



Shoreham Adur Tidal Walls Reach W7 PRow Diversion

23 July 2018

Context and History

Although planning permission is in place for the Shoreham Adur Tidal Walls scheme, the project also requires consent to divert a Public Right of Way (PRoW) from the existing flood embankment in Reach W7 (Shoreham Airport) onto a new re-aligned flood defence.

The application for diversion is being made to Adur District Council (ADC) under Section 257 of the Town and Country Planning Act (1990). As part of the application, West Sussex County Council (WSSCC) as the Rights of Way authority for the area are being consulted.

The existing embankment is in a poor condition, and is expected to fail within the next decade. The embankment breached in 2013, which required the Environment Agency to intervene to carry out emergency repair works.



The Agency's proposal is for a new flood defence embankment with a crest of 2.0m and a consistent surfaced width of 1.5m, below the County Council's standard minimum width of 2.0m.

The existing footpath is shown here in 2017. The width of the path varies from 1.1m to 1.7m throughout, and is of generally poor condition.



Application Status

The Agency's Project Manager (Graeme McClure) attended the West Sussex County Council Rights of Way Committee on Tuesday 12th June to make representation on behalf of the project. However, the committee unanimously voted to object to the footpath diversion. Concerns raised were largely based around the lack of adherence to the Council's minimum width for the footpath, in particular citing future developments in the planning pipeline as a factor that will increase usage of the footpath in the future.

Alternative Options Explored

This section outlines the range of options that have been explored to date, both during the design stage and in response to the objection raised at the Rights of Way Committee. For each option, a conclusion has been drawn on whether the option has been implemented, ruled out or remains open for further discussion and potential implementation.

1) Widen Embankment to Deliver Increased Footpath Width

The most obvious solution to meet the requirement of a 2.0m width footpath would be to construct a wider embankment, which would in turn facilitate a wider crest and footpath. However, it is not possible to widen the embankment on either side given constraints on the project.

- To the East, the project is creating saltmarsh habitat as a replacement for that lost elsewhere on the scheme. This is a critical element of the project, as replacement of the habitat forms part of the project's planning application and conditions. A number of alternative locations for creating this habitat in the local area were explored during the design stages, but there were no viable alternatives to the Airport location. Stakeholders including Natural England would be expected to object to any removal of the habitat creation from the scheme, as saltmarsh is deemed as a high priority form of habitat.
- To the West, the project is constrained by the Airport's main access road (Cecil Pashley Way). At the June Rights of Way committee, the small section between the road and the toe of the new embankment was suggested as a location for widening the embankment. However, in this location the project will be re-locating drainage assets in the form of a buried filter drain. Constructing the embankment over this filter drain is not possible, as not only would it lead to significant reinforcement being required for the drain to bear the load of the embankment, it would then be impractical to carry out any future inspection and maintenance.

As a result of these constraints upon the project, this option has been ruled out.

2) Incorporate Wider Passing Places

West Sussex County Council's PRoW Officer was engaged during the design process, so was able to advise that the proposed 1.5m wide footpath did not meet the Council's minimum of 2.0m. In response, the project team has incorporated seven 'passing-places' where the width of the footpath could be increased to 2.0m without impacting upon the constraints outlined above.

This option has been implemented, and there are no further opportunities to add passing places without impacting upon the habitat creation.

Visualisation of the new embankment, with the existing alignment shown with a blue line.

An example of the passing places that have been incorporated is shown to the South.



3) Lower Embankment Height to Form Wider Crest

The project team have explored reducing the height of the new flood embankment by 0.2m, which would enable a wider crest and subsequently a wider footpath to meet the County Council's minimum standard. This is a simple and feasible technical solution, but would not deliver the flood defence capability that the Environment Agency has committed to the local community and third party funders.

Even if these challenge could be overcome, it is unlikely that the Environment Agency would receive consent from the landowner to implement a lower embankment height. As an Airport is a statutory undertaker, the Agency's typical 'Powers of Entry' to carry out works do not apply, and as such a legal agreement has been entered into between the Agency and the Airport to provide access. The terms of this agreement mean that any changes to the agreed design must receive consent. Reducing the height of the embankment would have a significant effect on the Airport landlord, as they are currently seeking planning permission for future development that relies on the new flood defence embankment being at its current design height.

As a result, this option is not feasible and has been ruled out.

4) Widen Footpath and Remove Verge

The proposed crest of the new flood embankment is 2.0m, with a paved footpath surface of 1.5m and grass verges of 0.25m to either side. Another technically feasible solution would be to remove the verges and pave the entirety of the crest, thus meeting the County Council's minimum standard.

However, the height of the new embankment and the steepness of the embankment sides mean that this would necessitate the introduction of a guardrail throughout the length of the embankment to prevent falls. The difficulty with this is that it is highly likely that it would be objected to at planning on aesthetic grounds. One of the key elements of the design in this location was to retain a semi-rural feel in a less urbanised part of the scheme, which was discussed and agreed with numerous stakeholders during the project's planning application.

As the Agency has little confidence that a guardrail solution would be approved by the planning authority due to stakeholder objections, this option has been ruled out.

5) Steepen Embankment Sides

Given the constraints to widening the embankment, the project team also examined steepening the sides of the structure to enable the design height to be retained whilst incorporating a wider crest and footpath. This has been ruled out as it would again require the incorporation of a guardrail to prevent falls which would be objected to at planning. In addition, it is likely to be rejected by the landlord as it would introduce safety concerns for future maintenance of the embankment (e.g. grass cutting).

As a result, this option has been ruled out.

6) Avoid PRow Diversion

The Environment Agency could seek to leave the existing footpath and embankment in place and complete the new flood defence only, negating the requirement for a diversion application. This option is technically challenging at the Northern interface between the old and new flood defences, and would likely require additional design and construction work being carried out by the Environment Agency to facilitate.

More importantly, this option would not offer any value to the community. With the introduction of the new flood embankment, the Environment Agency would withdraw all maintenance and monitoring of the old embankment. Given the poor condition, the embankment is likely to deteriorate further. Long-term, the footpath will likely require closure in the absence of active intervention by another party. For these reasons this option does not feel like the right outcome for any of the project stakeholders.

However, it is feasible therefore has the potential to be implemented.

7) Extinguish Public Right of Way

Under Section 257 of the Town and Country Planning Act (1990), the Environment Agency could seek consent to extinguish the Public Right of Way. However, given the usage of the footpath by the community it is not expected that the application would meet the required tests under the Act, and therefore has been ruled out.

8) Demobilise and Remove Flood Embankment

Other than the options highlighted within this report, the Environment Agency have no further options that can be explored in this location to provide the footpath width required. If the objection remains in place, the Agency will have to halt works and under the terms of the legal agreement with the landlord de-mobilise and reinstate the site to its previous condition. The diversion application will then be expected to be submitted to the Secretary of State for determination.

This option is the least favoured as it will not deliver the benefits of the flood defence project to a large section of the local community. Modelling carried out by the Environment Agency demonstrates that without the new embankment at Shoreham Airport, there will be little improvement in flood protection to South Lancing and large sections of Shoreham Beach. However, given the constraints from third parties, this option has the potential to be implemented.

Summary

It is hoped that this report adequately outlines the competing demands and constraints that the Environment Agency has to manage in this location, and the difficulties these have created with regard to the public right of way diversion. The approach throughout the design of the new embankment has been to seek to balance concerns from a wide range of stakeholders and deliver as much benefit as possible within the context of the constraints placed upon the project

It is acknowledged that a 1.5m wide footpath does not adhere to the County Council's minimum standards, but does offer a significant and long-term improvement on the existing situation. As a result, it is requested that the County Council's objection to the PRow Diversion application is removed to enable the completion of the flood defence to the current design.

Note on Cycling

The Environment Agency is conscious that when discussing Rights of Way, the topic of cycling is often raised.

The current embankment is not a cycle route, and the proposed new embankment will also not be suitable for cycling given the constraints on width, coupled with the limited clearance under the railway bridge to the South.

This is demonstrated here in a photograph taken prior to construction.



The project has however delivered improvements on the opposite bank of the River Adur that will benefit the cycling community.