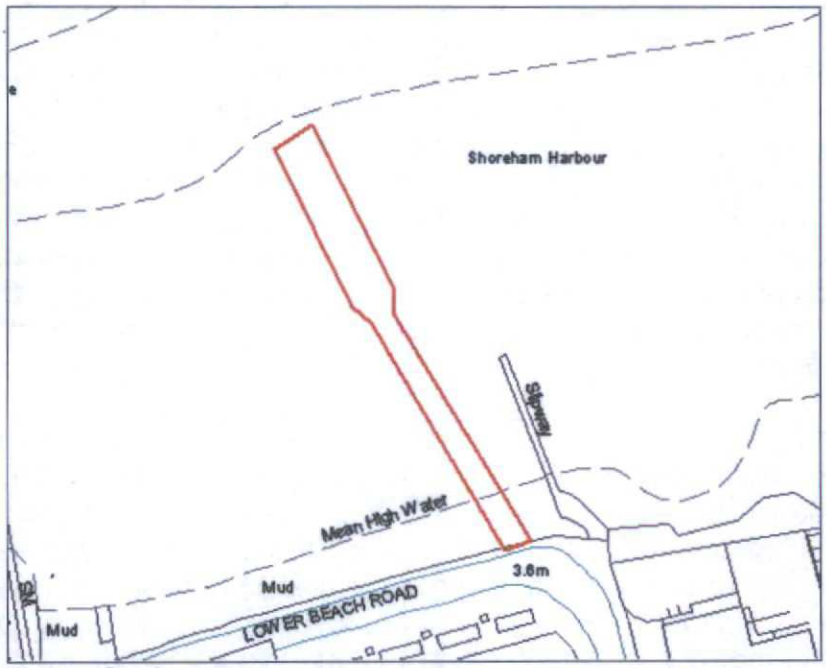
Committee 5/3/12
as updated verbally

Application Number: AWDM/1107/11 **Recommendation – See end of report**

Site: **Mudflat northwest of Waterside Inn, Lower Beach Road Shoreham-by-Sea BN43**

Proposal: **New public slipway with access causeway (to west of existing causeway/slipway)**

Applicant: Brendan Whelan for Shoreham Slipways Group
Ward: Marine
Case Officer: Keith Morgan



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Proposal, Site and Surroundings

The proposal relates to part of the mudflats (owned by WSCC) to the east of the existing (and proposed) footbridge and would be accessed from the bend in Lower Beach Road by the Waterside Inn. The proposal would be 97m long by 7m-12m wide. It would be located 5m-9m to the west of the existing rough surfaced causeway track which is 60m long by 4m wide and does not extend as far as the river channel.

The first 50m would consist of a 7m wide causeway raised up by approximately 1m (or alternatively 1.3m) above the existing mud by granular infill material (eg. crushed concrete or equivalent, potentially from the footbridge demolition) on a geotextile separator layer and covered by concrete 'Dycel' (cable-connected 0.15m thick blocks) including on the sloping side revetments. The latter increase the overall width to 13m at the foot of the side slopes.

The north end of the proposed causeway broadens out to the proposed 12m wide slipway itself which slopes down at an angle of 1 in 8 over a 41m length into the river channel. The

height difference between the upper and lower ends of the slipway is 5.7m. The slipway surface would be similar to the causeway.

The siting of the proposed causeway is shown 25m east of the new footbridge approved by WSCC in January 2012 (AWDM/0690/11). Its alignment would not be at a right angle to the riverbank but would angle obliquely north-westwards, similar to the alignment of the new footbridge. The main reason for this westward siting is to ensure the slipway avoids an established scour hole where the bank of the mud slope into the river channel has failed.

The application is accompanied by a detailed 22-page Feasibility Report by Hemsley Orrell Partnership (HOP), consulting civil and structural engineers.

The HOP report describes the design parameters and location, highlighting the objective for the slipway to be accessible at all states of the tide, or at least the longest tidal slot available, and to be useable by ordinary cars and trailers. This means a launch ramp gradient of between 1:6 and 1:9, in order to limit the amount of excavation and fill needed, keeping it as close to existing bed level as practicable. It should also allow for service vehicle access and have the necessary load-bearing capacity (up to 7.5 tonnes). The applicants state the width shown is to enable 2 vehicles to pass one another. Subject to assessment of the effect of the slipway on the river's hydrogeomorphology, a crushed concrete anti-scour layer is chosen for the foot of the slipway in preference to concrete toe protection or metal or timber piles as it reduces the risk of a 'step' being created by scour. Other aspects of the report are referred to under the Planning Assessment below.

Consultations

West Sussex County Council: Objected to the siting of the proposed slipway access as submitted because it is too close to the proposed ramp serving the new footbridge, thus raising concerns about the safety of pedestrians, cyclists and mobility users.
Following detailed discussion with the applicants, agreement has been reached on a slight amendment of the siting of the causeway/slipway access 1m eastwards, combined with a slight steepening of the ramp serving the new footbridge from 1:20 to 1:18.
A Stage 1 Road Safety Audit was also stated as necessary. In response to the applicant's questioning the need for this Audit for the agreed amendment, a reply has been received from their senior planner stating that WSCC has a firm policy requiring that certain highway works, when submitted for planning purposes, be accompanied by a Stage 1 Road Safety Audit plus Designer's and Client Responses. Both the scheme and the associated Safety Audit documentation will then be reviewed and only then will they make further comments. It is not considered acceptable to deal with the matter by imposing conditions hedged with references to further designs and Safety Audits in case complications/ issues arise following review of the design and Audit. If planning permission is granted and issues arise post-planning, the authorities would be committed to a scheme that could be detrimental to highway safety and this is not acceptable. The policy and process is very much there to safeguard all parties. The large amount of work that has already gone into this project is appreciated but, until a scheme reflecting what was discussed, including an appropriate Road Safety Audit, Designer's and Client Response has been submitted and there has been time to review it, they cannot comment further and, therefore, an objection to the proposal must remain.

Environment Agency: Object because no assessment of the risks to nature conservation has been provided and recommend refusal in its absence. State that the applicants need

to supply information to demonstrate that the risks can be satisfactorily avoided, mitigated or compensated for, as set out in PPS9. Comment that, for their own Shoreham Tidal Walls project, they are providing associated compensatory habitat. Add that, in their corporate strategy for water-related sport and recreation, one of their aims is to provide more opportunities for people to enjoy rivers and coasts and, under their access policy, they will promote increased access where it does not impact upon existing use and users, or the economic or conservation value of the site and associated area.

Advise that the Adur Estuary, together with Rye Harbour, represent the only significant areas of intertidal habitat between Pagham Harbour and Sandwich Bay (Kent) making it a very important site in terms of its local ecological value. The intertidal foreshore provides a sensitive and unique habitat that supports an abundance of invertebrates and associated wading and wintering wildfowl. Mudflats are a priority habitat in the Government's UK Biodiversity Action Plan (UK BAP). One of the main objectives is to maintain at least its present extent and regional distribution. Although the area of mudflat to be affected by the proposed works is outside any designated nature conservation areas, it is still considered to be a valued wildlife asset. Foreshore and inter-tidal areas which exist between low and high water mark, such as the mudflats and saltmarsh in this area, represent ecologically rich habitats within tidal river systems. The loss of inter-tidal habitats is highlighted as a threat noted in the local estuaries Biodiversity Action Plan (BAP), and saltmarsh and mudflats are national and local BAP habitats, the aim of which is a gain in the area of these habitats and no loss or damage. The footprint of the proposed slipway will cause a direct loss of approximately 1,000sqm of mudflat habitat. Until it is shown how this is to be protected and mitigated for, the risk posed by the proposed development is unacceptable; like for like compensation for loss of habitat would be expected. This objection is necessary to ensure the development complies with the principles of PPS9 and UK BAP.

Notwithstanding the above objection, the applicant should be aware that, because it is a main river, a Land Drainage consent will be required from the EA under the Water Resources Act 1991 and/or byelaws. As part of the consent application, the EA will require hydraulic modelling to be undertaken so that it can be determined whether the slipway will impact upon the new Tidal Defences and the nearby SSSI. It is also imperative that is ensured that the height of the slipway does not conflict with the Tidal Walls scheme which is to be constructed at a level of 4.85mAOD. A Water Framework Directive Assessment (WFD) and Marine Licence (MMO) will also need to be carried out and applied for.

Natural England: Object because no assessment of the risks to nature conservation has been provided and recommend refusal in its absence.

Shoreham Port Authority: Support the application. The Port Masterplan completed in 2010 highlights the need for a new public slipway on the river and it is also in line with the general aims of the Shoreham Harbour Regeneration Partnership to see the wider harbour area regenerated, including improved leisure facilities and public amenities. The proposed location close to a car park is sensible. The slipway as proposed would not interfere with navigation of the river. It is important, however, that an acceptable management and maintenance plan is put in place before it is built.

Adur and Worthing Councils: The ***Environmental Health officer*** has no objection. The ***Engineer*** states that in general he does not see a problem and understands the slipway would be beneficial to the area. However, he does raise concerns about coordination with the schemes soon being undertaken in this locality by WSCC and

potentially the EA; and about the design level of the new causeway being below the proposed new flood defence level of 4.84mAOD and consequently it must either be angled upwards to the new defence level or a flood gate would be needed (which the EA might not accept as it would compromise their floodwall). If permission were granted for the causeway as currently shown and it were constructed at this level, then access is likely to be blocked by the new riverwall height. Anything different to the levels shown on the application would require further assessment of sediment interruption eddies etc. He is not convinced that toeing into soft mud a depth of 0.5m is sufficient to prevent undermining. He also queries whether there is any reason for not improving the existing causeway track instead and observes that there is no evidence of any offer to remove the existing causeway to offset the mudflats lost by the present proposal. Also observes, on legal and finance issues, that ownership and maintenance and insurance needs of the proposal would have to be sorted out by legal officers, and that lost car parking spaces due to trailers might cause revenue loss to the Council.

Representations

Third Parties: 38 letters/emails have been received of which 14 object and 24 are in support.

The 14 objections include 5 from the residents of 2 of the 3 nearby houseboats to the east ('Guidance' and 'Shieldsman') and from Flat 19 Pacific Court. They raise the following:-

- at 1,000sqm and next to an existing hard, the enormity of the design is extreme, highly insensitive and potentially an eyesore; the location is unsuitable as it is ridiculously long and too far from the water's edge; questioned whether such a slipway is needed as others exist closer to the water's edge (eg. at Ropetackle and Sussex Yacht Club)

- highly detrimental to open mudflats which support a wide range of teeming wildlife, providing a safe haven for many wading birds that sit and feed and also a kingfisher

- it should be integrated with the plans for the new footbridge and flood defences as the latter would determine the shape, size and position of the slipway; there is no attempt to coordinate with these other schemes and it would be an extravagant use of public money (eg. it might be possible to utilise the remains of the southern approach to the existing footbridge)

- flood risk to adjacent houseboats may be increased as the slipway/causeway size may impact on currents and eddies in the estuary

- additional traffic (including large vehicles) attracted would pose risk to safety and health of pedestrians and cyclists especially with the new footbridge exitway so close; concern about provision of parking as future of public car park uncertain and its capacity may be reduced with footbridge and cycle route proposals

- total loss of privacy and increased noise to nearest houseboat because the proposed causeway is huge with unprecedented height and length (equivalent to having a concrete pier nextdoor); at low tide people will be able to look down into houseboat property, previously not possible, plus noise from vehicles and public using it.

- parking of boat trailers will be a problem because the public car park is unsuitable for such parking and it is full on busy days.

- boat launching near the bridge and with strong currents would not be satisfactory – although not an expert he refers to the yacht club raising such concerns previously.

The other 10 objections either do not give their addresses or are from Brighton (2), Lewes (1) and Southampton (2). They state that it would seriously harm one of the few precious unspoilt and tranquil spots, on this otherwise overdeveloped built-up stretch of coast, where the beautiful view and bird and wildlife can be enjoyed. They also object on grounds of too much traffic; potential hazard to pedestrians; impact on nearby residents; excessive size; and no need as sufficient slipways already exist in Shoreham.

The 22 emails/letters in support include boat users, the Sussex Yacht Club, the Inland Waterways Association (IWA) and residents of 4 houseboats some distance to the west and other residents mainly in Shoreham (but including one each from Coombes, Sompting, Lewes and Chichester). They comment that:-

- it would greatly enhance the appeal of Shoreham to visitors and help make better use of the river which is the town's greatest leisure and tourist asset; the benefit of a slipway in this location would be to the wider community, in conjunction with the new footbridge and East St pedestrianisation, it would further enhance the centre of Shoreham for residents and visitors. Some letters refer to the benefit it would have for the ever increasing number of sea anglers.

- the existing slipways at Ropetackle and Emerald Quay are rendered unusable by the lack of parking space for vehicles with boat trailers and neither provide access to the river channel at low tide; most of Shoreham's other numerous public hards are of no practical use for boat launching; other towns such as Brighton, Newhaven and Eastbourne also lack satisfactory boat-launching facilities

- the IWA state that they have been campaigning for over 30 years for improved access to the river Adur in Shoreham. The river not only provides a route to the sea but provides access inland for about 12 miles to the confluence of its east and west branches. They endorse the present application.

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, CC6, T4, NRM4, NRM5, NRM8, TSR1, TSR7
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB4, AB11, AB16, AT10,
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS9 'Biodiversity and Geological Conservation (ODPM 2005)
PPG13 'Transport' (DTLR 2001, amended 2011)
PPS25 'Planning and Flood Risk' (ODPM 2006)
Draft National Planning Policy Framework (DCLG 2011)

Planning Assessment

Principle

In the Local Plan (1996), the site lies within the built-up area and outside the Adur Estuary Site of Special Scientific Interest. The existing footbridge forms the boundary of the defined built-up area and also the eastern boundary of the SSSI. The proposal is on mudflats 70m-100m to the east, downstream from this boundary.

The site is within an intertidal area (with some moorings for small boats) subject to policy AR14 of the Local Plan. It states:-

"AR14 - The District Planning Authority will normally permit the reorganisation of moorings, including an increase in numbers, within the areas shown as subject to this policy, and subject to:-

- *(a) no conflict with the operation and natural expansion of the Harbour's commercial activities;*
- *(b) the scale of any proposal being appropriate to the character of the locality;*
- *(c) local environmental considerations, including the effect on the residential amenity of nearby dwellings;*
- *(d) on-site car parking arrangements and access to the public highway being acceptable under policy AT12* (NB. not saved)

.....Any increase in moorings to the area immediately to the east of the footbridge and adjacent to Lower Beach Road should not involve the construction of any new structures (eg. jetties, slipways)."

Whilst encouraging greater use of the harbour for water-based recreation, the Local Plan does not identify any specific sites for new slipways along the river Adur (only new marinas within the Canal and improvement/relocation of existing public hards in Shoreham as part of redevelopment proposals). Under AR14, the text justifies the above exclusion of associated structures such as jetties and slipways because of the public seating on the opposite side of Lower Beach Road with its view overlooking the river. This view of the historic centre of Shoreham, centred on the dominant St Mary's church tower, with the river in the foreground, is an important asset of the town. However, it will be fundamentally affected by the alignment of the proposed new footbridge with its access ramp, which is markedly further east than the current bridge at its southern end, as well as by the flood defence Tidal Walls scheme which will raise the height of the defences by about 1m.

The South East Plan shows the South Coastal strip as a priority area for tourism by upgrading facilities, promoting diversity, reducing seasonality and improving access whilst also retaining and enhancing the natural character of the area and having regard to issues of capacity and environmental sensitivity. It identifies Shoreham as a key location for regeneration.

The 2006 document 'A Strategy for Shoreham Renaissance' aims to "*regenerate Shoreham town centre as a sustainable community possessing economic, social and environmental diversity*". It states that the overall aims include to "*Improve visual and physical access to the waterfront*" and "*Ensure highest quality design for public realm improvements whilst being sympathetic to the character of the town*". It refers to the town not having benefitted from tourist-related growth and "*there is significant scope for new development to take advantage of this natural asset and improvements in access to the shore would enable more people to enjoy this natural amenity*". However, in respect of this location on Shoreham Beach it identifies the regenerative benefits of a new iconic footbridge; the importance of pedestrian route from Ferry Road and the view of the Church tower on the skyline; and proposes public realm improvements to upgrade visual quality, including a suggested public space based on Lower Beach Road and enclosure of the public car park. Its suggestions for a new slipway are not in this location but as part of a

possible marina on the north side of the river at Waterside East (ie. the large mixed use redevelopment area stretching eastwards from the Sussex Yacht Club along the A259).

The Shoreham Harbour Joint Area Action Plan (JAAP), currently being drafted, includes amongst others the draft strategic objective '*To create places that promote healthy and enjoyable living by improving existing and providing new open spaces, green links, leisure and recreation opportunities as well as improving access to the waterfront, coast and beaches.*'

The Shoreham Port Masterplan, endorsed by the Council in 2010, highlights the need for a new public slipway on the river. It also highlights the importance of providing acceptable car parking arrangements for cars with trailers close to any new public slipway.

Lower Beach Road is part of the 'station to sea' link promoted in the Shoreham Renaissance Strategy which now includes the improvements to East Street, the proposed new footbridge, a new Shoreham Beach walkway at the end of Ferry Road as well as the proposed improvements to Ferry Road. The Shoreham Harbour Regeneration Partnership has commissioned a streetscene improvement scheme for the Ferry Road area. The Council (supported by the Harbour Regeneration Partnership) has committed to invest circa £150,000 in 2012 to improve the physical appearance of the area, enhance the connections with the beach and improve parking and circulation. The timing of the slipway is considered positive given the amount of public engagement currently underway in the area for improved flood defences, the new footbridge and improvements to Ferry Road.

Given the clear ambition to improve access to the waterfront in Shoreham, the close proximity of potentially suitable car parking facilities, and that the Lower Beach Road site was one of the preferred locations for a new slipway in the 2010 officer report (see below), it is considered that this is an appropriate location in principle for the proposal. It would be a positive contribution creating a greater mix of activities, encouraging more people to access the river and visit the area, and in doing so promoting Shoreham as an excellent location for leisure activities supporting the local economy.

Need for the proposal

In recent years there has been a view increasingly expressed by boat users that the public hards in Shoreham have become of little practical benefit, being either physically very difficult to launch a boat (eg. Surry Hard, Tarmount Hard) or, where a boat can be launched, lacking adequate nearby parking space to be able to park a car with boat trailer (eg. Ropetackle, Emerald Quay). The HOP report for the applicants lists all the existing slipways. Redevelopment schemes on prime sites have been unsuccessful in being able to devote scarce and valuable space to the associated parking of cars with boat trailers.

The issue of adequate public access to the riverside has been the subject discussion involving Council officers and Members over several years, culminating in a report by the Executive Head of Leisure & Cultural Services on the Adur Public Slipways and Hards to the Cabinet meeting on 15 June 2010. It concluded *'Although, in theory a considerable number of public slipways and hards are available to the local community in Shoreham to gain access to the River Adur and ultimately to the sea, many of these have, for various reasons fallen into disuse or been rendered unusable by surrounding changes and developments.'* In an attempt to promote the construction of a new slipway, this report considered a number of potential locations: firstly, Adur Recreation Ground, secondly

Kingston Beach slipway, and thirdly Lower Beach Road. The latter was included for the reasons:-

- It is within close proximity to a car park which could be reconfigured to accommodate trailer parking; and
- There were potential cost savings in developing a new slipway here in conjunction with the new Shoreham footbridge (being delivered by West Sussex County Council).

However, following discussion at the Cabinet meeting, it was decided that the Council should take no further action in relation to the provision of any new slipway unless it can be funded externally, other than reflecting the need for a slipway or hard in planning policy.

This has lead to the Shoreham Slipways Group, the present applicants, investigating the feasibility of the three slipways highlighted in the officer report. The Adur Recreation site has issues associated with its location within the SSSI (within which an Environmental Impact Assessment would be required), land ownership and possibly user traffic. The Kingston Beach site is not being considered further due to the likely unfavourable outcome of a required risk assessment for the slipway and also due to the restriction on parking resulting from the beach's 'village green' status. The Lower Beach Road site appears the most feasible.

The Shoreham Slipways Group have submitted the present application with backing from the Shoreham Port Authority and a grant from West Sussex County Council's 'Local Committee'. The site in question has the advantages of being close to a sizeable generally under-used public car park, and outside the Adur Estuary SSSI and, although within the defined 'built-up' area, is not part of any development area for new buildings. Its main disadvantage is its distance from the main river channel.

Visual impact and character

Local Plan policy AB16 states *"In order to protect and enhance the important amenity value of the River Adur, development which adversely affects views along and across it between the Surry Hard and the A27 will not be permitted."*

The boundary of the town centre Conservation Area runs approximately along the centre line of the river estuary. The northernmost tip of the proposed slipway (by 4m-8m) is just within this boundary. Policy AB4, reflecting the statutory duty, requires new development to be "*of a high standard of design and construction materials such as to preserve or enhance the character and appearance of the particular Conservation Area".* AB11 states that *"New development* (including design and materials) *which would adversely affect the setting of a listed building will not be permitted."*

As stated above, the main visual concern is the effect of the proposal on the important public view of the historic centre of Shoreham, centred on the dominant St Mary's church tower, with the river in the foreground. The existing tracked causeway has very little effect on this important view because of its low profile and semi-natural appearance. By contrast, the new slipway will be sited further west and be raised up by at least 1m, will be much wider and longer and also block-surfaced, giving an entirely man-made appearance.

However, as mentioned above, the riverward view from Lower Beach Road will soon be fundamentally affected by the construction by WSCC of the new footbridge (70m east of the existing one) plus its associated ramp with flood defence wall extending further east to

within a short distance of the present proposal. This will be followed by the much more extensive Adur Tidal Walls flood defence project by the Environment Agency to a new raised height about 1m higher than existing.

Policy AR14 (e) states it is subject to "*the scale of any proposal being appropriate to the character of the locality*". Objections have been received to the size of the proposals. However, the length (100m) is the minimum necessary to reach the main river channel and the height (1m or 1.3m) is the minimum needed to ensure it is usable at all states of the tide (other than the very highest tides). The causeway is very wide (7m-12m) but the applicants state it is necessary to enable vehicles with trailers to pass each other. It may be possible to reduce the width but it is considered that this may affect its use and safety without substantially reducing the visual impact.

Overall, although it is considered that the proposed causeway/slipway will cause some visual detraction from this currently relatively natural-looking part of the riverscene, in the context of the wider changes, it is not considered that the degree of harm would justify refusal or materially conflict with policy AB16. It would not harm the Conservation Area of Shoreham town centre or the setting of listed buildings and therefore not directly conflict with policies AB4 or AB11.

Ecological Impact

As stated above, the site lies downstream from the Adur Estuary Site of Special Scientific Interest (SSSI). Nevertheless, these intertidal mudflats outside the SSSI are also a significant ecological habitat. As stated above by the Environment Agency, under PPS9, information is needed from the applicants about what impact there would be upon the existing intertidal habitat and what compensatory measures they would undertake.

The ecological assessment submitted with the nearby footbridge application is of some relevance to the present nearby proposal. The red line around that application site encompassed the wider intertidal area including the site of the present proposal as well as the existing causeway track further east. It described the provisions of the relevant legislation (Wildlife and Countryside Act, Conservation of Habitats and Species Regulations), the UK Biodiversity Action Plan (BAP) and PPS9. The habitats within the area of the proposed footbridge that are also affected by the slipway now proposed are mainly the *intertidal mudflats* (which are a UK BAP priority habitat) and are considered to be of high ecological value (both within the SSSI and outside it); plus a small area of *saltmarsh* (a UK BAP habitat) also considered to be of high value; and a small part of the *open river water* (not a BAP habitat but considered to be of high value due to its association with the above). The report states it is highly likely that the bird population using the SSSI and nearby areas is of regional or national importance and the intertidal mudflats are renowned for their wintering populations of wading birds, particularly Ringed Plover, Redshank and Dunlin. The ecological value for fish was concluded to be medium but for reptiles it was low, and for other protected species negligible.

In the instance of the footbridge scheme, the conclusion was that the development, subject to sufficient mitigation, should result in no significant residual negative effects. The mitigation proposed was that areas damaged during the construction and demolition phases would be reinstated with native saltmarsh plants of local provenance (including sea lavender) to ensure no net loss of habitat. This was stated as including the planting of areas on the east side of the existing bridge already harmed by human activity, rubbish and dog fouling (ie. the area where the causeway/slipway is now proposed on part of it).

The mitigation measures stated as necessary included placing a geotextile layer between the existing ground level and imported material. The report stated that, apart from laying the material for the raised causeways (and the bridge structure itself), the existing ground level must not be altered, scraped away or disturbed and vegetation not pulled up, and precautions must be taken to prevent dispersal of foreign material (including that of the temporary causeway) into the estuary.

The Assessment for the footbridge stated that, although breeding birds are considered unlikely to be affected, a nesting bird inspection should be undertaken before works commence and, if active nests are found, works should be delayed until the birds have fledged. No mitigation was recommended for wintering and passage birds but noisy activity in the winter is an issue mentioned by the RSPB. To ensure a neutral/negligible effect on reptiles, any vegetation removal should be above a temperature of 5 degrees and in a progressive/ methodical manner to allow any reptiles to escape.

The present proposal differs from the new footbridge scheme in that it entails laying a raised causeway across a more extensive area of mudflat, albeit further away from the SSSI. The area of mudflat that would be covered by the present proposal is approximately 1,000sqm. The footbridge scheme by contrast has no causeway at its southern end (being supported on piers) and involves removing the existing footbridge causeway and reinstating the saltmarsh habitat by new planting. It is difficult to see that the present applicants could do more than remove the existing causeway track (250sqm) and reinstate it with saltmarsh planting. As the compensatory area concerned is only about a quarter of the area affected by the new proposal, it would clearly fall short of being like-for-like in area. However, when combined with the 100sqm area of saltmarsh replanting by WSCC where the existing footbridge causeway is to be removed as part of the new footbridge scheme, plus the other enhancements proposed by WSCC on this area to the east of the existing footbridge, the overall mitigation measures could be substantial in terms of ecological quality.

The type of construction proposed for the causeway/slipway, placing a geotextile layer between the existing ground level and the imported material, accords with the recommendation of the Ecological Assessment for the footbridge. The construction detail also appears likely to avoid risk of dispersal of foreign material into the estuary.

However, as stated earlier, information is needed from the applicants about the ecological impact of their proposal on the intertidal habitat and the compensatory measures they would be prepared to undertake as part of their scheme to safeguard the nature conservation value of the locality.

Accessibility

WSCC objected to the location of the proposed slipway access because of its proximity (approximately 4m) to the bottom of the proposed ramp serving the new footbridge on its eastern side. This ramp was needed because the footbridge is being built in advance of the Adur Tidal Walls scheme and the road raising originally proposed is no longer included as part of the project. The access to the existing causeway is 14m from the end of the proposed ramp. The close proximity of the proposed new slipway access as submitted would pose a risk to the safety of pedestrians, cyclists and mobility users accessing or exiting the new footbridge ramp.

Discussions have since taken place between the applicants and WSCC's footbridge team and it appears that adjustment of the ramp gradient from 1:20 to 1:18 combined with re-positioning of the slipway access 1m eastwards would overcome the objection. An indicative drawing has been received showing this but the detailed plan of the proposal remains to be amended.

The liaison officer at WSCC reiterates that a Stage 1 Safety Audit (and designers response) are needed. This has been questioned by the applicants because WSCC's Lead Road Safety Auditor was present at the meeting and played a leading role in helping to reach and agree a satisfactory solution. The applicants state that they did commission a Stage 1 Road Safety Audit for a revised car park layout (which is at draft stage and not agreed) before they had their meeting with WSCC footbridge team. This meeting achieved agreement on the original scheme with the above fairly minor changes. However, the relevant officer dealing with the consultation on the planning application has reiterated that a Stage 1 Safety Audit (and designers response) are needed in accordance with their normal policy and practice.

Parking

The justification for the new slipway location to take advantage of the existing Riverside Road public car park is undeniable and is a major factor in its favour. The use of other slipways in Shoreham is severely limited by lack of sufficient parking space, especially for cars with boat trailers.

Although this car park as with all others is no longer protected by any safeguarding policy in the Local Plan (as policy AT6 has not been 'saved'), the District Council has effective control over it as leaseholder (with 57 years unexpired term on the lease from the Shoreham Port Authority).

The applicants state that they hope to do a new car parking layout (providing for boat trailers) and raised car park at some time in the future but that this is a task to be done once they get some funding and it will clearly be influenced by the Environment Agency's flood defence plans when finalised. The draft layout they have prepared shows the eastern part of the car park potentially laid out with 23 double-length car with trailer parking spaces plus 10 car spaces, and the western part with 29 car spaces, with the cycle route dividing the two portions.

Flood risk and hydrology

The HOP feasibility report states that the proposed causeway height of 3.3mAOD would mean that the causeway would become submerged and unusable for over one hour on the highest spring tides. With predicted sea level rise, this time period would increase in future. The report states that the choice of height is a balance between, on the one hand the limiting the cost of materials and environmental impact (including minimising its effect on river patterns on the upper foreshore), and on the other hand, minimising the extent to which it would be submerged at high tides. The submitted plan shows an alternative height 0.3m greater to avoid submergence at all but the most extreme high tides.

As stated earlier, the riverbank will be substantially altered as a result of the proposed Adur Tidal Walls scheme, raising the level from approximately 3.9mAOD to 4.85mAOD. The uncertain relationship of the proposal to this scheme is a concern and it could mean either a higher ramp at the southern end of the proposed causeway or some form of 'flood

gate'. However, the Environment Agency advise that they will deal with it under their separate Land Drainage consent procedure under the Water Resources Act 1991 and/or byelaws. Depending on the timing, it may mean that the applicants would have to obtain planning permission for a revision, or the Environment Agency may use their 'permitted development rights' (under which they can construct the new Tidal Wall and associated works).

Also as part of the separate consent application, the EA state they will require hydraulic modelling to be undertaken so that it can be ensured that the slipway will not impact upon the new tidal defences and that its height will not conflict with that of the Tidal Walls scheme (4.85mAOD). The EA also advise that a Water Framework Directive Assessment will need to be carried out and an application made for a Marine Works Licence from the Marine Management Organisation.

Residential amenity

The slipway location has 3 houseboats to the east, moored at the rear (north) of the Waterside Inn and served by a private access road running eastwards. The nearest of these, Houseboat 'Guidance', is 24m-26m to the east of the upper edge of the proposed raised causeway as shown on the submitted plan (and 1m less than this on the proposed amended plan). The distance from the existing surface-level causeway is 16m.

The residents of this houseboat have objected on grounds of detriment to the residential amenities of their houseboat because of the raised design of the causeway and its greater size. They refer in particular to this resulting in overlooking and disturbance through the much greater number of people and vehicles likely to be attracted, and over a greater period of time, as compared to the existing poorly-surfaced causeway.

It cannot be denied that the proposal is clearly going to attract many more users than the existing poor facility. However, there is no particular standard for separation and it is considered that the intervening distance of at least 23m (allowing for the revised siting sought by WSCC) is sufficient to avoid an unacceptable degree of overlooking or noise disturbance. The proposed causeway (whether at 3.33mAOD or the alternative 3.63mAOD) would still be slightly lower than the existing level of Lower Beach Road (3.8mAOD) from which it is possible to get a clear unobstructed view of the side of Houseboat 'Guidance'. This road, which is well used by pedestrians using the footbridge, rather than vehicles, is also closer, being 18m on the outside edge of its bend from the nearest end corner of the houseboat. The houseboat has no external deck area at the side, only a small area at the bow and stern, and it is not possible to see through its windows and rooflights unless the internal lights are on which would normally be during the hours of darkness.

It is concluded that the effect of the proposal (even at the alternative greater height of 3.63mAOD) on the houseboat would not be so adverse as to warrant refusal.

The main concern is potential disturbance from noise and dust during the construction phase owing to very large amount of fill and other materials needing to be brought to the site to create the raised causeway. It is considered that this can be dealt with by imposing a condition limiting the hours of construction of the causeway/slipway to normal working hours (8am-6pm Mon-Fri and 9am-1pm Sats) and requiring a construction management plan, similar to that required under the footbridge permission.

Maintenance

This has been a serious issue for other slipways and public hards and is referred to by the Port Authority. The HOP report states that their design means that, other than keeping the surface clear of mud, maintenance requirements should be minimal provided the edges and toe are protected against scour and dredging is avoided in the vicinity. However, the report states that it needs to be identified prior to detailed design stage as to which body accepts the maintenance responsibility (including an ongoing commitment to keep it safe), for example WSCC (as owners of the land), the Shoreham Slipways Group (as applicants), the Shoreham Port Authority or Adur District Council.

The Shoreham Harbour Regeneration team state that relevant stakeholders would need to work together to agree a suitable management and maintenance plan for both the slipway and adjacent parking area. This would also be desirable to have in place for the other existing slipways where responsibilities are currently unclear. They state that this will be further explored through the Harbour JAAP.

Further information is being sought from the applicants on the subject of maintenance responsibility. As owners of the land, WSCC would have the ability to set this out in any agreement they have with the applicants that enables the scheme to be carried out. It could alternatively be covered by a section 106 Obligation but that would require the owners (ie. WSCC) to enter into it; or it could be covered by a suitably-worded condition as recommended below.

Conclusion

The site is located on an open and relatively unspoilt section of the riverbank that provides an important view of the church tower in the Conservation Area but one which is shortly to be substantially affected by the replacement footbridge on its new alignment and by the Adur Tidal Walls flood protection scheme. It is considered that these factors mean that the proviso to Local Plan policy AR14, allowing moorings on this site but without structures such as slipways, has become outdated and that the degree of visual harm that would be caused by the present proposal to the view and to the natural appearance and character of the mudflats does not warrant refusal.

The proposal entails crossing a wide section of intertidal mudflats to gain access to the river channel. These mudflats lie outside the protected SSSI but are still likely to have ecological value. The applicant needs to submit supporting information to assess the degree of ecological harm as required by PPS9 and propose mitigatory provision. Neither have so far been submitted.

The location has the advantage of a sizeable public car park in close proximity but the proposed access position to the slipway lies close to the ramp approved as part of the new footbridge. It gives rise to concern about the effect on the safety of pedestrians and cyclists. WSCC have agreed revisions to overcome their concerns and an amended plan is needed from the applicant showing these changes together with a Stage 1 Road Safety Audit (and possibly a designer's response).

The need for the proposal is considered to be substantial. Although there are a large number of public hards in Shoreham, they all suffer from serious deficiencies of varying

kinds, and readily-usable boat launching facilities available to the wider public (as opposed to members of private clubs) are limited. The Local Plan and other more recent strategies encourage greater use of the harbour for water-based recreation. On the evidence available, the proposal appears to be the most potentially feasible, least harmful, location for a public slipway.

Recommendation

Subject to:-

- the submission by the applicants of satisfactory information regarding the impact on the ecology of the mudflats plus details of proposed mitigation and to the consideration of the advice of the Environment Agency and Natural England on its acceptability; and
- the submission by the applicants of a satisfactory amended plan showing the revisions agreed as necessary to address the highway safety issue (including a Stage 1 Road Safety Audit and designer's response) and consideration of the final advice from WSCC; and
- clarification as to where future maintenance responsibility would lie;

APPROVE for the reason:-

The proposal is within the built-up area defined in the Adur District Local Plan and would meet the need for improved public boat-launching facilities in Shoreham in accordance with the general objective of enabling greater use of the river for recreational purposes. Although the natural appearance of the mudflats would be altered, it is not considered that the appearance and character of the riverscene or the Conservation Area would be affected to an unacceptable degree taking into account other changes proposed in the immediate locality including the re-aligned new footbridge. It does not pose risk of harm to the nearby Adur Estuary SSSI and [*subject to further information and advice* - cause unacceptable harm to the ecology of the mudflats provided adequate mitigatory works are undertaken]. [*subject to further information and advice* - The effect on highway safety is acceptable] and adequate public parking space exists nearby. Consequently, it would not conflict materially with the relevant policies of the Adur District Local Plan (AG1, AB16, AR14), the South East Plan (SCT1, CC6, T4, NRM4, NRM5, NRM8, TSR1, TSR7), PPS9, PPG13 and PPS25.

Subject to conditions:-

1. C1Ci (Time limit of 5 years, not 3 years, to commence construction) (amended)
2. The causeway and slipway hereby permitted shall be open to public use and at no time shall access be closed to public use except when necessary because of a tidal flood event or emergency or for the purposes of essential maintenance and repair.
3. The slipway, causeway and access hereby permitted shall be used solely for launching into and recovering boats from the river and shall kept clear of all vehicles, trailers, boats and other items except during the process of boat launching and recovery from the river. There shall be no storage whatsoever of any boats, vehicles or other items on any part of the causeway/slipway structure and no mooring of boats against the structure.
4. Prior to commencement of development, a scheme for the regular maintenance and repair of the whole of the causeway/slipway structure and its access shall be submitted

to and approved in writing by the LPA and the scheme shall be implemented and put into effect thereafter in accordance with the details approved under this condition.

5. C9M (Construction Management Plan to be submitted and approved, including hours of construction work [8am-6pm Mon-Fri and 9am-1pm Sats] and seasonal timing of works, noise and dust management, measures to protect water quality, safeguard ecology, carrying of mud onto the highway, and lorry traffic management including requirement for reversing warning to be white noise/broadband alarms, not single tone alarms) (amended)
6. Ecological mitigation works to be completed within 3 months of the new slipway/causeway becoming operational, in accordance with details to be submitted and approved.
7. The development hereby permitted shall be carried out in accordance with the approved plans (to be listed).

and such other conditions as may be considered necessary following final replies from WSCC and the Environment Agency.

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