

Shoreham Harbour Joint Area Action Plan Examination

Matters Statement 5: Sustainable travel, flood risk and sustainable drainage (Policies SH5, SH6, SH7, CA1)

Issue: Whether the Plan positively and effectively addresses identified transport and flood risk constraints?

Please see the Matters Statement Explanatory Note (SHJAAP/MS/EX) for clarification of acronyms, abbreviations and other terms used in this statement.

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| <p>36. Would the mitigation measures identified in the Shoreham Harbour Transport Strategy 2016 adequately address the travel demands and additional traffic generated by the Plan proposals? What evidence exists to support this?</p> |
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Councils' response:

- 36.1 The Adur Local Plan and Shoreham Harbour Transport Study (and the various addendums, final being 'Adur Local Plan Transport Study Second Addendum: Revised Reissue September 2016') (referred to hereafter as the Transport Study), provides the evidence for the ALP and the Shoreham Harbour Transport Strategy 2016. The mitigation measures identified in the Transport Study were included within the ALP which was considered through the examination of the ALP and found sound in 2017.
- 36.2 The Transport Study used the Shoreham Harbour Transport Model to assess the cumulative impacts of planned development in Adur District on the transport network in 2028 and 2031 and identify severe impacts that would need to be mitigated in order to address travel demands in line with paragraph 32 of the NPPF 2012 (paragraph 109 of the NPPF 2018). The mitigation measures identified in the Transport Study include a range of junction improvements, sustainable transport infrastructure improvements and marketing initiatives that were subsequently included in the Shoreham Harbour Transport Strategy 2016. These mitigation measures are now being delivered as sites come forward in order to make them acceptable in planning terms or as funding becomes available through planning obligations and other sources.

As planning applications are being submitted the Shoreham Harbour Transport Strategy 2016 is a key document for developers and also for development management purposes. The need to meet NPPF requirements and CIL regulations are considered through the determination of the individual applications. Recent examples have been Free Wharf (AWDM/1497/17), Ham Road office development (AWDM/1282/17) and New Monks Farm (AWDM/0961/17) where the delivery of schemes identified in the Transport Strategy are being secured.

37. How is the Shoreham Adur Tidal Walls Scheme likely to affect flood risk considerations within the Plan area? What is the status of the Brighton Marina to River Adur Coastal Strategy Study and the Rivers Arun to Adur Flood and Erosion Management Strategy 2010? What influence, if any, would these documents have in the consideration of development proposals?

Councils' response:

- 38.1 The Adur Tidal Walls Scheme will reduce the risk of flooding to over 2,300 homes and 169 commercial properties by significantly improving the standard of the existing tidal defences in the Shoreham area. In preparing the scheme, the EA has undertaken a number of assessments to ensure that there will be no increased risk to other parts of Shoreham and the scheme has been designed accordingly. The EA has also undertaken modelling in the area which demonstrates that there is no increase in flood levels or extents within the Plan area as a result of the scheme.
- 38.2 The EA's modelling indicates that there will be a reduction in extent compared to the current published flood map. However, the flood map will not be updated until the scheme is complete and the modelling has been verified. Nevertheless, development sites at Shoreham Harbour will need to provide protection from flood risk, which ties in with the Adur Tidal Walls scheme.
- 38.3 The Brighton Marina to River Adur Coastal Strategy Study and the Rivers Arun to Adur Flood and Erosion Management Strategy set the policy aspirations for managing flood risk in those areas. These documents have been considered in the preparation of the Plan, the ALP and the B&HCP(1). The Councils do not consider that there are conflicts between these plans and the coastal and erosion strategies. Nevertheless, where relevant, these strategies will be material considerations when determining planning. The Councils will seek to ensure that development decisions do not contradict or hamper their delivery.

38. The Shoreham Harbour Flood Risk Management Guide Supplementary Planning Document sets out the approach to the management of flood risk within the Plan area. How did the consideration of flood risk influence the distribution of development and inform the site allocation process? To be effective, should Policy SH6 explicitly address the issue of change of use of land or buildings?

Councils' response:

38.1 Consideration of flood risk has informed the site allocation process through the Sequential and Exception tests carried out for both the ALP and B&HCP(1). The findings of the Sequential and Exception Test for the Proposed Submission Adur Local Plan 2016 (SED06/03) and Sequential and Exception Tests for the Draft Brighton & Hove City Plan and Update 2014 (SED 06/04; SED06/05) are presented in the sections 7 and 8 of the Flood Risk Topic Paper (TP06). The Councils submit these as additional documents for the examination. The reports conclude that the allocation of sites within the Shoreham Harbour regeneration area in areas of flood risk is considered to be justified, and the Sequential Test and Exception Test (where required), in accordance with paragraphs 100-103 of the NPPF 2012, have been passed. The Shoreham Harbour Flood Risk Management Guide SPD (LPD04/01) was prepared to address the flood risk issues at the sites identified for allocation.

38.2 The Councils do not consider it necessary for Policy SH6 to explicitly address the issue of change of use of land or buildings. It is not expected that the existing non-residential buildings are suitable for conversion to residential use.

39. Would the Councils' proposed modification MM6 be effective in ensuring that development proposals will be required to take into account the most up-to-date assessment of flood risk and the management and mitigation required?

Councils' response:

Yes. The Councils consider that the proposed modification will be effective as it will ensure that flood risk assessments take account of the most recent evidence and any updated guidance on flood risk in the regeneration area.

40. Does the Plan clearly identify responsibility for the provision and maintenance of flood risk mitigation measures considered necessary for new development? What effect will these measures have on the viability and delivery of development? How will their effect on the design of new buildings influence other considerations, such as the visual impact of development?

Councils' response:

Yes. Provision and maintenance of flood risk mitigation measures is the responsibility of the landowner. Policy SH6 sets out the required provision of flood risk mitigation. Clause 2 requires maintenance arrangements to be agreed with the Environment Agency and the Councils prior to construction.

Provision of flood defences has been considered as an abnormal cost in the Whole Plan Viability and Deliverability Study (CD10/01). This recognises that provision of flood risk mitigation is a significant cost. However, it is essential in order to make the redevelopment of sites feasible and acceptable.

At the Western Harbour Arm, in particular, the raising of occupied building storeys above the required flood defence level will raise the overall height of buildings. Therefore, buildings will have a greater visual impact. The scale and height of buildings in this area is addressed in Matters Statement 7 (SHJAAP/MS/07).

41. Would the requirements for sustainable drainage set out in parts 13 and 14 of Policy SH6 be adequate, feasible and viable for different types and locations of development? If so, what evidence is there to support this conclusion?

Councils' response:

The requirement for sustainable drainage set out in Policy SH6 accords with Policy 36 of the ALP and Policy C11 of the B&HCP(1), and paragraph 103 of the NPPF 2012. Sustainable drainage describes an approach rather than a predetermined set of measures. Clause 14 includes green infrastructure elements that can play a role in reducing surface water runoff. However, this is not intended to be an exhaustive list of measures. Planning applications will be accompanied by a site-specific flood risk assessment. The onus will be on the developer to demonstrate to the satisfaction of the Councils and the Environment Agency that these risks are mitigated.

42. Additional proposed modifications

- 42.1 In preparing the response to the Inspector's Matters, Issues and Questions, the Councils have identified some further proposed modifications that are considered necessary to ensure the soundness of the plan:

References to land raising:

- 42.2 The Plan includes reference to land raising. However, it is not intended to advocate the whole sale raising of the allocated sites. This would result in a residual risk of groundwater and surface water flooding to areas behind the defended sites. In order to be effective, and to ensure that the Plan is consistent with national policy, and the policies of the Lead Local Flood Risk Authorities (BHCC and WSCC), the following amendments are proposed:

Policy SH6: Flood Risk and sustainable drainage

6. Where undefended land levels are below the 1 in 200 year tidal flood event for 2115, ~~land-raising~~ **of occupied storeys of buildings** and/or flood defences should be provided to 5.4m AOD. For sites where existing defences / land levels do not meet the heights outlined above, developers will be required to deliver flood defences or ~~land-raising~~ **of occupied storeys of buildings** to this height to meet the required standard of protection.

- 4.7.18 Comprehensive ~~land-raising~~ **of occupied storeys of buildings** and/or flood defence provision will be essential to protect existing and future residents and businesses as well as the A259. This approach, which focuses on flood defence provision from the Adur Ferry Bridge to Kingston Beach, will ensure the complete closure of the flood cell and continuation of the line of new defences currently being provided via the Shoreham Adur Tidal Walls Scheme - an Environment Agency funded flood defence scheme which ends at the Adur Ferry Bridge.

- 42.3 Policy SH6 (15) sets the criteria for permitting basement car parking in tidal/fluviial flood zones. These are that adequate mitigation and emergency planning are included as part of the planning application. There is a risk that flooding of basement car parks could lead to the discharge of pollutants into water bodies and groundwater. This risk can be addressed, for example by installing full retention oil/water separators.
- 42.4 Although Policy SH7(9) requires that only clean surface water should be discharged into the River Adur, Canal and groundwater, the Councils consider that specific reference should be made to this risk, and appropriate measures included to address this. Therefore, the following modification is proposed:

Policy SH6: Flood Risk and sustainable drainage

15. Proposals which seek to provide basement parking in tidal/fluvial flood zones will only be acceptable where adequate mitigation and emergency planning are included as part of the planning application. **Developers will be required to demonstrate that drainage and separators will not release potential contaminants to the environment.**