ADUR DISTRICT COUNCIL

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Our reference: EIAOPINION/0003/19
Please ask for: Stephen Cantwell
Direct Line: 01903 221274
Date: 29th January 2020

Dear Sir,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011 ORDER

EIA Screening Opinion for Redevelopment of the site comprising 255 residential apartments (Class C3) and a mixed use Enterprise Centre comprising Class B1 Offices, Class B8 Self Storage Units and an A3 Cafe.

Land At Kingston Wharf Brighton Road Shoreham-By-Sea

I write further to your request for an EIA screening received on 23/12/2019.

In exercise of the powers conferred by Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) the 'EIA Regulations', the Council adopts the opinion that the development described in your submission is not development which requires the further EIA process and an Environmental Statement is not required to be submitted for the development proposed.

However, the environmental factors considered under EIA regulations are also subject of by technical reports and assessments required for a planning application. A list of these is attached to the end of this letter.

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. 255 dwellings and 1.6ha, the proposed development exceeds the threshold of 150 dwellings and is more than 1ha of urban development which is not dwellinghouse development 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 'EIA' 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 'Environment Impact Assessment' (NPPG, last updated March 2019) 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 guidance also advises that only a very small proportion of Schedule 2 development will require EIA.

Schedule 3 Assessment

Schedule 3 of the EIA 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.

The Schedule 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 255 residential flats between four and eight storeys. A commercial building of approx. B1 - 2,276sqm; B1/B8 -1.927sqm; B8 - 4,188; C3 - 99sqm and five-six storeys with 296 car parking spaces, cycle parking, riverside walk, river wall works, cycle paths and landscaping. 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 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 in the adopted Adur Local Plan, 2017 (ALP) and Joint Area Action Plan 2019 (JAAP). A series of documents would be submitted in support of any planning application including a Landscape and Visual Impact Assessment (LVIA). This should identify not only the impact of the development on key views but also how the development relates to the existing near and wider townscape context.

b) Cumulative Effects with other development - The site is part of wider redevelopment identified within the ALP and JAAP. There are some committed developments along the Shoreham Harbour frontage including Free Wharf (approximately 850m to the west of the site). The proposal therefore has potential for cumulative impact as anticipated by the JAAP, such as changes to traffic and transport, including sustainable alternatives to private car use by the provision of a continuous riverside path and roadside cyclepath, provision for electric cars and provision for connection to the future Shoreham Harbour district heating system. These measures seek to address impacts which are related to the Council's declared climate emergency.

c) The use of natural resources - The site comprises previously developed 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. Provision for district heating system and renewable energy would accord with the ALP and JAAP.

d) The production of waste - Demolition of the existing buildings and excavation would produce waste material, the management of which would be described in a Construction Environment Management Plan (CEMP) with site waste management plan and could be secured by planning condition. The development would also result in the production of operational waste which would be disposed of in line with Adur District Council waste management requirements and applicable national legislation.

e) Pollution and nuisances - The demolition and construction would generate dust and potential impacts on air quality and noise. A CEMP would be secured by condition to any subsequent planning permission which would limit the hours of construction and methods for the control of dust. Air quality is currently within national targets and air quality assessment would compare existing and proposed development/uses in terms of traffic impacts, including sustainable transport facilities. A noise assessment would also be required provided with any application.

   The site is situated with Shoreham Harbour where there is a known potential of risk to shipping from new light sources. A lighting assessment would be provided with any application to inform the location and type of lighting and whether any screening would be needed.

f) The risk of accidents. - The site is adjacent to a road and river where health and safety measures would need to put in place for instance, licensing for cranes or plant. These are subject of other regulatory regimes but should be referred to in a CEMP. Land remediation works would be assessed as a multi-stage project comprising design, implementation and verification, controlled via planning condition, which would manage risk of accidental pollution. The CEMP would also include provision of a site compound with storage for materials such as oils or other substances used in development process.

g) The site is largely in flood zone 3 with greater probability of surface water flood risk. The flood defences in wider Shoreham Harbour have been upgraded and further works would be required for redevelopment of individual harbour sites, including Kingston Wharf. Works to the harbour wall and crest levels as part of the Kingston Wharf proposals would be in line with guidance on hard defences as per the JAAP. A detailed flood risk assessment and drainage strategy will be required as part of the application, including provision of sustainable drainage (SUDS) methods, to reduce surface water drainage risks.

The Location of the Development in respect of the environmental sensitivity of the site and surrounding area includes the following factors:

a) The existing land use - the site was last used as a builder's merchant and aggregates bagging plant until 2018, it contains permanent structures and extensive hard surfacing. The proposed use is for a different commercial activity but the B1 component is unlikely to have negative impacts. Consideration would be given to mitigation if need for risks from the proposed B8 use, such as noise, although distance from neighbouring residents is noted. 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 previously developed land 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.

d) In terms of sensitive areas, as defined by the EIA Regulations, the nearest nationally designated sites for nature conservation is the Adur estuary SSSI, 150m upstream to the west. The site is 10-12km from Marine Conservation Zones at Beachy Head West and Kingmere. Natural England confirms that the proposals are unlikely to affect the protected site or protected species; the Marine Management Organisation (MMO) also raise no objection, it also refers to its separate licencing and EIA screening procedure. An ecology assessment with any planning application should also consider include tidal mudflats to ensure that works to the harbour wall do not affect these, although the wall alignment is not expected to change.

The nearest landscape designation is the South Downs National Park which is located approx. 1.5m to the north. Distance and intervening development indicate that significant impact is unlikely but mindful of proposed height up to eight storeys, a landscape Visual Impact Assessment would be submitted with any application which will allow for further consideration.

The site is not within a Conservation Area and the closest listed building is the Grade ll Kingston Buci Lighthouse. Shoreham Fort at Shoreham Beach is also a Scheduled Monument. Distance and intervening development would limit likely impacts upon these and a detailed heritage statement would be submitted to examine these relationships in greater detail.

There are no known scarce resources at the site which would be affected by the development.

The site is located within flood zone 3, as referred to at (g) above including measures to reduce risk.

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. It also proposes sustainable transport measures including cycle and footpaths in accordance with the JAAP. Taking into account these factors and the existing planning use, the impacts are considered unlikely to be significant but a Transport Assessment would be submitted with any planning application would allow for further consideration and the extent of required mitigation.

Development would be taller than the existing buildings on site and would therefore be visible from a number of vantage points. There are relatively tall buildings under construction 850m to the west and the site is within an extensive built-up area. Whilst this impact is considered unlikely to be significant, there are important townscape and landscape considerations to be made in a planning application; a landscape and visual impact assessment would be submitted to allow for this.

In consideration of air quality, the site is 1km from the Shoreham Air Quality Management Area in an area which is below air quality target limits. An Air Quality Assessment following published guidance for Sussex, 2020 and Flood Risk Assessment (FRAO) would be required with any planning application to consider in detail, air quality and flood risk issues and mitigation.

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 having regard in particular to the following, although there is much overlap with points already covered in this assessment:

a) The extent of the impact (geographical area and size of the affected population) - the site extends to 1.6ha, proposing development for approx. 255 residential flats and B1/B8 commercial, and lesser C3 use 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 national guidance - the Environmental Impact Assessment NPPG - identifies a threshold of 1000 dwellings or 10,000sqm commercial as an indication of the scale at which developments for which an Environmental Statement may be required, the proposal falls below this.

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 would involve traffic for residential as well as commercial uses which is likely to comprise a different mix of vehicles and time distribution for trips but also important new provisions for cyclists and pedestrians. A Transport Assessment will be provided with the planning application to assess the overall impact on the highways network in greater detail, and the delivery of the sustainable transport provisions.

Noise
The site adjoins a metal recycling business. The proposal would place the commercial storage building, which is relatively less susceptible to noise at this western side of the site. This would also provide a degree of noise bufferage to the proposed residential and reduce the likelihood of significant noise impact. A noise assessment would be required as part of a planning application, to examine any residual noise and vibration form this and other sources, including the adjoining road, as recommended by the Environmental Health officer. This would inform the type and extent of mitigation, such as acoustic glazing.

Air Quality
Air quality impacts associated with traffic of the existing and proposed uses and construction phase would be subject of an Air Quality Assessment, with reference to existing air quality, which is currently below air quality target limits. Mitigation of development impacts, such as the control of dust are a potential component of a CEMP, under a planning condition. Other appropriate mitigation, such as the promotion of sustainable transport and electric vehicles may also be identified and secured by planning conditions or legal agreement.

Ecology
The extensive hard surfacing and commercial buildings appear to have low ecological value and the development would not appear to involve the loss of habitat but brings the possibility of some modest new planting. Its location 1.5m downstream of the R. Adur SSSI and distance from marine conservation zones (10-12km) also indicates no likely significant impact. An Ecology Statement with further survey information would be provided in support of the planning application in order that any residual impact, for instance, arising from land remediation of bank repairs, along with ecological enhancements, can be managed through planning conditions.

Flood Risk
As acknowledged in the approved JAAP, 2019, the site is within Flood Risk Zone 3 and accordingly the provision of flood defences and level raising are an identified JAAP requirement in order to meet national planning requirements, including provision for climate change. These would be an intrinsic part of the proposed development and limit the risk and impact to that which is accepted under national provisions.

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. As these are separated by distance and intervening development there is limited likelihood of significant effects. A Heritage Statement would be submitted to assess the impact of the development on above ground heritage assets.

Although not within an archaeological notification area it is considered that in view of the long period of use of the harbour an Archaeological Assessment should be provided within a planning to examine more closely the potential for archaeological remains.

Visual Impact
The redevelopment envisaged by the Adur Local Plan and JAAP allows for the possibility of new building forms, including the possibility of tall buildings, subject to detailed landscape, townscape and visual appraisals. Consideration should also be given to matters such as daylight and privacy within the development and for neighbouring sites, including existing residents nearby.

The South Downs National Park 1.5km to the north is a sensitive designated landscape. The proposal for buildings up to eight storeys is likely to be visible form the Park but in the context of the wider, extensive built-up area. This height, context and distance is considered unlikely to les to significant visual impacts, subject to detailed consideration of the appearance and layout of any proposed buildings.

Cumulative Impact
Identification of the site by the Local Plan and JAPP as one of several areas for redevelopment within Shoreham Harbour, acknowledges that impacts will be cumulative, for instance area-wide flood defence improvements delivered collectively by individual sites; traffic effects, including provisions for sustainable transport by the delivery of new cycle and footpaths, cycle facilities and travel plans; a change in the overall appearance and character of the area as a new mixed-use community is formed.

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b) The trans-frontier nature of the impact - effects of development are likely to be largely limited to the local District. The effect on movements and traffic may be somewhat more dispersed. The assessment and mitigation of air, energy, heating and transport aspects of the development will assist in the wider matter of climate emergency.

c) The magnitude and complexity of the impact - the proposal constitutes a major development in planning terms but replaces an existing commercial use across the site. In terms of scale the new buildings would be of greater height and from some vantages, visible over greater distances and this would be a normal planning consideration. Some impacts are complex, such as the inter-relationship between remediation, pollution and water, but are likely to be capable of management through conditions some with multi stage approval in order to manage risks and impacts. Air impacts of the completed development are likely to be related to traffic, and the assessment of traffic changes in a transport assessment would also form part of an air quality assessment including the identification of appropriate mitigation. Risk of accidents can also be subject of the CEMP, with reference to other health and safety regimes.

d) The probability of the impact - Should the proposal achieve planning consent and be implemented, the potential impacts outlined in c) above are probable.

e) The duration, frequency and reversibility of the impact - Once implemented, the redevelopment as proposed is likely to remain for many years and is only reversible if the site is redeveloped in the future.

Conclusions

The site, as a Schedule 2 Infrastructure Project, category 10 (b) under the EIA Regulations, does not automatically trigger the requirement for the full EIA process (the provision of an Environmental Statement) due to its size. It is below the indicative threshold in national guidance of the scale at which developments for which an Environmental Statement may be required and is not within a sensitive area as defined in the Regulations.

This screening assessment and associated report has also considered the characteristics, location and likely impacts of the proposal including cumulative effects and the measures which may be required to avoid or prevent significant impacts including:

The intrinsic provision of sustainable transport measures - new cycle and footpaths; electric vehicle charging facilities; flood defences including raised levels and works to river walls and new landscaping. Other mitigations include: land remediation works; a construction environment management plan (CEMP), including waste management and provisions for health and safety; management of piling measures including protection of the water environment and biodiversity; sustainable surface water drainage; future connection to the Shoreham District Heating system; acoustic glazing; provisions for infrastructure in accordance with the Adur District Planning Contributions Interim Guidance document, 2013.

These matters can be secured by planning conditions and legal agreement in the event of a planning permission. Health and Safety matters outside the planning process should be referred to in the CEMP to assist in wider risk management.

Following this assessment, the proposal, including measures of mitigation via planning conditions and legal agreement, it is considered unlikely to give rise to significant effects and impacts and the further EIA process, the provision of an Environmental Statement, is not required.

However, the environmental factors considered under EIA regulations are also considered by technical reports and assessments which as requirements of planning application for developments such as that proposed here. A list of documents which should accompany such an application is below.

This conclusion of this screening opinion is for the purposes of Environmental Impact Assessment Regulations. It does not prejudge whether or not development would be acceptable in planning terms and does not prejudice the determination of any planning application.

Yours Sincerely

James Appleton
Head of Planning and Development

Planning Application Documents

- Air Quality Assessment & Emissions Mitigation Statement
- Affordable Housing Statement
- Daylight and Sunlight Assessment
- Design and Access Statement
- Draft Construction Management Plan
- Ecology Appraisal
- Economic Assessment
- Energy Statement & Strategy
- Flood Risk Assessment
- Drainage Assessment or Strategy
- Geo-Environmental/ Contaminated Land Statement
- Heritage Statement
- Landscape visual impact assessment
- Landscaping Strategy
- Light Pollution Assessment
- Microclimate Assessment
- Noise Assessment
- Transport Assessment