



# ADUR DISTRICT COUNCIL

Executive Member for Regeneration  
3 January 2019

Decision to be made on or after  
11 January 2019

Key Decision [No]

Ward(s) Affected: St Mary's, Southwick Green, Eastbrook, Marine

## **Consultation on Main Modifications to the Shoreham Harbour Joint Area Action Plan**

### **Report by the Director for the Economy**

#### **Executive Summary**

#### **1. Purpose**

- 1.1. This report presents the main modifications to the Shoreham Harbour Joint Area Action Plan. These are required to make the Plan sound. The Executive Member is asked to agree the main modifications for consultation.
- 1.2. The Councils are also proposing additional modifications. These are not subject to consultation, but are provided for information. The Executive Member is asked to agree the additional modifications

#### **2. Recommendations**

- 2.1. The Executive Member is recommended to:
  - Agree the publication of the Schedule of Proposed Main Modifications to the Shoreham Harbour Joint Area Action Plan for consultation purposes; and that it is made available for public consultation between 11 January 2019 and 22 February 2019.
  - Agree the publication of the Schedule of Additional Modifications

- Delegate authority to the Head of Planning and Development to make further amendments prior to consultation to provide additional clarity and correct minor errors.

### **3. Context**

- 3.1. The Shoreham Harbour Joint Area Action Plan (JAAP) has been jointly prepared by Adur District Council, Brighton & Hove City Council and West Sussex County Council. The JAAP is a local plan for the regeneration area and once adopted will form part of the development plan for Adur, alongside the Adur Local Plan. The JAAP will also be adopted by Brighton & Hove City Council and West Sussex County Council.
- 3.2. Policy 8: Shoreham Harbour Regeneration Area of the Adur Local Plan designates the regeneration area as a broad location for change, and commits the council to working in partnership to produce the JAAP.
- 3.3. On 2 November 2017, Full Council agreed the publication of the Shoreham Harbour Joint Area Action Plan; and the subsequent submission of the plan to the Secretary of State. Publication took place between 10 November 2017 and 22 December 2017 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The plan was submitted to the Secretary of State for Housing, Communities and Local Government on 31 May 2018 under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.4. The Secretary of State appointed Planning Inspector Anne Napier BA(Hons) MRTPI MIEMA CEnv to conduct the examination to determine whether the Joint Area Action Plan is sound. The examination hearing sessions took place on 19 and 20 September 2018.
- 3.5. Main Modifications to the plan have been proposed in response to representations received at publication stage, and in response to the matters, issues and questions raised by the Inspector during the examination period. These are necessary in order for the plan to be found sound, and legally compliant. The tests for soundness are as follows:
  - Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities

where it is reasonable to do so and consistent with achieving sustainable development;

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.6. The Councils are required to facilitate public consultation on the Main Modifications to the JAAP. However, this is a part of the examination of the plan. Representations received on the modifications will therefore be considered by the Inspector. The Inspector will only consider representations on the Main Modifications at this stage, and not on any other matters relating to the plan. The proposed consultation period is from 11 January 2019 to 22 February 2019.

3.7. The councils have also identified additional (or minor) modifications to the plan. These are not subject to consultation. However they will be published during the consultation period for information.

#### **4. Issues for consideration**

4.1. The Schedule of Proposed Main Modifications to the Shoreham Harbour Joint Area Action Plan is attached as Appendix 1 to this report. This includes the proposed amendment, the reason for the amendment and the stage at which the amendment was proposed. It also includes a screening opinion for the sustainability appraisal of the plan.

4.2. There are 23 proposed main modifications in total. The most significant changes are:

- Modification 04 - Policy SH1: Climate change, energy and sustainable building has been amended to reflect the shared commitment to low and zero carbon energy generation, to clarify the requirements for feasibility and viability assessments for heating and cooling systems, and clarify which requirements apply across the regeneration area, and which are limited to the proposed Shoreham Heat Network area. Changes to background text reflect these policy amendments, and specify the technical requirements for heating and cooling systems. These changes

are required for the policy to be positively prepared, effective, justified and consistent with national policy.

- Modification 05 - New supporting text to Policy SH3: Economy and employment. This states that conversions of employment space to residential dwellings will be monitored by the councils. If necessary the councils may seek to revoke permitted development rights in order to protect employment space. This change is required to be positively prepared and effective.
- Modification 07 - New supporting text to Policy SH6: Flood risk and sustainable drainage. This clarifies the search area for sequential flood risk tests, and that responsibility for delivery and maintenance of flood defences belongs to the landowner. These changes are required to be effective, justified, positively prepared and consistent with national policy.
- Modification 11 - Policy 7: Biodiversity, natural environment and green infrastructure has been amended to clarify the ecological information required with development proposals and the requirement for compensatory habitat where impacts on biodiversity cannot be avoided or mitigated. Changes to background text reflect these policy modifications. These are required to be justified and consistent with national policy.
- Modification 13 - Policy SH8: Recreation and leisure has been amended to clarify the approach to provision of open space. This is required to be effective and consistent with other policies in the plan.
- Modification 14 - Policy SH9: Place making and design quality has been amended to clarify the approach to public realm, public art, internal space standards, external space, and amenity for existing and future users, residents and occupiers. Changes to background text to reflect these policy modifications. These changes are required to be effective, justified, positively prepared and consistent with national policy.
- Modification 19 - Policy CA7: Western Harbour Arm has been amended to requirement relevant sites to address impacts on navigational safety, such as visibility of navigation lights, in agreement with statutory bodies, including Shoreham Port Authority. The policy has also been amended to strengthen the commitment to the Shoreham Heat Network. Changes to background text to reflect these policy modifications. These changes are required to be effective, justified, positively prepared and consistent with national policy.

4.3. The Councils proposed a number of modifications when the plan was submitted. Further modifications were identified during the examination process, in response to the Inspector's matters, issues and questions. The Inspector has now agreed the attached Schedule of Main Modifications, which supersedes any earlier proposed modifications.

- 4.4. The Schedule of Additional Modifications to the Shoreham Harbour Joint Area Action Plan is attached as Appendix 2 to this report. These include textual or grammatical corrections, rephrasing or limited new text to add clarity, or updates to figures or references which are necessary due to alterations which have been made elsewhere or for which there is new information.

## **5. Engagement and Communication**

- 5.1. During the public hearings into the soundness of the plan, modifications were discussed and refined. Participants had the opportunity to comment on the proposed modifications, and to suggest alternatives. During the examination of the plan, modifications can only be made where the Inspector considers this necessary for the soundness of the plan.
- 5.2. The modifications to the plan have been developed jointly by the partner authorities, and in consultation with other interested parties, such as the Environment Agency and Sussex Wildlife Trust.
- 5.3. This report recommends that the Executive Member approve the publication of main modifications for consultation. If agreed, consultation will take place between 11 January 2019 and 22 February 2019. Consultation will be conducted according to the adopted Statement of Community Involvement, and the relevant legislation and regulation.

## **6. Financial Implications**

- 6.1. The production of the Shoreham Harbour Joint Area Action Plan and associated publication is to be funded by the existing Shoreham Harbour Regeneration budget.

## **7. Legal Implications**

- 7.1. The Shoreham Harbour Joint Area Action Plan has been prepared and submitted in accordance with the Planning and Compulsory Purchase Act 2004 and the The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2. The Proposed Main Modifications are published without prejudice to the Inspector's final conclusion on the Joint Area Action Plan, which will take account of all representations submitted in response to this consultation.

## **Background Papers**

- Report to Adur District Council meeting on 2 November 2017
- Proposed Submission Shoreham Harbour Joint Area Action Plan

### **Officer Contact Details:-**

Name: Chris Jones

Role: Project Manager - Shoreham Harbour Regeneration

Telephone: 01273 263243

Email: [chris.jones@adur-worthing.gov.uk](mailto:chris.jones@adur-worthing.gov.uk)

## **Sustainability & Risk Assessment**

### **1. Economic**

- The Shoreham Harbour Joint Area Action Plan will establish an up to date planning framework for the regeneration area which will help to deliver regeneration and economic development. The plan will provide a clear platform for the future development of our places which will help to deliver a number of economic priorities.

### **2. Social**

#### **2.1 Social Value**

- An adopted planning framework will help to underpin a clear regulatory service for development management and meet future housing and community needs.

#### **2.2 Equality Issues**

- The Plan has been the subject of a Health and Equalities Impact Assessment. It will aim to ensure that all groups in the area have equal access to the spatial opportunities offered by the new development plan. For example, the provision of affordable housing and sustainable transport initiatives are key issues to be addressed through the new plan to help promote equal opportunities.

#### **2.3 Community Safety Issues (Section 17)**

- The emerging plan considers community safety issues and requires development to incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment.

#### **2.4 Human Rights Issues**

- Matter considered and no issues identified.

### **3. Environmental**

- The plan has been subject to Sustainability Appraisal at several stages during preparation. An up to date plan will help to balance the pressure to develop / grow with the protection of key environmental assets.

#### **4. Governance**

- The Shoreham Harbour Joint Area Action Plan will help to meet a number of the Council's priorities, action plans, and policies.
- The delivery of the plan will help to meet the spatial needs of the district and wider sub-region, and therefore have a positive impact on the reputation of the Council.
- Failure to adopt the plan could impact on a number of this Council's priorities including economic and social regeneration.