MOTT MACDONALD

Shoreham Adur Tidal Walls - Reach W7

Footpath Diversion Order Application

13 December 2017

Environment Agency
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Mott MacDonald
Mott MacDonald House
8-10 Sydenham Road
Croydon CR0 2EE
United Kingdom

T +44 (0)20 8774 2000
F +44 (0)20 8681 5706
mottmac.com

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Mott MacDonald Group Limited.
Registered in England and Wales no. 1110949. Registered office: Mott MacDonald House, 8-10 Sydenham Road, Croydon CR0 2EE, United Kingdom

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Contents

1 The Proposal 1

1.1 The Applicant 1
1.2 Description of Works 1
1.2.1 Planning Permission AWDM/1614/15 1
1.2.2 Consultation with West Sussex County Council 2
1.2.3 Land Ownership 3
1.2.4 Existing Footpath 3
1.2.5 Proposed Footpath 6

2 Summary 8

Appendices

A. Application Letter from the Environment Agency

B. Footpath Diversion Order Drawing

C. Planning Permission Drawings (AWDM/1614/15)

D. Revised Drawings

E. Landscaping Drawings

F. Landowner and Leaseholder Approval Letters

G. Saltmarsh and Mudflat Compensatory Habitat Plan

H. Archaeological Written Scheme of Investigation

I. Construction Methodology

1 The Proposal

As part of the Shoreham Adur Tidal Walls scheme being undertaken by the Environment Agency, a section of Public Right of Way is required to be permanently diverted in order to allow for the construction of a new flood embankment on land adjacent to the Shoreham City Airport at Shoreham-by-Sea.

This application for a Footpath Diversion Order is made to Adur and Worthing Council in accordance with s257(1) of the Town and Country Planning Act 1990 (TCPA) which states that:

> *Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath…if they are satisfied that it is necessary to do so in order to enable development to be carried out –*
>
> *in accordance with planning permission granted under Part III…*

The relevant planning permission granted by Adur and Worthing Council for the scheme is referenced as AWDM/1614/15 which was approved on 1 June 2016.

1.1 The Applicant

The applicant is the Environment Agency (EA), as follows:

Graeme McClure– Project Manager
National Capital Programme Management Service
Environment Agency
Guildbourne House, Chatsworth Road, Worthing, BN11 1LD
Mobile: 07748321059
Email: Graeme.McClure@environment-agency.gov.uk

Find attached letter at Appendix A from the applicant confirming payment of any fees and permission to inspect the site.

1.2 Description of Works

1.2.1 Planning Permission AWDM/1614/15

The overall development to which this application relates is the Shoreham Adur Tidal Walls scheme which was approved by Adur and Worthing Council on 1 June 2016, planning permission reference AWDM/1614/15.

The overall scheme involves the improvement of over 7km of tidal defences along the eastern and western banks of the River Adur in Shoreham-by-Sea in order to protect an identified 2,300 households and 150 commercial properties that are identified as being at significant risk of tidal flooding. The scheme includes construction of a variety of flood defence structures, including sheet pile walls, reinforced concrete walls, flood embankments, flood glass and flood gates. associated works include re-landscaping along the length of the scheme, creation of 1.3ha of intertidal salt marsh, and improvements to public spaces including public rights of way.

The public right of way to which this application relates is located in Reach W7 (as referenced in the planning permission) which runs alongside Shoreham City Airport adjacent to the banks of the River Adur. In this area it is necessary to create a new, higher, embankment to provide flood

protection and as such the right of way will need to be reconstructed to the west of the existing alignment.

The attached drawing at Appendix B, reference IMSO000648-MMC-01-W7-DR-C-2749, shows the existing public right of way in red and the proposed new public right of way route in green.

The planning permission drawings of relevance to Reach W7 as approved under AWDM/1614/15 are provided with this application for reference. Some minor changes to the design have occurred since grant of permission as follows:

Table 1: Description of Changes to Planning Permission Drawings since Grant of Planning Permission

Title	Description of Changes	Drawing Reference
General overview	General overview drawing illustrating Reach W7 location	MMC-01-XX-DR-C-1030-P05
Additional pedestrian passing places at the top of the embankment	Two additional pedestrian passing places are proposed along the footpath at the top of the embankment at chainages 175 and 425. This will result in pedestrian passing places of 2.5m wide and 6m long approximately every 100m along the length of the embankment.	MMC-01-W7-DR-C-2730-P06 MMC-01-W7-DR-C-2731-P09 MMC-01-W7-DR-C-2736-P07 MMC-01-W7-DR-C-2738-P05
Sheet pile wall for the final 130m of the reach to the north	Sheet pile wall is now clearly visible in red on the plan view drawings (missing on previous planning drawings). Toe level of concrete encasement has been raised to limit the volume of excavation required.	MMC-01-W7-DR-C-2743-P05 MMC-01-W7-DR-C-2744-P06 MMC-01-W7-DR-C-2745-P06
Enkamat® slope protection and Bodpave® 85 paving grid	Sections showing the installation of the Enkamat® and Bodpave® 85 products have been updated and details have been added.	MMC-01-W7-DR-C-2733-P07 MMC-01-W7-DR-C-2737-P06

It is noted that the above mentioned additional pedestrian passing places have been included in the design due to ongoing consultation with West Sussex County Council, refer to section 1.2.2 for more detail.

The planning permission drawings which have not altered since grant of permission are contained in Appendix C, with revised drawings illustrating the above changes contained In Appendix D (areas of changes clouded in red). Landscaping drawings as approved under the discharge of Condition 12 to the planning permission are provided in Appendix E.

An application to amend the planning permission AWDM/1614/15 to formalise the changes to the design will be made to Adur and Worthing Council in due course.

1.2.2 Consultation with West Sussex County Council

The public right of way subject to this Footpath Diversion Order is administered by West Sussex County Council (WSCC) - WSCC IMap path reference 2048. WSCC provided feedback throughout the planning permission process, and Mr Jonathan Perks, Principal Rights of Way Officer at WSCC has been further consulted with since approval of the planning permission.

To address comments from Mr Perks, the following changes to the design have been made:

- Two additional pedestrian passing places are proposed along the footpath at the top of the embankment at chainages 175 and 425. This will result in pedestrian passing places of 2.5m wide approximately every 100m along the length of the embankment.

It is also noted that in addition to the six formal pedestrian passing places proposed there are several sections that serve as informal passing places as they are wider than the proposed 1.5m wide footpath in the following locations:

- Chainage 325: there is a widened and raised provision at the pill box lookover;
- Chainage 700: there is a widened area where the vehicular access over the embankment is provided for the EA to maintain the outfall;
- Chainage 825: there is a widened area of embankment to provide a viewing area and notice board (overlooking the old rifle range).

It is also noted that Mr Perks has advised that the County Council's standards require a 2.0m minimum footpath width. The proposed embankment width will be 2.0m minimum, however the path itself which will be formed of crushed stone will be 1.5m with 0.25m of grass verge on each side. The top of the embankment cannot be widened to allow for a wider path in this location due to the constraints presented by the existing Airport and its access road (Cecil Pashley Way) and the requirement to provide compensatory saltmarsh habitat immediately on the eastern boundary of the embankment.

1.2.3 Land Ownership

The land on which the public right of way is located is owned in freehold by Adur District Council and Brighton and Hove City Council. The land is leased by Albermarle Shoreham Airport Limited.

The proposed footpath diversion will not impact on any other landowners or lessees, and the above parties have provided written approval, attached at Appendix F.

1.2.4 Existing Footpath

The existing public right of way route runs along the top of an embankment between the western bank of the River Adur and the Shoreham City Airport. The public footpath is comprised of concrete paver blocks, with grass on each side of the embankment. It is under 1.0m in width currently and the concrete blocks form an uneven surface. Areas of saltmarsh lie on the intertidal flats adjacent. The section of path to which this application relates starts to the north of the railway bridge under which the existing path runs and terminates at the at Old Shoreham Road. The route has no fencing or walls adjacent, other than a short section of solid concrete wall which runs along the riparian side of the path adjacent to the rifle range at the Old Shoreham Road end of the route.

The existing footpath contains numerous World War 2 (WW2) pillboxes, air raid shelters and associated structures along and adjacent to the embankment. These were previously overgrown with vegetation and are now exposed due to clearance activities as part of the works. Remnants of a WW2 rifle range are located on the landward side of the embankment adjacent to Old Shoreham Road.

There is an existing below ground pumping station on the landward side of the embankment between chainage 400 and 450, and an associated outfall to the foreshore for the drainage system of Shoreham Airport. An existing culvert is located at chainage 720.

There is an existing British Telecom cable running the length of the existing embankment which along with an existing Southern Water watermain. All existing services are shown on the services plan provided with the planning permission, contained in Appendix C, reference MMD-339663-C-DR-01-W7-2713.

The following photographs were taken on site on 7 December 2016.

Photograph 1 – View of existing footpath from southern end, looking north



Photograph 2 – View of exposed WW2 pillboxes



Photograph 3 – Existing culvert



Photograph 4 – View from Old Shoreham Road looking south



1.2.5 Proposed Footpath

The embankment is to be largely re-aligned following an alignment adjacent to Cecil Pashley Way. Where the existing embankment is to be removed, the land between the two alignments will be re-graded to allow the formation of saltmarsh to provide compensatory habitat for the Scheme. A saltmarsh and mudflat compensatory habitat plan has been prepared and approved by Adur and Worthing Council in accordance with Condition 7 of the planning permission, refer to Appendix G.

The new embankment will have a 2m wide crest. The footpath at the crest top will be 1.5m wide and comprised of compacted granular fill topped with 30mm thick layer of limestone chippings. Passing places for pedestrians will be provided, as previously detailed in section 1.2.2 of this report. The length of the embankment will be 841m, with a crest level of +5.0m AOD. The slide slopes will be 1 in 2.5, and the length of the sheet pile wall will be 130m.

At three locations along the length of the new right of way will have signs stating ‘no cycling – footpath only’. This is to limit any health and safety risks of shared user conflict and also addresses concerns the Ornithological Society raised at planning permission stage in relation to potential for cycles to impact on birds in the SSSI habitat adjacent.

On the landward side of the embankment a drainage ditch will be reinstated similar to the existing arrangement.

For the final 130m of the reach to the north, the existing embankment alignment will be retained. The proposed embankment will slope down to the existing embankment level with a sheet pile wall being installed along the riverward edge of the embankment. The sheet pile wall will support the provision of a widened footpath as well as achieving the required flood defence level. Retaining the existing embankment alignment in this area will leave in situ a range of heritage assets as well as an area of the natural stream habitat.

Additional works that are proposed along the length of the embankment includes slope protection (Enkamat®) is to be provided to heritage assets (pillboxes) which exist along the current embankment alignment, these will not be removed but left as islands. An embankment will be built to maintain access to the southernmost pillbox with information boards provided at intervals describing the history and significance of the features in this area. The embankment crest will be widened at certain locations to accommodate the information boards. In accordance with Condition 2 of the planning permission a detailed archaeological Written Scheme of Investigation (WSI) has been produced and approved. The WSI is contained at Appendix H and includes proposals for a watching brief, monitoring and methodologies for construction works within Reach W7. It also contains, at table 4.1, a summary of those archaeological features to be retained and removed.

The proposed embankment will deviate back to its existing alignment to maintain protection to the existing pumping station and outfall for the drainage system of Shoreham Airport. Access steps over the embankment to the outfall have been provided for maintenance purposes.

The existing sluice control structure will be retained, while the penstocks and flap valves will be replaced. A vehicle access ramp over the embankment to the sluice structure and river foreshore has been provided for maintenance purposes. The existing chalk-fed stream in Reach W7 will be re-profiled to follow the proposed alignment with timber bank supports to limit the scope for any bank collapse. The stream will connect to a new outfall structure on the landward side of the new flood embankment which will discharge through the existing outfall at the river. The ditch will be culverted at two locations to provide crossing points for the access steps to the

pumping station outfall and the vehicle access ramp to the sluice structure and outfall river foreshore.

The existing British Telecom cable and Southern Water watermain will be diverted as per the services plan provided with the planning permission, contained in Appendix C, reference MMD-339663-C-DR-01-W7-2713.

1.2.5.1 Construction Programme and Methodology

The construction works along the public right of way are proposed to commence in March 2018, starting with utilities diversions and enabling works, with the intention to complete works in Reach W7 by the end of September 2018. A construction method statement has been prepared by the contractor, TVO, and is contained in Appendix I.

To date vegetation clearance has been undertaken along the route, along with reptile surveys, trapping and translocation of reptiles, destructive searches, and installation of reptile fences. Ecologists are monitoring the site regularly, and additional works will be needed in the following months prior to main construction works commencing:

- Strimming of reeds, brambles and other tall ruderal vegetation in January (whilst reptiles are hibernating);
- Removal of outstanding vegetation;
- Destructive search of areas that have not yet been searched, including the footpath itself, from April onwards (whilst the reptiles are active);
- Installation of reptile fences from April onwards.

2 Summary

In accordance with s257(1) of the Town and Country Planning Act 1990, the Council may authorise the diversion of any footpath if they are satisfied that it is necessary to do so in order to allow development to be carried out in accordance with a planning permission granted under Part III.

In this case the application for Footpath Diversion Order is made for permanent diversion of the existing public right of way, WSCC IMap path reference 2048, in accordance with planning permission AWDM/1614/15 granted by Adur and Worthing Council, for the Shoreham Adur Tidal Walls Scheme.

As detailed in previous sections of this report, the proposed permanent diversion of the public right of way footpath is largely proposed as was approved under the planning permission.

It is noted that both the freehold landowners and lease holders have provided their written approval to the diversion of the footpath and no other landowners will be impacted by the permanent change in alignment.

In terms of consultee responses and formal comments received from members of the public in relation to the public right of way in Reach W7 during the planning permission process, these are summarised as follows:

- Archaeology

In relation to potential impacts of the public right of way design on the WW2 pillboxes, WSCC archaeology made the following comments:

> *'I am content that the proposed mitigation measures will adequately address any impact upon known, visible heritage assets arising from the scheme and that the proposed Conservation Management Plan (CMP) for the World War II defensive structures will protect these as far as possible…The ES vol 3, technical appendices also states in discussing the WWII pill boxes that "consideration of how to protect and potentially enhance these features will need to be given as the scheme progresses." '*

- Ecology

The Sussex Ornithological Society raised a number of concerns in relation to the potential use of the new public right of way by cyclists, which has been addressed by proposing 'no cycling' signs, as detailed in section 1.2.5 of this report:

> *'Our organisations believe the speed and possibly mass of cyclists using the bank top path may disturb waders and other birds that are deriving a benefit from the SSSI habitat, more so than slow moving pedestrians…Please consider placing 'no cycling' signage'.*

- Public right of way design

WSCC Countryside Services provided comment on the design of the new footpath. The main issues raised were as follows, which are previously addressed in section 1.2.2 of this report:

> *'The County Council's standard is for a minimum width of 2.0m where footpath diversions are sought, and a greater width where popular and possibly conflicting use could be reasonably expected…In addition to walkers, who have a legal right of use, it*

is known that cyclists currently use the footpath for convenience and enjoyment given the lack of alternative local facilities; this use too can only reasonably be expected to increase upon completion of works. I am concerned that the width as proposed, limited between a concrete wall and/or steep slopes, which themselves could be hazardous to unwitting people, will give rise to conflict between users and, unless a 3.0m wide path can be consistently created, or without more regular passing places provided (i.e. increased number of 'build-outs', say every 100 metres), I must raise objection to the design as submitted.'

No other known comments were received by Adur and Worthing Council in relation to planning permission AWDM/1614/15, according to their website[1].

Overall it is requested that the Council confirm this Footpath Diversion Order application for the permanent diversion of the public right of way (WSCC IMap path reference 2048) at Reach W7 to enable the Shoreham Adur Tidal Walls Scheme to be constructed in full. The applicant has consulted with all impacted landowners and leaseholders, and written approval for the footpath diversion has been provided by these parties. The footpath diversion order application is in general accordance with the scheme approved under planning permission AWDM/1614/15, which underwent extensive public consultation. It is considered that all environmental matters have previously been addressed in the Environmental Statement that accompanied the planning permission, and in subsequent documentation required to discharge the conditions of the planning permission.

[1] https://planning.adur-worthing.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NXCKDTCB05900

Appendices

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