanent structures. The eastern end of the site is occupied by the 'Stamco' building and there is also a small structure on the south –east of the 'Day Aggregates' site. The proposed use is therefore a different operation to proposed use and therefore has potential to have an impact on the surrounding population. The site is not directly opposite residential development and potential impacts can be dealt with by the submission of daylight/sunlight/overshadowing and socio economic impacts that would be submitted with any application.

b) The relative abundance, quality and regenerative capacity of natural resources in the area – The site is a brown field site, it lies outside the Air Quality Management Area (AQMA) There is a village green to the east but not abutting. The site is adjacent to River Adur to the south.

c) The absorption capacity of the natural environment, paying particular attention to the following areas: wetlands, coastal zones, mountain and forest areas, nature reserves and parks, wildlife protected areas, areas where the environmental quality of standards laid down by the EU legislation have already been exceeded, densely populated areas, and landscapes of historical, cultural and archaeological significance – The nearest nationally designated sites is the Adur estuary to the west which is designated as a site of special scientific interest (SSSI). The nearest landscape designation is the South Downs National Park which is located approx. 1.5m to the north. The site is located within flood zone 3, land with greater probability of fluvial flood risk (as defined by the Environment Agency). The site is also adjacent to the River Adur in Shoreham Harbour.

The site is not within a Conservation Area and the closest listed building is the grade ll Kingston Buci Lighthouse.

There are no known scarce resources on the location which would be affected by the development.

There is a SSSI within fairly close proximity. It is not considered that there will be any significant effects on sensitive species or flora or fauna. An ecological and biodiversity survey will be submitted with any application which will allow for consideration of these issues.

The potential exists for designated heritage assets, particularly Kingston Buci Lighthouse to be effected by the development. A heritage assessment will be submitted with any application which will allow for these issues to be considered.

The nearest designated landscape area is the South Downs national park. A landscape Visual Impact Assessment will be submitted with any application which will allow for these issues to be considered.

The development has potential to increase the number of vehicles using the local road network both during the demolition, construction and operational phases of the development. However, it is not considered that there will be any significant environmental effects in this respect, but a Transport Assessment / Statement would be submitted with any planning application which would allow for consideration of these issues.

The development will be taller than current development on the site and current surrounding development and will therefore be visible from a number of vantage points around the site. There are taller buildings being constructed further to the west. A landscape and visual impact assessment would be submitted with any application which would allow for an assessment of the visual impact of the development.

It is not considered that the development is likely to result in pollution or environmental damage. An Air Quality Assessment and FRA will be submitted with any planning application which would address air quality and flood risk issues.

Characteristics of the Potential Impact – the potential significant effects of the development need to be considered in relation to the criteria set out in paragraphs above, and having regard in particular to:

a) The extent of the impact (geographical area and size of the affected population) – the site extends to 1.6ha, proposing development for approx. 179 residential apartments and mixed use commercial with a height of 4-8 storeys. The proposed development would be a significantly different development than currently exists on the site and the area generally. However; the change in circumstances should be viewed in the context of the site's urban location. In addition the NPPG at para 58 identifies a threshold of 1000 dwellings as an indication of the scale at which developments would be seen to have a significant urbanising effect. This threshold is significantly greater than the amount of units provided by this development (i.e. 179 residential units.)

Whether the types of impact are of a markedly different in nature it is necessary to consider the characteristics of the potential impacts in terms of:

Traffic

The proposal will involve traffic for residential as well as commercial development different in nature to the current transport requirements on the site. A supermarket is proposed on the site, the potential for impact on existing residents is therefore not only short terms over the construction period but also over the longer period. A Transport Statement will be provided with the planning application to assess the impact on the highways network.

Noise

A detailed Noise Impact Assessment report will be submitted in support of the application. The uses proposed do not generate noise above that which would be typical for an urban area.

Air Quality

An Air Quality Assessment will be submitted as part of the application to assess both the construction and operational impacts of the proposed development and the impacts of any existing air pollution on the site and the mitigation measures that will be appropriate.

With regards to the construction of the development, good site practice and the implementation of several mitigation measures will ensure that the construction phase of the development is acceptable. A draft Construction Management Plan will be submitted at the appropriate which details the mitigation measures which will be put in place at construction stage.

Ecology

This site currently contains an active builders yard and aggregates store The site is entirely hardstanding or buildings. It may support some species within the estuary for foraging. An Ecology Statement will be provided in support of the planning application.

Flood Risk

The site is within Environment Agency Flood Zone 3. 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 Kingston Wharf site includes rebuilding the harbour wall along this reach and crest levels will be in line with the guidance and flood defences, as per the SPD and JAAP guidance. A detailed flood defence assessment will be prepared as part of the application.

Heritage

To the east of the site is the grade ll listed Kingston Buci lighthouse, the Kingston Buci Conservation Area is to the northeast and the scheduled monument Shoreham Fort is located to the southeast across the harbour. A Heritage Statement will be submitted to assess the impact of the development on above ground heritage assets.

It is considered that in view of the history of the Shoreham port and harbour an Archaeological Assessment should be provided with the planning application to assess the impact of the proposals on archaeological remains.

Visual Impact

The site is earmarked for mixed use redevelopment within the Adur Local Plan and JAAP. The emerging Shoreham Harbour Joint Area Action Plan envisages development over 3 storeys would have to take into account the impact on the grade ll listed Kingston lighthouse and also views from Shoreham beach to The South Downs. The proposed height of 4-8 storeys may have a wider visual impact. A landscape and visual impact assessment would be provided to the support the application

Cumulative Impact

The site lies in an area identified for redevelopment. The proposed application will need to address the cumulative impacts both known and potential on the near and wider environment which cumulatively could be significant.

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b) The transfrontier nature of the impact – there are no transfrontier impacts predicted as part of the proposed development.

c) The magnitude and complexity of the impact – the development is for approx. 179 dwellings plus commercial development. The site is previously developed and contains buildings. The proposed development, by reason of its likely height alone, would have some visual impact on The Kingston lighthouse and would be visible from a number of long-view vantage points. The height may also have an impact on sunlight and daylight to neighbouring properties. This is not considered significant if adequately addressed with design and context. The cumulative impact could be significant but needs to be addressed in context with the redevelopment of Shoreham Harbour as a whole. The likely level of vehicular movements compared to the existing use needs to be addressed in terms of air pollution, noise, vibration and impact on the highway although this is not considered significant in view of the existing site use and the wider redevelopment. Flood risk in the area generally is being addressed and the mitigation works will seek to address this further. Ecology is likely to be low on the site as existing but could be enhanced by redevelopment. Impacts on heritage need to be addressed but are not considered significant.

d) The probability of the impact – Should the proposal achieve planning consent and be implemented, the potential impacts outlined in c) above are highly probable but not significant.

e) The duration, frequency and reversibility of the impact – Once implemented, the development is likely to remain for the foreseeable future and is only reversible if the site is redeveloped in the future but the impacts from a residential development are likely to be relatively limited and not significant.

Planning Application Documents:

It is considered that any potential impacts of the development can therefore be fully assessed through the series of technical reports that would accompany the planning submission. The reports proposed to be submitted with the planning application and for which your agreement is requested on the scope and detail of information to be provided include:

- Air Quality Assessment;
- Daylight and Sunlight Assessment;
- Design and Access Statement;
- Archaeological Assessment;
- Draft Construction Management Plan;
- Drainage Assessment Report
- Ecology Statement;
- Economic Assessment;
- Energy Strategy report
- Flood Risk Assessment;
- Foul Sewerage Assessment
- Geo-Environmental/ Contaminated Land Statement;
- Landscape visual impact assessment,
- Landscaping Strategy
- Light pollution Assessment
- Lighting and Public Realm Design Statement;
- Noise Assessment;
- Planning Statement;
- Refuse and recycling details
- Retail Assessment
- Shoreham Harbour Lighting Impact Assessment
- Sustainability Statement (including BREEAM Pre-Assessment);
- Transport Statement;
- Travel Plan Framework; and
- Viability Assessment.

Conclusions:

The site, as a Schedule 2 (Infrastructure Project) is not large enough to automatically trigger EIA; however, as has been demonstrated in this report, the development proposals have been screened against the relevant provisions of the EIA Regulations 2017 and National Planning Practice Guidance.

Regulation 5 of the 2017 Regulations requires the relevant planning authority, in adopting a screening opinion, to state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. If it is determined that the proposed development is not EIA development, the planning authority is required to state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment.

The Council has screened the proposed development, having regard to the selection criteria in Schedule 3 of the 2017 Regulations. The Council has paid particular regard to the characteristics of the development, its location, and the characteristics of the potential impact of the development. Consideration has also been given to the requirement to consider cumulative effects identified in Schedule 4. In accordance with Regulation 6 of the 2017 Regulations, the developer has submitted an analysis of the features of the proposed development and any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. The comments under the heading 'Screening Assessment Exercise' in the preceding sections of this screening response summarise the Council's conclusions on the likely impact of the development. An assessment has been made as to whether it will have significant effects, whilst the measures proposed by the applicant to avoid or prevent impacts that might otherwise have been significant adverse effects on the environment have been considered. In this regard, opportunities to avoid or mitigate any harm, by the use of appropriate planning conditions, have been identified. It is also noted that any planning application for the proposed development will be accompanied by an extensive suite of documents. It is considered that these documents will allow a full assessment of the impacts of the development

The Council has also had regard to the indicative criteria and thresholds identified in the NPPG. The NPPG notes that the key issues to consider for urban development projects are the physical scale of the development, and the potential increase in traffic, emissions and noise. It is considered that the proposals would be in keeping with the current nature and scale of the surrounding development and the urban context.

Adur & Worthing councils

Planning, Regeneration and Wellbeing

The proposed development is below the 1,000 dwelling threshold in the NPPG, where significant urbanising effects could occur and is in an area allocated for redevelopment. During demolition and construction, the potential increases in traffic, emissions and noise will be temporary, commensurate with a typical construction site and will be within the context of an existing urbanised, residential and commercial setting. The site makes efficient use of previously developed land and is not located within a sensitive area. The development would not result in unusually complex or potentially hazardous environmental effects. The site is within Flood Zone 3 but due to existing flood defence work in Shoreham Harbour and mitigation as part of the proposal would not trigger the need for a full EIA assessment. The redevelopment of the site is envisaged by the Adur Local Plan, SPD and emerging Joint Area Action Plan.

For the reasons given above, it is not considered that the site lies within a sensitive area, nor is it considered that the proposed development will result in any significant effects on the environment. Having regard to the relevant regulations and guidance, the Council does not consider that an Environmental Impact Assessment is required for the proposed development.

Yours faithfully

James Appleton
Head of Planning and Development

ADUR DISTRICT COUNCIL

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