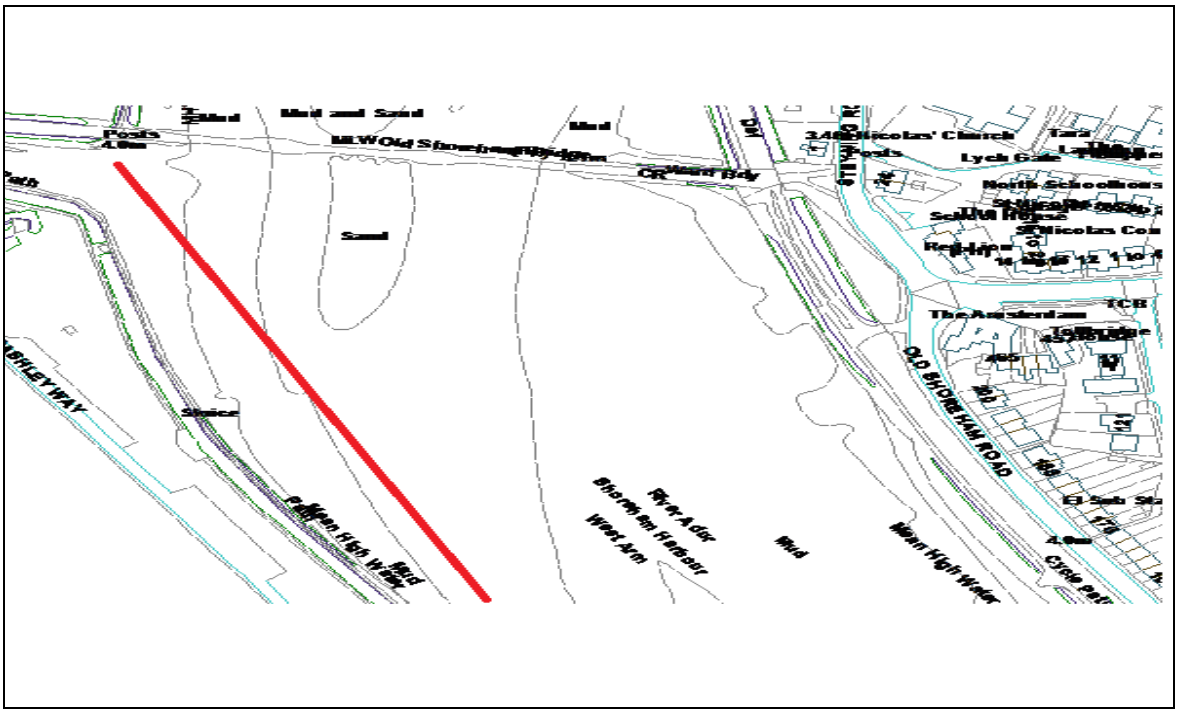
Application Number: AWDM/1321/18 **Recommendation – APPROVE**

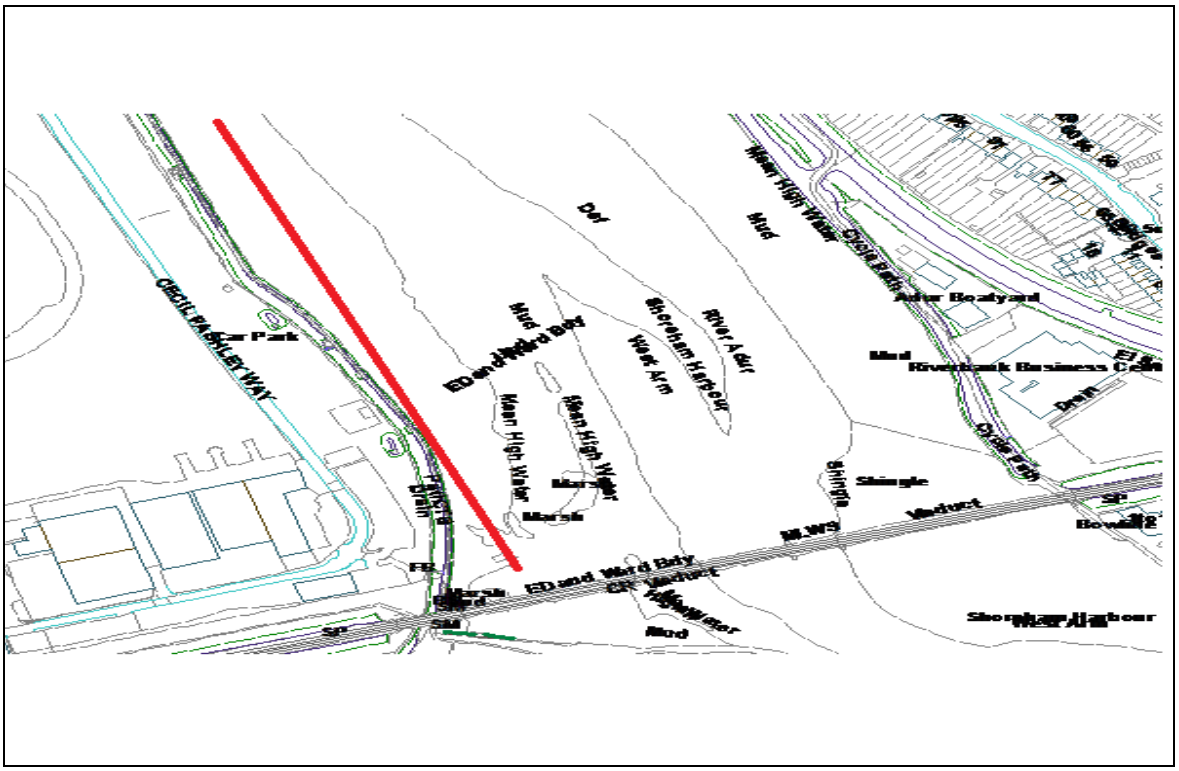
Site: **Adur Tidal Walls Scheme – Reach W7 (Riverbank to the west side of the Adur)**

Proposal: **Variation of condition 24 of AWDM/1614/15 relating to amended drawings for the design and construction of the Environment Agency's Shoreham Adur Tidal Walls Scheme at Riverbank Reach (Reach W7).**

Applicant:	Mr Graeme McClure, Environment Agency	Ward:	Marine
Case Officer:	Gary Peck		

Reach W7 – Shoreham Airport (from north of the railway bridge to the Old Shoreham Footbridge): top – northern extent, bottom – southern extent





Not to Scale

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Proposal, Site and Surroundings

This application seeks permission to vary the approved Tidal Walls scheme as it relates to reach W7 primarily by the removal of a ditch and other design alterations. The supporting statement submitted with the application outlines the works as:

Prior to commencing construction in reach W7, the Environment Agency was required to enter into a legal agreement with the landlord of Brighton City Airport. As a statutory undertaker, the Environment Agency's typical powers to carry out flood defence works do not apply. As part of the negotiations for this legal agreement, constraints were agreed related to the impact of construction on the main Airport access road, Cecil Pashley Way, specifically in maintaining a free-flow of traffic without any form of part or full road closures. The consequence of these constraints were such that continuing with the original design with the ditch would have extended both programme and costs significantly, as works to the drainage infrastructure could not be carried out simultaneously with the new flood embankment. Therefore, an alternative design has been developed that delivers the same technical output within the agreed constraints.

The ditch approved under the original planning permission (AWDM/1614/15) starts at the airport car park at the southern end of the reach and extends north to approximately the northern end of Cecil Pashley Way, adjacent to the river, where it ties in with the original alignment of the ditch.

The ditch approved under the original planning permission does not form a functional part of the flood defence and is therefore not required as a stability feature or otherwise. The approved ditch runs along the rear (landward side) of the proposed embankment. The ditch typically has a base width of 0.8m with a depth of 1m and terraced bank slopes to maximise the slope of the banks, owing to the constrained land area and the need for the ditch to provide compensatory habitat. The constrained nature of the site requires the embankment to be constructed close to the previously approved ditch. This proximity requires the removal of ground along the ditch and its replacement with a toe detail comprising fill to prevent localised slips of the embankment toe.

The previously approved design proposes the ditch to be culverted at four locations. Three locations (approximately 40m in length) provide passing places required for HGV's accessing the airport, with one incorporating a maintenance access to the EA sluice. The fourth location is a short section providing access at the airport pump station to the outfall.

It is proposed to remove the previously approved ditch from the design, with the exception of an approximate 10 metre section around the EA sluice structure. The removal of the previously approved ditch will result in the following:

- *removal of ditch and terraced bank formation works from the design;*
- *it is no longer necessary to remove ground from the ditch and fill material for toe stability is no longer required.*
- *removal of all culverts and headwalls beneath/surrounding passing places from the design;*
- *reduced paving requirements for three of the four passing places – these were all required to be reinforced concrete slabs to span the culvert;*
- *reduction in the number of verge marker posts owing to the reduced risk of vehicles entering the ditch; and*
- *removal of the slab to span the ditch at the access steps for the pumping station.*

A small width of granular fill will be retained within the scheme to act as a 'French drain' to help prevent ponding from road surface water, south of the EA sluice. A new length of culvert and swale will be installed north of the EA sluice to provide connectivity to the existing ditch alignment and help with surface water drainage.

An Environmental Statement Addendum was produced in August 2018 to assess the latest design changes within reach W7 that are the subject of this current planning submission.

Reach W7 runs along the western side of the riverbank and stretches from Old Shoreham Road in the north to the Network Rail Bridge in the South (refer to drawing IMSO000648-MMC-01-W7-DR-C-2730). The reach is to the east of Brighton City (formerly Shoreham) Airport.

The Old Toll Bridge on Old Shoreham Road to the north of the reach is Grade II* Listed. It was originally constructed in 1781 and is now mostly restored (2008). Within reach W7, are a number of pillboxes. The west bank of the River Adur is known locally as Shoreham's pillbox way due to a series of pillboxes surviving from 1940-1. The historic landscape is characterised by open views across Shoreham airfield.

The Old Shoreham Conservation Area is opposite the northern end of the reach. This Conservation Area covers the area of Old Shoreham, known to have existed as a settlement from at least the Saxon period. The most important features are the riverside setting and the historic properties and streets surrounding St Nicholas Church.

The reach is adjacent to the Adur Estuary Site of Special Scientific Interest (SSSI), which is designated for its intertidal habitats such as saltmarsh and mudflat. Its importance for overwintering birds is also listed as a qualifying feature.

There is a public right of way (PRoW) which runs along the top of an existing embankment close to the western bank of the River Adur (West Sussex County Council reference 2048). The footpath is currently subject to a temporary six-month closure Order and an application has been made to Adur District Council for its permanent diversion.

Relevant Planning History

The original Tidal Walls application was granted permission in 2016 (AWDM/1614/15) and has been in the process of implementation since. A number of amendment applications have been submitted since, some as non-material minor amendment applications and others, such as this, varying the originally approved plans. Minor alterations were last approved to this reach earlier this year under reference AWDM/0790/18.

Consultations

Technical Services: I have no issues with these proposals. The old ditch line was never cleared by the airport tenant and from that point of view its removal is beneficial.

Environmental Health: No adverse comments

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policies 1, 2, 5, 7, 13, 14, 17, 25, 30, 31, 34, 35, 36

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

The Adur Local Plan comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issue in the determination of the application is the effect of the amendments when compared to the previously permitted scheme.

At the time of the original application, it was intended that the works to this part of the scheme would be towards the end of the project and, as such, a number of the works shown on the plans were subject to future alterations. The ditch approved under the original planning permission (AWDM/1614/15) was to start at the airport car park at the southern end of the reach and extends north to approximately the northern end of Cecil Pashley Way, adjacent to the river, where it ties in with the original alignment of the ditch.

The key issue is that the ditch approved under the original application is not part of the flood defence by function, nor is it required as a stability feature and therefore the strategic requirements of the original tidal walls scheme are not affected. Equally, it is important to ensure that the effect of the works upon the Airport are minimised as far as is possible.

An addendum to the previously submitted Environmental Statement has also been submitted, which concludes:

The ES addendum has not recognised any alterations of any significance in the environmental disciplines from the anticipated effects identified in the 2015 ES regarding the operation phase of Reach W7

In conclusion, therefore it is not considered that the proposal has any material impact and accordingly it is recommended that permission is granted.

Recommendation

GRANT permission subject to the conditions imposed upon the previous applications updated to reflect the details submitted in the application:

1. Development within 3 years
2. Submission of archaeological details
3. Protection of public sewers
4. Details of any contamination to be submitted to the LPA
5. Flood Risk Assessment
6. Piling details
7. Compensatory habitat
8. Development in accordance with Environmental Action Plan
9. Assessment of impact upon Bridge Inn
10. Habitat Protection
11. Agreed use of piling details
12. Landscaping details
13. Fencing details
14. Dust suppression
15. Materials in accordance with approved details
16. Details of works to Shoreham Fort car park
17. Working hours
18. Replacement lighting
19. Access routes to be agreed
20. Rights of Way alterations to be agreed
21. Pollution Management Plan
22. Details of any raising of A283 to be agreed prior to works
23. Construction Management Plan
24. Development in accordance with approved plans

Informatives / Notes to Applicant

1. Network Rail consultation
2. Connection to public sewerage system
3. Water Resources Act
4. EA consent to river works
5. Footpath diversion closure

6. Footpath diversion
7. Section 59 of the Highways Act
8. Section 278 of the Highways Act

5th November 2018