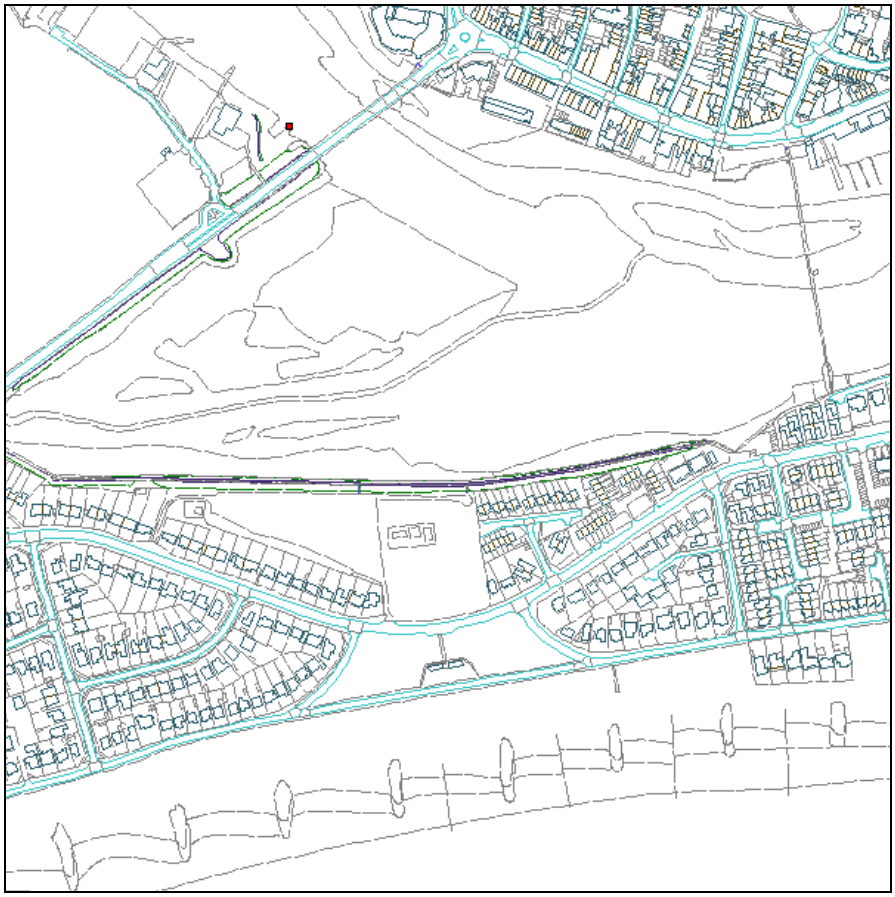
Application Number: AWDM/1940/17 **Recommendation – APPROVE**

Site: **Reach W5 (Riverbank reach) Adur Tidal Walls Scheme, Shoreham-by-Sea**

Proposal: **Section 73 application (minor material amendment) to vary condition 24 (approved plans) within reach W5 of planning permission ref: AWDM/1614/15 (proposed amendments include changes to access steps, box-outs and jetty access ramps; addition of planters on top of flood defence wall; and change to handrail materials).**

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



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Proposal, Site and Surroundings

This application seeks an amendment to the previously approved Tidal Walls scheme at

reach W5 to include changes to access steps, box-outs and jetty access ramps, addition of planters on top of flood defence wall; and changes to handrail materials.

The supporting information for each part of the application is summarised below:

Access Steps and Box Outs

It is stated in the supporting information that there is a provision for private stepped access from the riverside footpath to the private gardens that will be crossed by the new flood defence. Landowners of the relevant properties have been consulted on their preference in terms of layout and location of steps that will replace their existing access to their gardens, following the construction of the flood wall.

A plan view of what has been agreed is presented in the submitted drawings. Landowners' requirements, were grouped into four typical staircase layouts and they were subsequently offered the option of either having these replacement access stairs constructed as part of the scheme, or being compensated for their current access and offered a box-out on the flood wall, that will enable them to construct their own stairs following the EA's works. The box-outs will not affect the performance of the flood defence, but will merely provide points of future access to gardens on the landward side of the footpath. The typical box-out will be 1.00 metre wide, however this may be amended to a minimum width of 0.80 metre, or maximum width of 1.20 metre if agreed with stakeholders locally. Anchor points will be provided to connect the stairs on the box-outs.

Jetty Access Ramps

The Supporting Information states: *As the footpath will be raised to the level of 4.42 m OD, ramped access will be provided to bridge between the jetty surfaces (currently adapted to the present footpath level) and the new, raised footpath level. The ramps will be Ekki timber frame structures, with a metal chequer plate cover to provide a non-slip surface. Details for each ramped access are to be agreed with the individual houseboat owners.*

Handrails

It is stated:

Handrails will be provided at the two ends of the reach, and up to the first boathouse jetty on each side (East-West). Handrailing will be of the tension-string type, with tension wires spaced every 100mm along the handrailing height, and a 70mm diameter handrail on the top, at a height of 1.10m above the finished footpath level. As agreed with West Sussex County Council, all handrail components inclusive of the handrails, support posts, bases and fixings will be made f stainless steel, to limit the need for future maintenance. Any reinstatement or new boundary treatments to the small sections between the boathouse jetties (i.e. fences, handrails), will be agreed locally with individual houseboat owners during the final stages of reinstatement.

Planter Boxes

Members may recall that the previous amendment application relating to this reach included indicative planter box details. This application, as anticipated, provides further detail:

Timber-plastic composite planters (1000mm x 400mm, 145mm high) will be fixed to the top of the wall. Their position along the wall will be agreed with the individual landowners along the reach, but will generally be installed at 3.0 m intervals. Planters serve a dual purpose, as they provide the landowners with some additional planting space where the flood wall will now occupy part of their gardens, and at the same time the planters may serve as a means of deterring people from walking on top of the flood wall (in addition to the handrails provided to a height of 1.10m from footpath level).

The application site stretches from Brighton Road (A259) in the east to Riverside Road in the west. The application site partially encompasses the area of houseboats along this part of the Adur estuary. Reach W5 stretches the full length of the riverbank path. Immediately to the south of the application site are the gardens of residential properties on Ormonde Way, Beach Green and River Close.

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. The reach is also adjacent to the Royal Society for the Protection of Birds (RSPB) Reserve, which is designated for overwintering birds. The Shoreham by Sea Conservation Area is to the north of the application site.

Relevant Planning History

AWDM/1614/15 - *Improvements to 1.8km of tidal defences on the east bank between Coronation Green and the A27 road bridge and 5.4km of defences on the west bank between Shoreham Old Fort and Shoreham Toll Bridge. Proposed development (referred to as the Shoreham Adur Tidal Walls scheme) consists of seven reaches on the west bank (designated W1 - W7 inclusive) and three reaches on the east bank (designated E1 - E3 inclusive). The proposed defences include steel sheet piling, concrete walls, flood glass and earth embankments. Additional works to include a section of road raising, scour protection in the form of rock revetment, matting, planted terraces and gabions and the creation of 1.3 ha of intertidal salt marsh in reach W7 and landscape improvements at Town Quay and the Shoreham Old Fort car park. The application is accompanied by an Environmental Impact Assessment.* Permission granted in June 2016

AWDM/1491/17 - *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 W5).* The amendments included changes to offset the alignment of the steel sheet-pile wall by 514mm to the landward side of the existing concrete footpath between the A259 road bridge and Riverside; increase width of overall wall structure from 440mm to 865mm; planters (indicative) on

top of the wall; and minor enlargement of planning application red line boundary within Beach Green to accommodate the construction compound.

4 other non-material amendment applications have been granted but these were for other reaches and therefore do not affect this application

Consultations

West Sussex County Council

No highways objection.

Southern Water

No additional comments beyond those made at the time of the original application.

Representations

1 letter of objection on the grounds that existing steps that provide access to the footpath will be removed. The applicants have stated that the steps will be replaced and the bank landscaped and replanted but have not provided sufficient detail and therefore there are outstanding issues which need to be resolved before the application can be approved.

2 letters neither objecting or supporting the application but raising concern that the bank will not be left muddy and full of weeds and that its current appearance has meant an increase in rubbish thrown into residential gardens.

In response to the objection, the applicant has responded:

Stepped Access

There is currently a set of private steps (located on the houseboat owners' land), which allow the houseboat owners access to their gardens. These steps have also been used by some River Close residents to access the public footpath on top of the embankment, by way of a gate in the rear fence line. As part of our works, we will be installing a new flood defence wall in the private garden of the houseboat owner's land, which will necessitate the removal and replacement of the private steps to provide access over the flood wall for the houseboat residents to/from their gardens.

We have offered the houseboat community two options with regard to the replacement of these private steps – the Environment Agency could install the steps, or compensation could be provided for the residents to install their own on completion of our works. The majority have indicated a preference for the latter option, and we are in the process of signing a legal acceptance of compensation between the Environment Agency and the houseboat owners, which includes a commitment to reinstall the steps on completion of the works.

Landscaping

Through the use of a 'Giken' piling rig as part of our methodology, we have been able to significantly reduce the amount of vegetation and planting that needs to be cleared as part of our works, with the removal largely limited to a strip of land immediately South of the riverside footpath located in the gardens privately owned by the houseboat community. The bulk of the vegetation and trees on the boundary between the private gardens owned by the houseboat community and the houses immediately behind (such as River Close) will be retained. The cleared section will be re-graded and seeded with wildflower.

In consultation with the owners of the gardens affected (i.e. the houseboat community), we have made a record of the current condition and produced an agreed reinstatement plan for each individual property.

It has always been the case that private gardens would be reinstated on the completion of works in consultation with landowners and no details have therefore been included on the landscape plans. Reinstatement forms part of the Environment Agency's contract with TVO, and the default position for all properties is that TVO will re-grade the bank to its previous state and seed with wild flowers as soon as possible after completion of the flood defence works, so we can categorically state that we will not leave the sections of the embankment affected by the project in a poor state following the works.

However, in addition to the above, each property has an individual reinstatement plan agreed with the relevant landowners on how we will reinstate other elements on their property. This varies hugely depending on the property, from plants/shrubs/trees to garden furniture and sheds. TVO have held meetings with each landowner to discuss this.

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policies 11, 15 and 36

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

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 principle of the Tidal Walls scheme has been established and work is substantially under way at many of the 10 reaches. As can be expected with a project of this size and complexity and, with particular reference to this application, where it affects private land interests, there is a necessity for amendments to be made in consultation with residents and where necessary an updated application submitted to the Council for consideration.

As can be seen from the information outlined above, a large part of this application is a result of discussions between the applicant and private landowners. Representations to planning applications are always a material consideration that are taken into account when making a decision, but it can be perhaps be said that the consultation responses from neighbours can be given greater weight in this instance since they are directly affected by the proposal. In that regard, it is noted that 109 properties were directly consulted regarding the proposal and 2 site notices displayed. If it were the case that negotiations between the applicant and nearby neighbours had not proceeded in a satisfactory manner, then it could have been expected that a number of representations would have been received in response to the consultation and indeed, this application was separated from the previous amendment proposal for this reach in anticipation that may be the case.

It is therefore notable that only 1 objection has been received (to which the applicant has responded above) and 2 representations neither objecting to or supporting the application raising points which your Officers had raised separately in any case.

The main issue in respect of the application is less the physical works themselves given that it is a clear necessity to replace facilities that will need to be removed as a result of the construction of the wall but rather the visual appearance of the surrounds upon completion of the works. In respect of the bank in particular, the scheme has offered a good opportunity to manage an area which has sometimes in the past presented an appearance of uneven quality. This does need to be balanced, however, what can reasonably be expected of the applicants since the conditions must relate to the development permitted.

The applicant states:

It has always been the case that private gardens would be reinstated on the completion of works in consultation with landowners and no details have therefore been included on the landscape plans…the default position for all properties is that TVO will re-grade the bank to its previous state and seed with wild flowers as soon as possible after completion of the flood defence works, so we can categorically state that we will not leave the sections of the embankment affected by the project in a poor state following the works.

Your Officers consider this is acceptable and is secured by the previous conditions and those which will be reattached to this decision. The subsequent comment from the applicant that *each property has an individual reinstatement plan agreed with the*

relevant landowners…depending on the property, from plants/shrubs/trees to garden furniture and sheds. TVO have held meetings with each landowner to discuss this. Essentially, this is a matter between the applicants and the landowners and it is considered likely that similar agreement will be reached as has been the case with the components of this application.

Your Officers therefore conclude that the amendments are acceptable 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 diversion
7. Section 59 of the Highways Act
8. Section 278 of the Highways Act