



ADUR & WORTHING
COUNCILS

30 September 2019

Joint Strategic Committee	
Date:	8 October 2019
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership:

Adur District Council: Councillors; Neil Parkin (Adur Chairman), Angus Dunn (Adur Vice-Chairman), Carson Albury, Brian Boggis, Emma Evans and David Simmons

Worthing Borough Council: Councillors; Daniel Humphreys (Worthing Chairman), Kevin Jenkins (Worthing Vice-Chairman), Edward Crouch, Heather Mercer, Elizabeth Sparkes and Val Turner

Agenda

Part A

1. Declarations of Interests

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Minutes

Resolved that the Minutes from the Joint Strategic Committee meeting held on 10 September 2019, be approved as an accurate record and signed by the Chairman.

3. Public Question Time

To receive any questions from members of the public.

In order for the Committee to provide the fullest answer, questions from the public should be submitted by **noon on Friday 4 October 2019**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services,
democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will operate for a maximum of 30 minutes)

4. Items Raised under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Consultation response and recommendations on the extension and amendment of Public Space Protection Orders (Dog Control) for Adur and Worthing Councils (Pages 1 - 20)

To consider a report from the Director for Communities, a copy is attached as item 5.

6. Proactively managing our Natural Resources - The Councils planned approach to the threat of Ash Dieback (Pages 21 - 30)

To consider a report from the Director for Communities, a copy is attached as item 6.

7. Bereavement Services - New Adur & Worthing Councils Burial Ground Regulations (Pages 31 - 54)

To consider a report from the Director for Communities, a copy is attached as item 7.

8. Annual summary of Corporate Risks and Opportunities (Pages 55 - 66)

To consider a report from the Director for Digital & Resources, a copy is attached as item 8.

9. Adur Homes Responsive Repairs Policy (Pages 67 - 84)

To consider a report from the Director for Communities, a copy is attached as item 9.

10. Shoreham Harbour Joint Area Action Plan (Pages 85 - 290)

To consider a report from the Director for the Economy, a copy is attached as item 10.

11. Grant Funding to assist the delivery of Key Strategic Housing sites in Adur (Pages 291 - 298)

To consider a report from the Director for the Economy, a copy is attached as item 11.

Part B - Not for Publication – Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council’s website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Neil Terry Democratic Services Lead 01903 221073 neil.terry@adur-worthing.gov.uk	Susan Sale Solicitor to the Councils 01903 221119 susan.sale@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 5

Key Decision [~~Yes~~/No]

Ward(s) Affected: All

Consultation response and recommendations on the extension and amendment of Public Space Protection Orders (Dog Control) for Adur and Worthing Councils

Report by the Director for Communities

1. Purpose

- 1.1. On 17 December 2019 two Public Space Protection Orders for dogs (one in Adur and one in Worthing) will expire.
- 1.2. On 5 March 2019 a report was brought to JSC recommending
 - to approve in principle proposed amendments to the orders outlined in paragraphs 4.5 and 4.8 of that report (contained as Appendix A to this report);
 - to approve the undertaking of a public consultation survey as outlined in that report;
 - to request that a further report be brought to JSC in September 2019 with the results of the public consultation and options for consideration.
- 1.3. This report provides the results of the public consultation carried out between Monday 15 July to Friday 6 September 2019 and includes a number of recommendations that Members of the Joint Strategic Committee are asked to consider.

2. Recommendations

- 2.1. That the Joint Strategic Committee confirm that both current PSPO's are extended for a period of 3 years.
- 2.2. That the Joint Strategic Committee approve that the fixed penalty fine be increased to £100.
- 2.3. That the Joint Strategic Committee determine whether the number of dogs that can be walked by dog walkers:-
 - a) remains at 6
 - b) is reduced to 4
- 2.4. That the Joint Strategic Committee refer these decisions for approval to the Full Council at both Adur District Council and Worthing Borough Council.

3. Context

- 3.1 The Anti Social Behaviour, Crime and Policing Act 2014 provides a power to local authorities to implement Public Space Protection Orders (PSPOs) in specified locations to prevent a particular nuisance or problems in a specific area that is detrimental to the local community's quality of life.
- 3.2 A PSPO is designed to deal with a particular nuisance or problem by placing conditions on the use of the area and providing sanctions for those that do not comply. The breach of a PSPO is a criminal offence for which a fixed penalty notice can be issued and on summary conviction, a fine of up to £1,000 can be imposed. The fixed penalty can be up to £100. At the time of implementation in 2016, Adur and Worthing Councils set the fixed penalty for breach of a PSPO at £50.
- 3.3 Under the terms of the Anti Social Behaviour, Crime and Policing Act 2014, the maximum term of the orders is 3 years. The current orders which are Adur District Council PSPO No.1 Dogs and Worthing Borough Council PSPO No.4 Dogs will expire on 17 December 2019.
- 3.4 Local Authorities are able to extend (in time) a Public Space Protection Order under Section 60 (2) of the Anti Social Behaviour, Crime and Policing Act if it believes that the order is necessary to prevent the occurrence or recurrence

of the activities identified in the order or, an increase in frequency or seriousness of those activities.

- 3.5 At the Joint Strategic Committee on the 5 March 2019, a report was presented outlining the conditions for extending or amending the orders, the process and timeline to be followed and recommendations on the next steps.
- 3.6 A number of changes to the current PSPO's were presented as follows:
- 3.6.1 Worthing Beach - an extension to the seasonal exclusion zone, currently Warwick Road to Heene Road. The proposed extended zone would be Warwick Road to Marine Gardens, Worthing.
- 3.6.2 Increase the fixed penalty notice fine from £50 to £100.
- 3.7 At the JSC meeting on 5 March 2019 it was proposed that the current PSPO's be amended and extended for a further 3 years, from 18 December 2019.
- 3.8 Members also agreed to approve in principle, the proposed amendments to the orders outlined in paragraphs 4.5 and 4.8 of that report; approve the undertaking of a public consultation survey as outlined in paragraphs 3.8 and 3.9 of that report; and requested that a further report be brought to JSC in September 2019 with the results of the public consultation and options for consideration.
- 3.9 Following the Committee meeting in March 2019 an additional proposal was made to include an amendment, to be tested as part of the public consultation. This amendment was to reduce the maximum number of dogs under the control of a single person that can be taken onto land covered by the PSPO's from 6 dogs to 4 dogs. Further discussion is contained later in this report.
- 3.10 Public consultation on was undertaken from Monday 15 July to Friday 6 September 2019, the results of which are summarised in this report.

4. Issues for consideration

- 4.1 The public consultation was published on the Council's website (see Appendix B) and promoted via the council's social media channels. Paper versions were made available at Portland House, The Shoreham Centre and Lancing Parish Hall. Comments were invited to be submitted via an online form on the Council's website, via email to Public Health & Regulation or via post. The

online form questions are exhibited in Appendix C.

- 4.2 To ensure these changes were widely promoted, consultation signs were erected at Worthing beach and in our main public open spaces - the main parks in Adur and Worthing and some areas adjacent to the South Downs. These signs summarised the proposals and advised the public how they could submit comments. The sign is exhibited in Appendix D.
- 4.3 The Anti Social Behaviour Crime & Policing Act 2014 requires the local authority to consult the police. The Office of the Sussex Police & Crime Commissioner was consulted prior to the public consultation commencing. They confirmed the consultation met the legal requirements for PSPO's and have no objections to the proposals. Sussex Police have also been consulted and they confirmed they have no issues with the proposals.
- 4.4 Others notified of the proposals included West Sussex County Council, Lancing Parish Council, Sompting Parish Council, local veterinary centres, local dog rescue charities, The Kennel Club and The Dogs Trust.

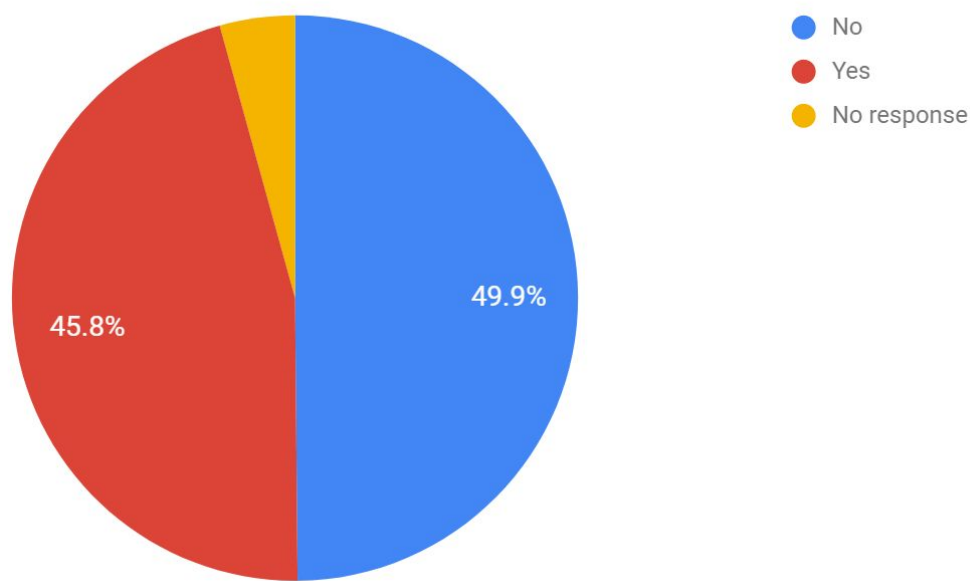
5. Results of the Consultation

- 5.1 A total of 1074 responses were received
 - 1025 via the online form
 - 46 via email
 - 3 letters
- 5.2 Summaries of the responses to each question follow below.
- 5.3 No formal responses were received from West Sussex County Council, local veterinary centres and local dog rescue charities (other than the Dogs Trust).

CONSULTATION QUESTIONS AND RESPONSES

Q1: Are you in favour of an extension of the PSPOs for a further three years?

Are you in favour of an extension of the PSPOs for a further three years? (until 18th December 2022)



- 5.4 The above chart depicts a marginal result with just under half of respondents not being in favour of the continuation of the PSPO's beyond 19 December 2019. However, while this slight margin against the continuation of PSPO's is recognised, it is important to consider other variables in reaching a conclusion.
- 5.5 Of the responses received only 364 made comments on this question. The vast majority (well over 90%) focussed their responses on the other three subsequent questions posed in this survey (beach exclusion zone extension, increased fine and reduction in maximum number of dogs from 6 to 4). Other comments were made in relation to ensuring enforcement of the current restrictions, the problem of littering and dog fouling being a problem.
- 5.6 Members are reminded that at the meeting in March 2019 they approved the principle of renewing the existing PSPO's for a further three years, having taken into account the evidence base for the recommendations to extend the orders.
- 5.7 Public Spaces Protection Orders are required by law to be evidence based

and it is necessary to be satisfied that the following two conditions are met should the PSPO's continue beyond 19 December 2019.

5.7.1 Condition 1

Activities carried out in a public space within the local authority's area have had a detrimental effect on those in the locality, or it is likely that activities carried out in a public place will have such an effect.

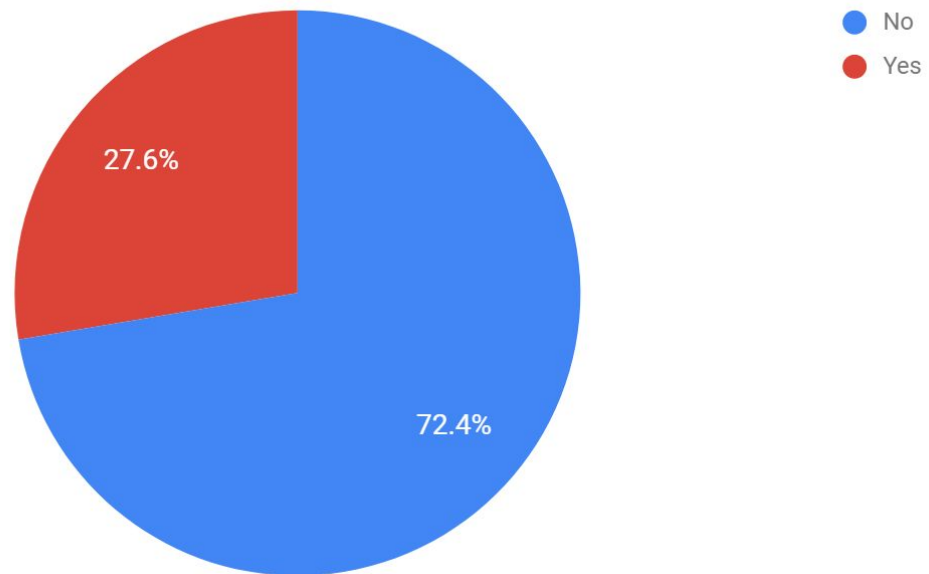
5.7.2 Condition 2

The effect or likely effect of the activities is, or is likely to be, of a persistent and continuing nature and is, or is likely to be such as to make these activities unreasonable, and this justifies the restrictions imposed by the notice.

- 5.8 Evidence from the JSC report in March 2019 set out for Members that the evidence test and statutory requirements for Conditions 1 and 2 have been met and recommended the continuation of PSPO's. This evidence included the number of dog fouling complaints received and the number of fixed penalty notices issued in relation to breaches of the PSPO's.
- 5.9 The Joint Strategic Committee agreed at its meeting in March 2019 that PSPO's are an essential tool in providing an effective dog control service across Adur and Worthing, as without them we would have no powers to tackle dog fouling issues in public places, dogs on leads, dog exclusion zones, etc.
- 5.10 The retention of PSPO's assists in the provision of a balanced system for dog owners and their dogs to enjoy the freedom to exercise their dogs, and also for the general public including dog and non dog owners to enjoy our open spaces. Without PSPO's we lose the mechanisms to address irresponsible dog owners and support the rights of all users of our open spaces.
- 5.11 **Recommendation:** It is recommended that both current PSPO's are extended for a period of 3 years.

Q2. Worthing Beach extension to the seasonal exclusion zone - are you in favour of the proposed extension of the zone from Warwick Road to Marine Gardens?

Are you in favour of the proposed extension of the zone from Warwick Road to Marine Gardens?



The above chart shows that 72% of respondents were against an extension of the beach exclusion zone, with the general themes from comments detailed below.

General themes from the comments of those who responded YES	General themes from the comments of those who responded NO
I support the extension	The current exclusion zone is sufficient
Extend the exclusion zone to George V Avenue	This would be detrimental to local resident dog owners, especially the elderly and those with disabilities
Extend the exclusion to include the childrens play area at George V Avenue	Local dog walkers would have to drive to reach a dog walking area
	Trust issues associated with Southern Water.
	Would have a negative effect on the local economy and tourism
	Address the issue of litter on the beach
	More enforcement of current exclusion

	zone needed
	Lack of evidence of fouling
	This will simply shift the problem and concentrate fouling into a smaller area

5.12 A number of comments claimed that the extension of the exclusion zone would adversely affect residents and business within the town - citing the following concerns

- That dog owning residents in the town centre, immediately adjacent to the beach exclusion zone would be unable to walk their dogs
- That an extension would be likely to prevent elderly dog owners and those with disabilities who live in the town centre, from being able to access the beach with their dogs.
- That the extension would result in dog owners having to resort to driving out of the town centre, along the seafront in order to walk their dogs on the beach and/or
- That the extension would affect tourism and the economy by putting off dog owning visitors from visiting the town.

5.13 In relation to the comments claiming the extension to the beach exclusion zone would adversely affect those with disabilities, it should be made clear that the section on dog exclusion in the current PSPO's does not apply to any person who:

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

5.14 A number of people raised the issue of a lack of enforcement of the current zone and how any extension could be enforced, within existing resources. The issue of enforcement is a common response to each question. The Councils employ two Dog Wardens and use a combined education and enforcement approach. We are continually looking at how enforcement activity can be improved. Clearly through this consultation enforcement has

been identified as an issue and we will therefore be reviewing our enforcement options going forward.

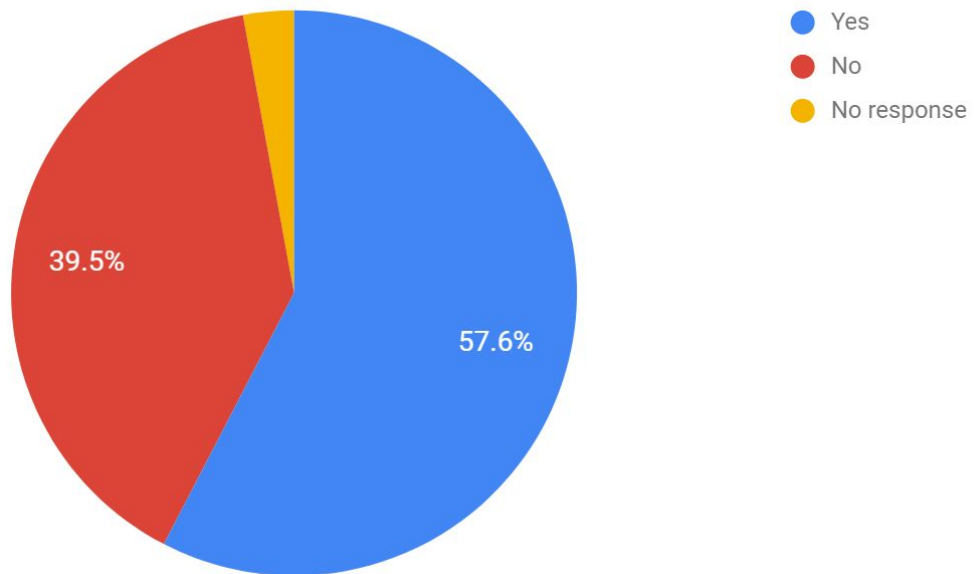
- 5.15 Southern Water requested an extension to the exclusion zone in order to help protect bathing water quality at the designated bathing beach in Worthing, the sample point for which is opposite Heene Road. However it is clear the majority of those who responded are not in favour of any extension to the current beach exclusion zone.
- 5.16 Clearly a balance has to be struck between the request of Southern Water and the views expressed by the general public. DNA analysis of the Worthing bathing water by Southern Water, at the designated sampling point opposite Heene Road, suggested elevated levels of faecal matter attributed to dogs. With longshore drift from west to east it was suggested that by extending the exclusion zone to encompass a part of the beach to the west of the designated bathing waters water quality could be improved. This is an action from the Southern Water Bathing Water Enhancement Programme of which Worthing Borough Council is a lead partner. The aim of the programme is to enhance Worthing's current bathing water classification from 'Sufficient' to 'Excellent' by Autumn 2019. This can only be achieved with a number of actions working in partnership with Worthing Borough Council, one of which is to reduce dog fouling on the beach.
- 5.17 Conversely, the majority of respondents to the consultation were opposed to the extension. Common concerns expressed were the impacts on tourism and the local economy, the disproportionate impacts on local resident dog owners, especially the elderly and those with disabilities and littering on the beach having a detrimental effect on water quality.
- 5.18 Taking all the views expressed into account it is recommended that the exclusion zone is not extended at this time.

5.19 Recommendation:

The seasonal exclusion zone is not extended beyond its current boundaries at this time.

- 5.20 Q3. Are you in favour of an increase to the fixed penalty notice fine from £50 to £100?**

Are you in favour of an increase to the fixed penalty notice fine from £50 to £100?



The above chart depicts 58% of respondents were in favour of an increase of the fixed penalty notice fine.

General themes from the comments of those who responded YES	General themes from the comments of those who responded NO
Fines should be higher	£50 is large enough
More enforcement of the fines is needed	Enough money from council tax/ money making scheme
A warning should be given first	Enforcement difficulties/ current fine not enforced
This is fair	Better signage needed
This will act as an extra deterrent	No fine at all
Agree but this needs additional signage to work	
More fines for littering are also needed	

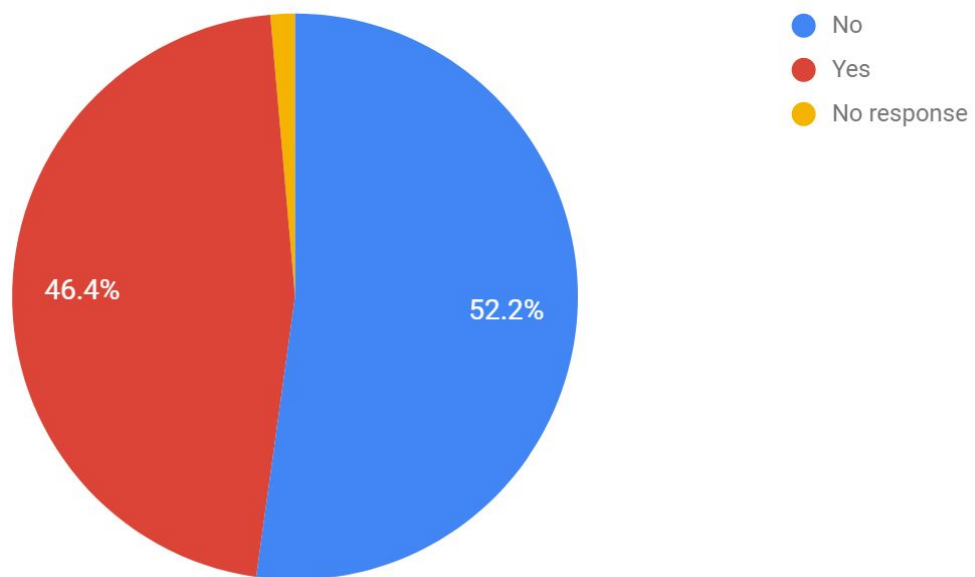
5.21 It should be noted that the level of the Fixed Penalty Notice does not need to be included in the text of the PSPO and can be amended without the PSPO being changed.

5.22 **Recommendation** : It is recommended that the fixed penalty fine be increased to £100.

5.23 **Q4. Are you in favour of reducing the maximum number of dogs, under the control of a person that can be taken onto land covered by the PSPOs, from 6 dogs to 4 dogs?**

5.24 This question was added to the consultation, after the original report to Members in March, in response to the Councils being made aware of a significant issue in relation to the walking of 6 dogs, along with some wider concerns. It was therefore deemed appropriate to add this to the consultation to test with communities.

Are you in favour of reducing the maximum number of dogs, under the control of a person that can be taken onto land cov...



General themes from the comments of those who responded YES	General themes from the comments of those who responded NO
A professional dog walker commented they already limit themselves to 4 dogs	This will be detrimental to dog walking businesses/lose trade/impact livelihoods
5 would be reasonable	Increase hours for dog walkers, increase driving, extra walks needed if only 4 dogs are allowed

It's not possible to clean up properly after 6 dogs	Will increase prices for customers
A number of dog walkers tend to walk their dogs together, meaning there are more than 6 being walked at any one time	Will result in dogs being left at home for longer periods as extra walks needed to cope with reduction in permitted numbers
Dogs tend to act as a pack, intimidating or acting against other dogs	6 works well
A number of dogs walked together is intimidating if not controlled properly	How will this be enforced?
4 is too many, 2 is enough	Why was the voluntary CoP abandoned?
6 dogs is too many	There are no such rules in surrounding areas
	6 is fine provided the dog walker is trained
	Experienced dog walkers are competent to walk 6
	One badly trained or misbehaving dog is worse than 6 well behaved dogs
	No evidence is provided to reduce numbers
	Some people own more than 4 dogs, how will this affect them?
	One badly trained or misbehaving dog attacking sheep is more dangerous than 6 well behaved dogs

5.25 The above chart shows that 52% of respondents are against reducing the maximum number of dogs under the control of a person that can be taken onto land covered by the PSPO's from 6 dogs to 4 dogs, whilst 46% were in favour.

5.26 There are legitimate arguments both for and against this proposal. The section of our business community involved in a professional dog walking service argue that a reduction in the maximum number of dogs would have a negative impact upon their livelihoods, may increase fees for their service

users and would have a detrimental effect on the work life balance of both themselves and their clients.

- 5.27 Concern was also raised about why the Councils had ceased to operate the Voluntary Code of Practice for Professional Dog Walkers Scheme. The scheme ceased on 15 November 2018 (having commenced in September 2016). The aim of the scheme was to encourage Professional Dog Walkers to follow best practice regarding the control of dogs under their care.
- 5.28 A review of the scheme identified that only scheme members insurances and vehicles legality were checked and that there was no system in place for grounds to exclude a member from the scheme should a problem be identified. This omission may have presented a reputational concern for the Council as it may be seen to endorse members of the scheme. Furthermore being a voluntary scheme the Councils had no powers to police it.
- 5.29 In summary, it was determined that the voluntary scheme did not have a positive impact on the regulation of Professional Dog Walkers and that there were more effective mechanisms in place such as the PSPO's.
- 5.30 Conversely those expressing support for a reduction in the number of dogs that can be walked, raised fears around feeling intimidated when confronted by a large number of dogs and the effect this has on single dogs. Concern was also expressed over multiple dog walkers walking together, and that a number of dogs walked together like this acted as a pack.
- 5.31 Officers reviewed the actions of the following authorities with regard this element of control including; Chichester, Crawley, Horsham, Arun and neighbouring Brighton and Hove City Council. None of these Councils placed any restrictions on the maximum number of dogs under the control of one person that can be taken onto land covered by a PSPO. Mid Sussex District Council restrict a person to 6 dogs in certain parks and nature reserves but do not operate a blanket restriction on all land.
- 5.32 The Professional Dog Walkers' Guidelines contain good practice designed for professional dog walkers, prepared in consultation with Dogs Trust, RSPCA, Pet Industry Federation and Tailster (<https://www.dogstrust.org.uk/news-events/news/dog%20walking%20guide%20online.pdf>) The Guidelines state

“the maximum number of dogs that can be walked at any one time should not exceed the number stated in the walker's insurance policy and comply with

local authority requirements regarding the number of dogs. It is recommended that no more than four dogs are walked at any one time.”

5.33 The Kennel Club have responded stating

“...an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that will often simply displace and intensify problems in other areas..... The Kennel Club is not aware of any robust evidence that it is not possible to walk six dogs in a manner that maintains the interests of both the dogs being walked and others site users.”

5.34 And *“The current Defra and Welsh Government practitioner’s manual for local authorities and the police in England and Wales in dealing with dog-related incidents - “Dealing with irresponsible dog ownership” refers to a maximum limit of six dogs per person as a guiding principle.”*

5.35 They go on to suggest that *“A lower limit on number of dogs a commercial dog walker can walk will reduce the income generated per walk. It is inevitable that the dog walker would seek to recoup this revenue loss, either by increasing the prices being charged and/or by cutting corners.....Or that they simply walk less far so they get in more walks and/or leave dogs in vehicles in the meantime with potentially significant welfare implications.”*

5.37 The Dogs Trust have responded by stating

“The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.”

5.38 Following this consultation we have identified a need to collaborate with relevant stakeholders and landowners in relation to dogs in close proximity to livestock. The National Farmers Union (NFU) has joined forces with The Kennel Club to make countryside dog walks safer for both pet dogs and farm animals, by creating new footpath signs encouraging responsible dog ownership. We propose to investigate the use of these signs in dog walking areas close to livestock.

5.39 Members are also reminded that PSPO’s are required by law to be evidence based and it is necessary to be satisfied that the following two conditions are met:

5.39.1 Condition 1

Activities carried out in a public space within the local authority's area have had a detrimental effect on those in the locality, or it is likely that activities carried out in a public place will have such an effect.

5.39.2 Condition 2

The effect or likely effect of the activities is, or is likely to be, of a persistent and continuing nature and is, or is likely to be such as to make these activities unreasonable, and this justifies the restrictions imposed by the notice.

5.40 Both statutory tests must be met in order to proceed. The evidence for the reduction from 6 to 4 consists of one significant report of an issue with livestock scaring and hearsay evidence about resident concerns that 6 dogs are too many to allow proper control, particularly around livestock. Clearly any livestock scaring is serious and one could consider this as sufficient to satisfy the first condition above. However there is concern that evidence of one episode of livestock scaring alongside unsubstantiated hearsay evidence is too weak in order to satisfy condition 2.

5.41 In relation to this matter Members are asked to consider whether the number of dogs should be reduced from 6 to 4. Members are asked to consider the following:

- That it is the opinion of Officers that the two statutory conditions for PSPO's have not been fully met. The evidence for this is of one significant report of an issue and some hearsay evidence about resident concerns, alongside comments raised during this consultation about worries around people walking more than 4 dogs at one time;
- The marginal result showing more respondents being against this proposal;
- The concerns expressed by professional dog walkers about the impact of these measures on their business, as detailed above;
- The views of the professional bodies do not reach a single conclusion on this matter;
- The majority of neighbouring authorities do not have similar measures in place.

5.42 Options for Members to consider and approve after considering the above points:

1. *The maximum number of dogs permitted under the control of one person remains unchanged at 6, or*
2. *The maximum number of dogs permitted under the control of one person is reduced from 6 to 4.*

6. Engagement and Communication

- 6.1 The public consultation was published on the Councils website. Paper versions were also available at Portland House, The Shoreham Centre and Lancing Parish Hall. Comments were invited to be submitted via an online form on the Council's website, via email to Public Health & Regulation or via post.
- 6.2 To promote the consultation signs were erected at Worthing beach and areas frequented by dog walkers around Adur and Worthing - the main parks and areas adjacent to the South Downs. These signs summarised the proposals and advised the public how they could submit comments.
- 6.3 The Anti Social Behaviour Crime & Policing Act 2014 requires the local authority to consult the police. The Office of the Sussex Police & Crime Commissioner was consulted prior to the public consultation commencing. They confirmed the consultation met the legal requirements for PSPO's and have no objections to the proposals.
- 6.4 Others consulted included West Sussex County Council Highways, local veterinary centres, local dog rescue charities, The Kennel Club and The Dogs Trust.

Financial Implications

- 7.1 The cost of any enforcement activity will be funded from within the budget for the Councils, which includes provision for two Dog Warden posts managed by the Public Health and Regulation Team (PHR).
- 7.2 However, Members should note that any agreement to options requiring additional enforcement activity would require the use of other PHR officers across the Council to work alongside the two dog wardens.

- 7.3 The consultation process costs have been minimal and met from within existing budgets.

Legal Implications

- 8.1 The statutory tests that must be met before making, extending or varying a PSPO are set out in the report.
- 8.2 If the PSPOs are extended for a further period of time, either on the same or revised terms, the councils must comply with the statutory publication requirements set out in the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014
- 8.3 There is a statutory 6 week appeal period during which an individual can make an application to the High Court if they believe that the Council's did not have the power to make an Order, or that a statutory requirement for making such an Order was not met.

Background Papers

- JSC report 8 March 2019

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

- The use of all ASB tools and powers contributes to the perception of Adur and Worthing as safe and clean spaces to invest and spend time in. Public Space Protection Orders allow opportunities for engagement and low level intervention, often reducing the need for more resource intensive intervention.
- If the reduction in the number of dogs permitted to be walked at any one time was agreed there is a potential impact on local dog walking businesses and their customers.

2. Social

2.1 Social Value

- Communities will benefit from safer and cleaner spaces.

2.2 Equality Issues

- Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

- Public Space Protection Orders are a valuable tool in reducing anti social behaviour and promoting safe use of public spaces. By extending these powers, we are retaining an enforcement tool to tackle irresponsible dog owners.

2.4 Human Rights Issues

- The Council must ensure that the powers afforded by the PSPO is used responsibly and proportionately, and only where necessary to protect the public.

3. Environmental

- Public Space Protection Orders support Platforms for our Places strands ; Our Social Economies and Stewarding our Natural Resources.

- The absence of a PSPO poses a risk to public health from the likelihood of increased accumulations of dog faeces.

4. Governance

- Public Space Protection Orders support Platforms for our Places strands ; Our Social Economies and Stewarding our Natural Resources.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 6

Key Decision [Yes]

Ward(s) Affected: All

Proactively managing our Natural Resources - The Councils planned approach to the threat of Ash Dieback

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 The purpose of the report is to inform and make recommendations to the Joint Strategic Committee over the proposed management approach to the known risk of Ash dieback to our ash trees.
- 1.2 Adur and Worthing Councils' tree stock has already being affected by the disease and going forward it is essential that we plan to manage the current and future risks of this disease spreading. Defra and the Tree Council have created a tool to assist land managers in the effective and safe management of their tree stock and the disease.
- 1.3 The report recommends to the committee that both Councils adopt this tool/approach to enable us to prepare and manage for the spread of the disease.

2. Recommendations

It is recommended that the Joint Strategic Committee;

- 2.1. Approve the approach in using the DEFRA tool kit as best practice.
- 2.2. Approve the removal of infected tree stock where needed.
- 2.3. Approve to commit to a replanting programme to preserve our landscapes and work towards climate change mitigation.

3. Context

- 3.1 In December 2016, the Councils adopted a three year strategy 'Platforms for our Places' the third platform being the stewardship of our natural resources. Over the intervening period the Councils have contributed much to supporting our people and places to thrive, from developing our biodiversity around Brooklands Lake, to being successful in the plant heritage project at Highdown Gardens and supporting our parks and open spaces to be celebrated places to visit and spend time in. Unfortunately the role of the Councils is also to deal with the risks of change and disease in our natural world, and in our tree stock in particular. This report therefore outlines the apparent risk of Ash dieback in our tree stock, and provides recommendations as to the way forward.
- 3.2 Across Adur & Worthing we have 700 middle aged, to mature, stand alone ash trees. We have two woodlands made up of majority ash trees, numbering approximately 1,000 to 1,200 trees. One woodland, in Adur Lancing Ring and McIntyres field and one in Worthing, The Gallops and Bost Hill. Both of these woodlands provide not only the major lungs and filters for our communities, but also offer soak away spaces for localised flooding, roosting for bats and form part of Local Nature Reserve and areas within the South Downs National Park.
- 3.3 Ash dieback is a disease that is already infecting and killing our ash trees, and was first confirmed in Worthing in 2014 and 2015 for Adur. Experience from Europe is that once infected, trees are, on average, dying within a two year period. The trees become brittle and branches then snap and fall.

- 3.4 Given the number of ash trees across our areas, it is imperative that we have
- A full understanding of the risks and issues
 - A full management and future planting plan and
 - A comprehensive communication plan
- 3.5 DEFRA, The Tree Council and The Forestry Commission have recently launched a management tool to support councils to monitor and manage the impact of ash dieback. Officers from the Parks and Foreshore team attended the launch of this tool in order to understand best practice, the impacts of the disease and the potential future risks. The tool will enable us to collate a record of all of the key issues and risks, and ensure we follow best practice in managing these.
- 3.6 Whilst we are aware that ash dieback is present, we do not at this time have a full understanding of the extent of the issues for us as the owner of Council land, or as a leader for other landowners across Adur & Worthing. Consequently, the key outcome of these proposals will be the development of a full ash dieback plan, the aims of which will be as follows:
- Development of an overarching plan to identify, communicate with members, key stakeholders and our communities how we will address the risks of ash dieback disease in our area.
 - Identify and manage the risks from the disease to
 - the environment (landscape and biodiversity),
 - to public safety (falling trees) and
 - communication networks (roads and overhead cables)
 - Identify actions that are a priority because they pose a short-term major risk, (e.g. to public safety) that need to be addressed first, and those that pose a longer-term risk (e.g. to the environment) which will require longer term planning and budgeting.
 - For non-woodland trees, consider and plan for a number of scenarios such as;
 - a worst-case scenario, where over 90% of ash dies or are clearly dying within a ten-year period, and
 - a less severe scenario, where about 50% of non-woodland ashes are affected Identify the likely costs of responding to the disease, and thereby identify where extra resources will be needed going forward.

Our work will be to minimize the impact of large scale ecosystem

services loss by replanting a diverse tree stock.

4. Issues for consideration

4.1 Health and Safety

4.1.2 We have identified all of the ash trees within our parks, open spaces and cemeteries that are managed by Environmental Services and have mapped and recorded them as part of our tree management system. All inspections for these trees are up to date and are in accordance with the inspection frequency recommended. Adur Homes also have all of their tree stock mapped and recorded on their behalf by Environmental Services.

4.1.3 Woodlands and other land that Adur and Worthing estates teams are responsible for, that may have ash trees present, do not currently have their tree stock mapped or recorded, however discussions are underway to resolve this before the ash dieback tool is implemented .

4.1.4 The adoption and implementation of the ash dieback tool provides an ideal opportunity to:

- Implement a training plan for internal staff to assist with awareness and raising of concerns regarding this specific species.
- Ensure all risks to the public and/or members of staff are assessed and management actions are identified.
- Prepare a communications plan to respond to any issues relating to Ash dieback
- Carry out surveys of remaining land that we are responsible for so that all areas of risk are understood and fall into the management plan.

4.1.5 The challenges we will face are;

- The speed with which trees decline varies from tree to tree.
- Trees on private land and the need to serve section 154 notices in partnership with the County Council for trees that are risk critical with no management from a private land owner.
- Ability to adapt quickly throughout.

4.2 Reputation

4.2.1 We are in a strong position to prepare for ash dieback given the early stages of it being present within our area. Given that the level of disease

is currently low and we have time to prepare, we have the following opportunities:

- The ability to prepare a robust approach to managing our ash tree stock to manage all risks.
- To create and implement a communication plan regarding the disease of the tree stock, to support landowner and public awareness and activity. In the worst case scenario, the Councils may have to be responsible for significant levels of tree stock being removed, which will undoubtedly cause concern, therefore enabling an open and transparent communication plan will help to inform our local residents of the reasons for drastic action, should it be required.
- To brief elected members as and when we notice the disease in their areas so they are kept informed of the situation.
- Ensure that from the outset we are working in partnership with key stakeholders such as West Sussex County Council, The South Down National Park, bat societies, friends groups to start to plan and capitalise on opportunities when they arise, ensuring transparency.

4.2.2 The challenges we may face are;

- It is difficult to manage a 'moving beast' such as the spread of this disease, which has lots of variables.
- Clearly engaging with and ensuring the public understand the reasons for our actions will be critical, as it is foreseeable that some groups will see the removal of trees as untenable, regardless of the situation.
- There are protected species within some areas and we will also areas that we will need to do work - need to consider the impact of trees with Tree Preservation Orders

4.3 Environmental impacts

4.3.1 As indicated above we have 700 middle aged, to mature stand alone ash trees within our area and two woodlands. As part of this work going forward, we will review the stand alone trees and their locations and take the opportunity to re-plant close by so that we are future proofing the loss of the mature tree, as and when this occurs. This will give the new tree time to establish and reduce the impact of the loss of a feature tree. We also plan to capitalise on standing dead wood in appropriate locations such as where bats roost, in order to minimize the need for tree removals.

4.3.2 Working with key partners we will ensure that we make informed decisions and collaborate with appropriate stakeholders to prepare for working in restricted areas and with protected species. Collectively we need to understand and share our responsibilities, legal requirements and actions that must follow.

4.3.3 Some of the challenges we will face are;

- Managing the risks to protected species due to habitat loss, such as bats
- The risk of loss of significant numbers of ash in woodland areas, which will require replanting in order to prevent entire areas being lost. Such replanting however carries the additional risk that trees are competing for nutrients and light, as well as the budgetary implications of purchasing smaller trees which may not survive, against larger ones that are likely to have better rates of survival.

4.4 Resources

4.4.1 Ash dieback spores are spread through leaf litter, so clearly part of the future management plan, must be a focus on activity to clear leaf litter to slow down the spread of the disease. We will need to review what resources are required within the parks teams to undertake this work as we develop the management plan.

4.4.2 Live monitoring of our places and tree stock will also greatly assist in the management of the spread of this disease. Our plan therefore at present is to train a wider group of parks staff on the signs and symptoms of ash dieback to assist with the real time monitoring of our tree stock across and to develop a plan of replanting in different locations over a number of years to spread these costs.

4.4.3 The Councils will also work closely with local friends of and Greenspace partnership groups to help us do this work as well as to exploit any opportunities for external funding to support this work. At present there is no additional government funding to enable this, however we will continue to stay connected to Defra in case any any funding opportunities become available.

4.4.4 We know that we already have recorded accounts of the disease in the area, how quickly it will spread is hard to predict with present scientific knowledge. Currently we have limited in house resource to manage a large scale risk, however as part of the development of this plan, we will

be able to engage others to support this work, as well as better quantify what is required for the future.

4.4.5 As part of the development of a coherent action, management and communication plan, the team will consider a range of options that allow us to better understand the cost implications for the future as well as the environmental ones. For example, we may decide to leave some trees in appropriate locations as standing dead wood by pollarding. This will reduce the costs as well as reducing the negative impact on habitat and biodiversity loss.

5.0 Financial implications

5.1 Our Woodland locations have between 1,000 and 1,200 trees. The progression of the disease is uncertain but over the next 10 years, the Council will need to survey, dead wood and, potentially, remove and replant diseased trees to ensure that there is no net loss in tree stock.

5.2 The range of costs is significant depending on the corrective action needed. At this time it is difficult to quantify the full cost to the Councils until we have assessed the impact of the disease on the existing tree Stock.

5.3 However, to ensure that there are sufficient resources in place to address the issue, it is proposed that as part of the 2020/21 revenue budget process a new Arboriculturist post is established which will be responsible for surveying the trees, minor tree surgery works, and establishing which areas will require replacement. In addition to the post, a small budget will be needed to fund any specialist bat surveys, road closures, and major tree surgery or removal.

	Total £	Adur £	Worthing £
Arboriculturist	18,960	7,580	11,380
Supplies and Services	10,000	4,000	6,000
Total	28,960	11,580	17,380

This budget will be kept under review to ensure that it is sufficient for the emerging programme of work

- 5.4** In addition, as part of the 2021/22 capital programme development, bids have been received for the replanting of affected areas as follows:

	2021/22 £	2022/23 £	Total £
Adur	25,000	25,000	50,000
Worthing	25,000	25,000	50,000
	50,000	50,000	100,000

This bid will be considered as part of the capital programme approval report in December. It is likely that the Council will need a rolling programme of tree replacement works for some years to come.

6.0 Engagement and Communication

- 6.1** Tree removal is a very emotive topic, having a comprehensive communication plan for this programme of work will therefore be essential. A team including the Communications team has already been convened, and the first wave of information was released on the 29th July 2019 and can be found here

<https://www.adur-worthing.gov.uk/news/archive/pr19-116.html>

7. Legal Implications

- 7.1** If the Councils fail to manage their tree stock prudently resulting in tree or limb failure, they could be exposed to potential legal claims for damages
- 7.2** If a tree is in imminent danger, section 154 Highways Act 1980 provides the Councils with the power to carry out works in default and recharge reasonable costs from a private landowner, after having given the required notice.

Background Papers

- Health and Safety Board minutes 24.06.2019
- <https://www.treecouncil.org.uk/What-We-Do/Ash-Dieback>

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Parks and Foreshore Manager

Sustainability & Risk Assessment

1. Economic

- There will be a financial impact on the management of this project in additional costs to the council.
- Increased tree felling outside of the usual scope of works.
- Increased tree planting needed to ensure no net loss. Working with local community groups to access funding and free trees is an option that can be explored to reduce the impact financially.
- Increased officer time in carrying out the additional duties. Considerations of exploring present staffing resources and skill sets to review appropriate provision is covered is an option to consider

2. Social

2.1 Social Value

- Certain areas will be affected more due to the disparity of tree locations and the impact that this loss will have locally.

2.2 Equality Issues

- If there is a no net loss approach, there will be no equality issues as everyone will have the same levels of replacement stock.

2.3 Community Safety Issues (Section 17)

- Research connected to areas having reductions in crime with well managed green spaces and tree lined locations. With a no net loss approach, we will still be creating locations with this outset and approach.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- Significant stock loss.
- Loss of all associated ecosystem services provided by our tree stock.
- Loss of historical landscape features.
- Habitat Loss.
- Reduces our ability to adapt to climate change.
- Tree replacement programme will take years to recover the loss of tree stock.

4. Governance

- Climate emergency this is the first signs of the impacts on the ground. How we respond to this is important for our ongoing approach to this topic as our landscapes change around us.
- Reputation on how we respond to this approach will be scrutinised by our communities.
- Part of the management of this process is connected to health and safety and it is vital that our approach takes into consideration the accurate recording of our actions.
- Resource implications regarding skill set / present structure and resource.



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 7

Key Decision - No

Ward(s) Affected:All

Bereavement Services - New Adur & Worthing Councils Burial Ground Regulations

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 Adur and Worthing Councils have always sought to provide excellent services and facilities to our communities and families who have experienced bereavement. Being open and transparent about how we operate our services, as well as the requirements and expectations that are placed upon those who choose to use our services, is critical to maintaining the positive and valued relationships we have with our communities.
- 1.2 The existing cemetery rules and regulations were last updated in November 2011 and last revised in January 2012. This report presents a complete review and update to the rules and regulations and now incorporates the Memorial Garden at Worthing Crematorium.
- 1.3 The report also asks for consideration to be given to separating two rights, the first to the exclusive right of burial and the second the right to erect and maintain a memorial. This is to further support the key issue of management of our burial grounds, in particular in relation to memorial safety.

2. Recommendations

- 2.1 The Joint Strategic Committee approve the separation of the two rights. The right to erect and maintain a memorial for 10 years (with the option to renew) and that the right for exclusive right of burial to remain at 50 years, to be adopted in January 2020 in line with the publication of the new fees and charges.
- 2.2 The Joint Strategic Committee approve the adoption of the ICCM's Management of Memorials guidance.
- 2.3 The Joint Strategic Committee approve the new rules and regulations for burial grounds.

3. Context

- 3.1 Adur and Worthing Councils have always sought to provide excellent services and facilities to our communities and families who have experienced bereavement. Being open and transparent about how we operate our services, as well as the requirements and expectations that are placed upon those who choose to use our services, is critical to maintaining the positive and valued relationships we have with our communities.
- 3.2 The existing cemetery rules and regulations were last updated in November 2011 and last revised in January 2012. This report presents a complete review and update to the rules and regulations which now incorporates the Memorial Garden at Worthing Crematorium. The report also recommends that members separate the rights to exclusive right of burial, and the right to erect and maintain a memorial.
- 3.3 Adur and Worthing Councils are the 'burial authorities' as set out in the Local Authorities Cemeteries Order 1977. Burial grounds in this context include all Adur and Worthing cemeteries, council managed churchyards and the Memorial Garden at Worthing Crematorium.
- 3.4 Adur and Worthing Bereavement Services will be adopting The Institute of Cemetery & Crematorium Management's (ICCM) [Charter for the Bereaved](#) this year. The Charter is intended to provide the bereaved with information and assistance regarding decisions that they may need to make when arranging a funeral and to improve and update cemetery and crematoria services.
- 3.5 Burial ground rules are necessary to provide clear, easy to understand information for the general public, mourners, funeral directors, memorial masons, and others, as to what to expect from the burial authority and what is and is not permitted behaviour in the council's burial grounds.

4. Issues for consideration

- 4.1 Clearly all of our churchyards are places for contemplation, and sanctuary for those who are bereaved, and a final resting place for those who have died. However, burial ground regulations are primarily concerned with issues of **health and safety**, for visitors, staff and all

users of our burial grounds. We clearly have a duty to minimise the risk of harm to those who use our burial grounds, regardless of their purpose, and to ensure that we have a planned approach to the management of these places.

- 4.2 The second area for regulation is to do with **maintenance costs**. The burial authority is not responsible for grave maintenance; the owners whether in perpetuity or not, are responsible. This has become more important for local authorities that are in their second century of cemetery management as many of the bereaved are dead or have moved away, and neglected graves appear to the public, to be the council's responsibility.
- 4.3 The final area to consider is **artistic quality and decency**. Clearly this is somewhat contentious, given differences in taste and preference. However there is an opportunity within the new rules and regulations, to consider increasing choice and options for more diversity, for our bereaved communities.

5. Health and safety

Memorial management and safety

- 5.1 Responsibility for the overall safety in a burial ground lies with the burial authority, which has responsibilities under the Health and Safety at Work Act 1974 and the Occupiers Liability Act 1957 to ensure that, as far as reasonably practicable, their sites are maintained in a safe condition. This includes anyone who enters the site to carry out work, such as a memorial mason, carry out this work in a safe manner and in such a way that others using the site will not be put at risk.
- 5.2 The ICCM have also published management guidance in their publication the Management of Memorials, which is based on research carried out by the Confederation of Burial Authorities (CBA) and supported by the Health and Safety Executive (HSE).
- 5.3 Whilst the responsibility for general safety lies with the burial authority there are specific responsibilities for memorials that lie with the owner of the memorial and memorial mason responsible for installing it. The owner of the memorial is responsible maintaining the memorial in good condition and should be properly informed, in writing, of their

and other party's responsibilities. They should also be encouraged to insure the memorial.

- 5.4 A burial authority should carry out regular inspections on their memorials, at least once every five years. Where they identify unsafe memorials through this inspection programme they have a responsibility to ensure such memorials are not a danger to visitors and employees in the burial ground. Where possible, they should contact the owner, advise them of the problem and ask them to make the memorial permanently safe, usually by having it refixed.
- 5.5 Burial authorities must record their approach to the inspection and making safe of memorials in a suitable memorial safety policy. Any health and safety enforcement agency would require a copy of this should an investigation ever be necessary.
- 5.6 Currently the Council's do not have a policy that guides memorial safety and management. It is recommended therefore that the Councils adopt the **ICCMs Management of Memorials Guidance** that sets out the minimum standards of safety in burial grounds. Having this in place will enable the Councils to progress its much needed programme of memorial safety works.

Rights to erect and maintain memorials and safety considerations

- 5.7 Article 10 of the Local Authorities Cemetery Order 1977 gives burial authorities the power to grant rights to erect and maintain memorials. However, the Order restricts any action when memorials become dangerous, to making safe only. In reality, this often means that memorials are 'laid flat' for many years as a memorial can only be removed at the end of the period of the grant.
- 5.8 Adur and Worthing Councils and many authorities, incorporate memorial rights into the exclusive right of burial, with the two running concurrently. The situation can, and does arise, that granting a joint right for 50-100 years, is likely to result in a significant number of memorials becoming neglected or dangerous within that period, as families die or have moved away. This has led to consideration of separating these rights to allow Councils to take action more quickly.

- 5.9 The recommendation of this report is that the Councils separate these rights, and that the period of grant of exclusive right of burial continues to be granted for a period of a maximum of 50 years. However, the right to erect and maintain a memorial is for a reduced period, which would allow the councils to take action sooner, if required. The main matter then to resolve is the length of time for the right to erect and maintain a memorial.
- 5.10 In the case of *Brown v Cotterill* the Judge stated that a memorial properly installed should not need any major work carried out on it for a period of 30 years. The ICCM's response was that burial authorities should issue this same right for the same period as that contained in any guarantee given by the memorial mason, in most cases this is 5 years. However, European product liability law has placed a liability on the memorial mason for a 10 year period.
- 5.11 Whilst technical systems can achieve a reliable method of installation for up to 30 years, any guarantee provided by a mason would only cover workmanship and safety related to that workmanship, it would not cover actions by a third party, vandalism, grave settlement or acts of nature. It should also be noted that the proposed National Association of Memorial Masons (NAMM) national registration scheme, for memorial masons indicates that the industry intends to police itself and drive up standards with the aim of being able to provide a 30-year guarantee. This however is not yet fully operational.
- 5.12 One Borough has decided to issue the rights to erect and maintain a memorial for a period of 10 years. At the end of the period the memorial is inspected with the condition being that the owner of the rights makes any necessary repairs before the right is renewed.
- 5.13 Having considered the range of options it is recommended that Adur and Worthing Councils adopt this approach and separate the right to erect and maintain a memorial and the right for exclusive right of burial. It is proposed that from January 2020 (in line with setting fees and charges) the right to erect and maintain a memorial is limited to 10 years, with the option to renew every 10 years and the right for exclusive right of burial should remain at 50 years.

6. Memorial maintenance and management

- 6.1 Controlling the erection and placement of unauthorised memorials is a sensitive and difficult issue for the Councils, but one which needs to be addressed. The specifications of what is permitted on each grave type is set out in the regulations (9.9, 9.11 and 10)
- 6.2 It is clear from the experience across the country, the management of unauthorised memorialisation is a live and sensitive topic, but one which for all users of our burial grounds is necessary to retain the essence of these places of contemplation as well as crucially, managing health and safety. Therefore ensuring there is reasonable and proper choice of memorials as well as measures to control unauthorised memorials through the Burial Ground Regulations are essential.
- 6.3 The ICCM advice is that authorities should not only consider a range of choice, that they should also ensure that the cost of the permission to erect each type of memorial is related to the whole life risk for the type of design together with the ongoing maintenance costs of sections in which they are placed (See memorial permit fees in [Bereavement Services fees and charges 2019](#)).
- 6.4 Within Adur and Worthing burial grounds there is the provision of traditional sections where more flexibility is given on the size, type, design and material used for the memorial allows the personalisation of the grave. By providing this important option, we as the burial authorities can use our powers to remove additional memorialisation, particularly on the lawned sections of our burial grounds which not only cause problems for maintenance routines, but more importantly upsets those bereaved who actively chose that part of the ground for its order and simplicity.

7. Artistic Quality and ‘decency’

- 7.1 The ICCM Charter for the Bereaved believes that cemeteries should allow the use of a variety of materials for memorials.
- 7.2 Designs can be varied, there should be no problem allowing memorials made of suitable materials, including stone, wood or stainless steel, even glass inserts have been used successfully and safely on memorials. Memorials up to a height of 1.5m are

acceptable. If installed correctly. The main criteria are that these memorials are using inherently safe materials, that they are designed to comply with BS 8415 and that they are installed in such a way that they will remain safe for at least 30 years, provided they are not destabilised by a third party.

- 7.3 Bereavement Services will produce a pamphlet for new memorial owners to inform them of their responsibilities, such as to have them maintained on a regular basis following installation and advise them that their memorials will be subject to a minimum five-yearly inspection.
- 7.4 The provision of such choice combined with the application of management rules and regulations should encourage the bereaved to express themselves through design of an approved memorial, rather than adding numerous unauthorised memorials to the grave. Research has found that families look for more than a standard template memorial when a close relative has died.
- 7.5 Bereavement Services advocate this approach and as such the proposed Burial Ground Regulations have relaxed the rules for the aesthetics, wording and materials of memorials.

8. Other changes

- 8.1 The changes to the former set of rules and regulations are based on ICCM best practice. Here are a list of changes of note:
 - 8.1.1 Cemetery opening and closing times are unified across both councils (3.1);
 - 8.1.2 All vehicles permitted (3.6)
 - 8.1.3 Children under 14 years of age must be supervised by a responsible adult (3.4);
 - 8.1.4 New rule about commercial filming or photography in burial grounds (4.3)
 - 8.1.5 Distinguishes public graves and private graves and how both are managed (5.2);
 - 8.1.6 Remove the ability to pre-purchase graves in advance of need. This will help the councils conserve burial space and utilise our existing burial grounds to the full. Preventing the purchase of graves which are then never used (5.4);

- 8.1.7 Clearer service level agreement about the Internment and what the bereaved, funeral director and minister/officiant can expect from the councils and what the council expects from them (8).
- 8.1.8 Stipulate material that coffin should be made from
- 8.1.9 Changed Friday interment times to 10am to 1pm (previously 2pm) in line with cemetery operatives working hours (8.2);
- 8.1.10 Coffin, shroud or urn must have a nameplate that will be checked prior to burial (8.1);
- 8.1.11 Lawn graves memorials have limits to size as these are sold at a lower price as they are easier to maintain (9.8 and 9.10)
- 8.1.12 Memorials that are unsafe, adjacent to a grave being excavated and pose a hazard to the grave digger may be temporarily removed (9.16)

9. Engagement and Communication

9.1 The Councils are not required to formally consult on these proposals, however as part of our ongoing engagement and review of our approaches to burial ground and memorial management and safety, the bereavement services team engage with the following key stakeholders and will invite comment for future reviews and updates to these rules:

- the Institute of Cemeteries and Crematorium Management;
- the Muslim Council of Great Britain and Worthing Mosque;
- the Diocese of Chichester;
- NAMM and BRAMM and local memorial masons;
- local funeral directors;
- local ministers and officiants;
- the Friends of Heene Cemetery and Friends of Broadwater Cemetery.
- Other established community groups
- Wider community through Bereavement Services blog, Worthing Crematorium website, Adur & Worthing Cemeteries website, press releases.

10. Financial Implications

- 10.1 To carry out any memorial safety works in a churchyard/consecrated sections within our cemeteries. The councils need to obtain a faculty from the Diocesan Registry. There is a statutory lodgement fee of £296.20 associated with each application. The fee is as per the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2018 <http://www.legislation.gov.uk/ukxi/2018/900/made> . It is understood that the councils can do one application to cover a five years period and covers all our managed churchyards and consecrated sections within our cemeteries. This has to be renewed every five years.
- 10.2 Council is liable for all memorial safety within our grounds where the owner/successor can not be traced, due to rights to erect and maintain a memorial. It is difficult to quantify what this will cost. There is no specific annual budget for memorial safety works and any necessary work is funded from the general cemetery and crematorium repairs and maintenance budgets.

11. Legal Implications

- 11.1 The Local Authorities' Cemeteries Order 1977 provides the Councils, as Burial Authorities, with the power to grant rights of burial and also grant to those with such a right, and in some circumstances their relative, the rights to erect a memorial. Such grants may be made by the Burial Authority on such terms and subject to such conditions as they think proper. A grant, either for burial rights, or to erect a memorial, shall exist for the length of time specified in the grant, subject to it being for a maximum of 100 years. At the end of the period of the grant of a right to erect a memorial, the Council has the power to remove any such memorial.
- 11.2 The Council also has the power to enter into an agreement with any person, on such terms and subject to such conditions as they think proper, in respect of the maintenance of a grave or a memorial for a maximum term of 100 years. A person purchasing burial rights is also often likely to be the same person with the grant and right to erect the memorial. That individual has proprietorial rights over the grave and monument. The condition, integrity and inherent safety of the monument during its entire lifespan is legally the responsibility of the proprietor. The owner of the memorial therefore has a responsibility to

maintain it during the period of the grant of right to erect it, unless the grant provides to the contrary.

- 11.3 An owner of the right to erect a memorial, granted in recent years may well be traceable, but where a grant is for 50 years and was granted some time ago, it is less likely that the owner will be properly maintaining the memorial or traceable by the Councils. Reducing such grants to a period of 10 years, renewable thereafter, would mitigate the risk of the owner failing to maintain.
- 11.4 The owner of the grant has a responsibility for the safety of any memorial, as does the mason who erected it. But the Council, as the landowner has an overall responsibility for the safety of any visitors to their cemeteries and burial grounds through the Occupiers Liability Act. Consequently any liability following accident or injury arising from a poorly maintained or erected memorial could be apportioned between the owner of the grant, the mason and the landowner. But often due to the lapse of time, the owner and mason cannot be traced leaving the Council responsible. The ultimate responsibility for safety rests with the Council as landowners and therefore action must be taken to prevent accidents and injury as far as possible. This may mean making unstable memorials safe, by laying them flat, by closing certain areas of the site to public access or by removing certain memorials under their powers within Article 16 of the Local Cemeteries Order 1977 (provided listing building legislation does not apply). In such circumstances costs may be recovered from the owners, if they can be traced.
- 11.5 For the Councils to carry out any memorial safety works in a churchyard/consecrated section within their cemeteries, they are first required to obtain a faculty from the Diocesan Registry. The Councils can do one application to cover a five years period and it covers all its managed churchyards and consecrated sections within its cemeteries, and is renewable.

Background Papers

- [Proposed Adur & Worthing Burial Ground Rules and Regulations](#)
- [Current Cemetery Rules and Regulations](#)

- [Bereavement Services Fees and Charges 2019](#)
- [ICCM Charter for the Bereaved](#)
- [ICCM Management of Memorials](#)
- [Guide for burial ground managers](#)

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Sustainability & Risk Assessment

1. Economic

- 1.1 Services should not differentiate between those who can pay and those who cannot. Adur & Worthing Councils provide the option of private or public graves. Public graves are placed among the purchased 'private graves'.
- 1.2 Unpurchased graves are dug deep and used for multiple burials in a location decided by the authority.
- 1.3 The councils offer a variety of types and priced burial options
- 1.4 By allowing smaller, cheaper memorials in general, the wide variation in memorial types also makes it less easy to identify those who have fewer resources.

2. Social

2.1 Social Value

- 2.1.1 To promote appreciation of, and commitment to, the wider role of burial grounds in the environmental, historical and cultural life of the community.
- 2.1.2 Burial grounds may offer educational benefits of providing information, particularly for schools and colleges. This might promote familiarisation with death, bereavement and memorialisation; record sources for local or national history; and examples of local environmental development and conservation. Burial grounds should be seen as a beneficial resource for the local community in which to take pride.
- 2.1.3 The preservation of burial sites as an amenity for future generations is also an essential consideration. Although burial sites are developed for other purposes, most are not, and the working assumption must be that the site will continue to be a resting place for the remains of many generations.

2.2 Equality Issues

- 2.2.1 Bereavement Services aims to develop and manage a service that is equally accessible to all.
- 2.2.2 The councils currently offer a variety of different types of graves for different faith groups. Recently cemeteries have tended to dedicate land to all religions and they do not have areas formerly consecrated by a Bishop. Reserving sections for individual religions, including the Church of England, creates a precedent. Consequently, other groups, including Catholics, Hebrews, Muslims, Free Church and even Humanists and atheists, are entitled to equal treatment. This

would lead each cemetery having to reserve individual portions to each group, which ties up large parts of the cemetery. In contrast, a single section used for everybody is equal, much easier to administer and much less expensive to operate. Unfortunately, this can create real difficulties for some religions and this should be recognised and considered. For instance, the single section system is generally covered by lawn graves. For those of the Muslim faith, this poses a number of problems. The Koran prohibits anybody sitting or walking upon a person's grave, yet this cannot be prevented on lawn-type graves. Logically providing the traditional grave choice, which allows that grave to be covered by a memorial or kerbs, overcomes these problems. Muslim graves are required to be oriented with respect to Mecca.

- 2.2.3 In the Muslim faith disposal of the dead is carried out by burial. Burial must take place without delay. It is widely believed among Muslims that a body of a person should be buried within 24 hours of the actual death. As such Working Councils, have in place a pre-dug Muslim grave, in the Muslim Section at Durrington Cemetery that enables the burial to take place as soon as all the requisite paperwork is in order and payment made. The grave is a public grave, dug to a single depth, prepared for shroud burial and oriented so that the face of the deceased, which would have been turned to the right after death, is facing Mecca, which is south-east in Britain.
- 2.2.4 The Muslim section is available to all branches of the Muslim faith.
- 2.2.5 Applicants for burial in the Muslim section may contact Bereavement Services directly or work with us through their own Imam.
- 2.2.6 The lead time for all other interments at our cemeteries are 72 hours, this is to take into consideration the paperwork, removal of memorial if required, establish ownership and permission to open a private grave. If circumstances permit, the councils will endeavour to complete this work more quickly.
- 2.2.7 In some faiths it is common for those attending the service to wish to backfill the grave themselves. It is recommended in the Cemetery Operatives Training Scheme that the excavation and backfilling of all graves should be carried out by trained staff using a quality specification. In these circumstances the cemetery staff overseeing the burial will seek cooperation of those taking part in the backfilling in order that the safety is maintained and to allow cemetery operatives to remove shoring equipment as backfilling proceeds if necessary. Therefore shovels and soils should be provided for them.
- 2.2.8 All crematoria and many cemeteries maintain a chapel for use in holding a burial or cremation service. Bereaved are able to hold non-religious service or dispense entirely with a service, should they wish. Nonetheless, difficulties do arise where atheists or followers on non-Christian religions use these buildings. Many crematoria and most burial chapels were designed and built when the Christian faith dominated this country. These buildings often look like traditional churches or contain fittings that comply with the

traditional church interior. The names in these buildings are similarly religious, with the term 'chapel' or 'vestry' in common usage.

2.3 Community Safety Issues (Section 17)

- 2.3.1 LACO creates certain offences in local authority cemeteries, including creating a disturbance, committing any nuisance, interfering with any burial, interfering with a grave, playing any game or sport, or entering or remaining in a cemetery when its closed to the public.
- 2.3.2 The Burial ground regulations set out what to expect from the burial authority and what is and is not permitted behaviour in the council's burial grounds.
- 2.3.3 The council has limited resources with respect to an Enforcement Officer
- 2.3.4 Rough sleeping issues are passed on to Park Wardens
- 2.3.5 It is the responsibility of every employee to report any hazard or potential hazard that they should notice
- 2.3.6 All accidents and injuries should be reported to the Bereavement Services Manager and an entry made in the Accident Book. All accidents should be investigated by the manager and where changes in work practices made where appropriate.

2.4 Human Rights Issues

- 2.4.1 Matter considered and no issues identified.

3. Environmental

- 3.1 Better management of unauthorised memorials will reduce the incidence of litter in the natural environment
- 3.2 Adoption of a reduced length of right to erect and maintain a memorial may eventually allow older burial areas to have the memorials removed and the areas to return to nature.

4. Governance

- 4.1 Matter considered and no issues identified.



ADUR & WORTHING
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Burial Ground Regulations

October 2019

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1. Introduction

- 1.1. These regulations apply to all burial grounds owned and/or managed by the Council.
- 1.2. Currently the sites include:

Adur District Council

Lancing & Sompting Cemetery
Mill Lane Cemetery
St Nicolas Churchyard
Southwick Cemetery

Worthing Council

Broadwater & Worthing Cemetery
Durrington Cemetery
Worthing Crematorium & Memorial Garden

2. Contact Details

- 2.1. All funeral bookings, general enquiries and comments regarding the Cemeteries should be directed to:

Bereavement Services, Adur & Worthing Councils, Worthing Crematorium, Horsham Lane, Findon, West Sussex BN14 0RQ

Telephone: 01903 872678

Email: cemetery@adur-worthing.gov.uk or crematorium@worthing.gov.uk

The offices are open from 09.00 to 17.00 Monday to Friday.

- 2.2. These Regulations are in addition to the provisions of the Local Authorities Cemeteries Order 1977 and any other appropriate regulations currently in force.

3. Admission to the Burial Grounds

- 3.1. The Cemeteries are open for visitors every day of the year during the following times:

April to September	09.00 to 20.00
October to March	09.00 to dusk

Where there are gates, these will be locked at the closing time given above, all visitors and their vehicles are asked to leave the cemetery in good time. No person is permitted to be in the Cemetery outside of the published opening hours without the express permission of the Bereavement Services Manager.

- 3.2. The Cemeteries are places of peace and quiet reflection. They are also workplaces. Visitors to the sites are welcome, but please respect the special nature of the sites, the needs of other users, and safety factors. No games, sports, skateboards, roller blades or similar are allowed in the burial grounds. No consumption of alcohol or drugs may take place within the burial grounds, and anybody under the effects of such substances will not be admitted.

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- 3.3. Any person creating a nuisance or disturbance, such as interfering with a funeral, grave, headstone, flowers, trees, etc. will be required to leave the cemetery immediately and may be the subject of subsequent legal action.
- 3.4. Children under the age of 14 are welcome in the cemetery but must be supervised by a responsible adult. It is particularly important that children are not allowed to climb on any monuments, trees or other items within the cemetery.
- 3.5. Dogs must be kept on a lead at all times. Dog walkers must keep their dogs under control on a lead at all times. Any dog mess must be picked up and disposed of properly away from the cemetery.
- 3.6. Vehicles are permitted in the cemetery but must not exceed the speed limit of 10 mph and must obey any instructions given to them by an officer of the Council. Vehicles must stick to the main driveways and avoid parking so as to cause a nuisance or damage to any graves or grassed areas. The Council or any of its employees cannot accept responsibility for the loss or damage to any vehicle or its contents whilst in the Cemetery.
- 3.7. Visitors with disabilities or other special requirements should contact the Bereavement Services Office who will be pleased to assist.

4. **General Regulations**

- 4.1. No employee of the Council is allowed to take any gratuity, or to undertake paid private work of any kind in connection with the cemetery or crematorium either in their own time or during their employed hours.
- 4.2. No person shall canvass or solicit business in the burial grounds without permission of the Bereavement Services Manager.
- 4.3. No commercial filming or photography without the express permission of the Bereavement Services Manager.
- 4.4. All fees for interments or memorial works must be paid in full to the Council in advance.
- 4.5. The Council will publish a scale of fees and charges annually. Residents of the area will qualify for reduced fees compared to non-residents. A resident is defined as somebody who, immediately prior to their death, was a resident of the area, or who lived in the area for over ten years and moved out of the area less than 24 months before their death.
- 4.6. Strewing ashes in any burial ground other than in the dedicated areas and subject to payment of the appropriate fee is not permitted.
- 4.7. The Council reserves the right to amend these regulations and to deal with any circumstances or contingency not provided for in the regulations as necessary.

5. **Graves**

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- 5.1. Graves are available in the cemetery, which consists of consecrated and unconsecrated sections. The selection of grave spaces shall be at the final discretion of the Councils, but the wishes of applicants will be met wherever possible.
- 5.2. Every interment shall take place either in a private or public grave. Private graves are graves to which an Exclusive Right of Burial has been issued. Public graves are graves which remain in the ownership of the Council and to which no specific rights have been granted.
- 5.3. The Exclusive Right of Burial for a grave can be purchased for a period of 50 years. The Exclusive Right of Burial does not allow a memorial to be placed on the grave. The Rights to Erect and Maintain a Memorial are covered in Section 9.
- 5.4. The Exclusive Right of Burial cannot be purchased in advance of need, i.e. graves cannot be pre-purchased or reserved. The Exclusive Right of Burial can only be transferred to another person via the legal process laid out in the Local Authorities Cemeteries Order 1977.
- 5.5. For graves pre-purchased on or prior to 8 October 2019. Where no interment has taken place in a pre-purchased grave, the council may agree to repurchase the rights of the grave. If the Council does agree, a payment of 50% of the original purchase price of the exclusive right of burial will be paid to the holder of the grant.
- 5.6. In public graves, the Council undertakes to leave 20 years before allowing the burial of a person unrelated to the original burial. The Council may allow the burial of related people in the grave before the expiration of 20 years. The Council may also allow the Exclusive Right of Burial to be purchased by a family member before the expiration of the 20 year period.
- 5.7. Memorials will only be permitted on purchased graves. Memorials must conform to the regulations given at 9 below.
- 5.8. The types of graves available are Traditional Graves, Lawn Graves, Muslim Graves, Cremated Remains Graves and Children's Graves. Traditional Graves and Muslim graves can accommodate full memorials including kerb sets and can be planted over the length of the grave; Lawn Graves are laid to lawn and a headstone only is allowed; Cremated Remains Graves are for the burial of cremated remains only; Children's Graves are reserved for the burial of children under 16 can accommodate full memorials including kerb sets and can be planted over the length of the grave (See Care of Graves and Memorials).
- 5.9. Muslim burials are expected to take place without delay, ideally within 24 hours of death. Worthing Councils have in place a prepared public grave dug to a single depth for shroud burial only. This grave is available to any branch of the Muslim faith. Applicants for burial in the Muslim section may contact Bereavement Services directly or work with us through their own Imam.
- 5.10. All graves will be excavated and prepared for interment by the Council or their appointed contractors only. No other person or company will be allowed to undertake any excavation within the cemetery except with the express permission of the Bereavement Services Manager. The depth of each grave will be determined by the Council in accordance with the provisions of the Local Authorities Cemeteries Order 1977.

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5.11. Following the interment the Council will level the grave and either add topsoil and seed it as appropriate to the season.

6. Coffins

6.1. Coffins and urns for burial must be made from suitable biodegradable materials such as wood, wicker, cane, bamboo, wool, cardboard etc.

7. Booking of Interments

7.1. A provisional booking for a funeral may be made by telephone to the Bereavement Services Office.

7.2. The provisional booking should be followed up by the submission of a completed Notice of Interment (form supplied by Bereavement Services) to Bereavement Services at least 72 working hours in advance of the intended date and time of the funeral. Receipt of the fully and correctly completed Notice of Interment will act as confirmation of the provisional booking. Interments for St Nicolas Churchyard require 96 hours notice.

7.3. The **exact size** of the coffin, casket or container must be given in writing to the Council as soon as possible after the provisional booking, together with any other pertinent information relating to its size and shape (eg locking bar handles, casket shape, wicker coffin etc). The Council will subsequently add a suitable amount to the given size in order to determine the dimensions of grave to be excavated.

7.4. As much information relating to the funeral as possible must be given to the Council in advance, especially if it is unusual, eg large number of mourners expected, motorbike cavalcade, jazz band, piper etc.

7.5. If the grave is purchased and is to be reopened for a further interment, the written permission of the registered grave owner must be given.

7.6. It is the responsibility of the person making the funeral arrangements to ensure that any memorial on the grave is removed from it at least 48 working hours prior to the date and time of the funeral.

7.7. The Certificate given by the Registrar of Births and Deaths or an order of the Coroner must be delivered to Bereavement Services prior to the funeral.

7.8. The Council will determine the appropriate fees to be paid for the funeral, which must be paid fully in advance if a contract between the funeral arranger and Council is not in place.

8. Interments

8.1. All coffins, shrouds, cremated remains caskets and containers must have a nameplate that identifies the name of the deceased contained within.

8.2. Funerals will normally only be permitted Monday to Thursday 10:00 – 14.00, Friday 10.00 – 13.00 (excluding Bank or other Public Holidays). It may be possible to arrange funerals outside of these times subject to additional cost. Please contact the Bereavement Services Manager if a time outside of the permitted hours is required.

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- 8.3. All funerals will be subject to the control of the Council's designated officer, who will meet the cortege and direct it to the Chapel and/or grave as appropriate. The designated officer will check the nameplate on the coffin, shroud or casket prior to interments taking place.
 - 8.4. The time appointed for an interment must be punctually observed. The Council reserves the right to delay a late arriving funeral in the event that it impacts on another service and charge an additional fee if work goes beyond the usual working hours.
 - 8.5. Services in the cemetery chapel must not exceed 30 minutes, unless special arrangements for a longer time have been made with the Bereavement Services Manager and the appropriate fee paid.
 - 8.6. It is the responsibility of the person making the funeral arrangements to organize a Minister or Officiant for the funeral if one is required.
 - 8.7. Any floral tributes from the funeral will be placed on top of the grave following backfilling, and will remain in situ for a minimum of 14 days before being cleared by Council staff (unless family have already removed them).
9. **Memorials**
- 9.1. Adur & Worthing council's issues the right to erect and maintain a memorial for a period of 10 years. At the end of the period the memorial is inspected with the condition being that the owner of the rights makes any necessary repairs before the right is renewed. Failure to make repairs means that the rights revert to the burial authority and the memorial can be legally removed.
 - 9.2. The Council has adopted the [ICCM Management of Memorials](#) Policy dealing with current and future memorial installations, safety inspections and making safe unstable memorials. Masons carrying out work in the burial grounds must comply with this Policy.
 - 9.3. All memorials fixed in the cemetery must comply with British Standard 8415.
 - 9.4. Only those memorial masons businesses that are British Register of Accredited Memorial Masons (BRAMM) or National Association of Memorial Masons (NAMM) accredited, and those memorial masons that hold a current BRAMM or NAMM Fixer Licence, will be able to work in the cemetery. Fixers who do not hold a BRAMM or NAMM Fixer Licence will only be permitted to work under the direct supervision of a mason who holds a BRAMM or NAMM Fixer Licence.
 - 9.5. Memorials will only be permitted on purchased graves. No memorial will be permitted on a public grave.
 - 9.6. Memorials other than those fixed by a BRAMM or NAMM accredited memorial mason are not allowed. Fences cannot be erected around a grave nor the space defined other than through planting of suitable plants or the installation of proper kerbsets by a BRAMM or NAMM accredited memorial mason. On lawn sections no planting is permitted and no objects must be placed on the length of the grave.

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- 9.7. Before any memorial may be erected or works undertaken to an existing memorial, an application must be submitted to the Bereavement Services Manager on the appropriate form supplied by the Council. The owner of the right to erect and maintain a memorial must sign the form to give their permission for the proposed memorial/works. On approval by the Council a permit will be issued to the responsible Memorial Mason. The Memorial Mason must make an appointment to carry out any works in the cemeteries.
- 9.8. Memorials must be constructed of materials suitable to the environment and period of grave lease. The Council reserves the right to reject an application for any memorial that it deems unsuitable.
- 9.9. The maximum height of lawn memorials is 3', the maximum width is 2' and the depth is 12". The memorial must be a minimum of 3" thick. No other memorial or items are permitted as they interfere with the councils maintenance.
- 9.10. On traditional graves the Councils will consider applications for larger memorials subject to them being satisfied that the installation is compliant with current recognized industry standards. The Council will also consider the installation of kerb sets if they are constructed to current recognized industry standards.
- 9.11. On lawn cremation plots a tablet no larger than the plot footprint is permitted, no greater than 3 inches high. No other memorial or items are permitted as they interfere with the councils maintenance.
- 9.12. On traditional cremation plots, a memorial will not exceed the size of the plot footprint. Designs will be considered on an individual basis, it is constructed to current recognized industry standards and with due consideration for adjacent memorials and safety.
- 9.13. On children's graves the Councils will consider applications for larger memorials subject to them being satisfied that the installation is compliant with current recognized industry standards. The Council will also consider the installation of kerb sets if they are constructed to current recognized industry standards.
- 9.14. Memorials at Old Shoreham (St Nicolas) need to conform with the requirements of the *General Directions of the Chancellor of the Diocese concerning churches and churchyards* regarding memorial type, inscription and materials and only the following stone will be permitted: Limestone (Portland, Purbeck, Derbyshire, Hopton Wood, Hornbeam, Nabresina, Caen/Normandy), Sandstone (York), Slate (blue/black Cornish, grey/blue Welsh, green Westmoreland), Granite (light to medium grey). The memorial may not be polished beyond a good smooth finish and mirror or high polishes are not permitted. Painting of lettering on memorials is only permitted in a low contrast colour.
- 9.15. The memorial mason must inscribe the company name only on the reverse of the stone towards the base in lettering not more than 1" high. No trademark, phone number or other advertising will be allowed. The memorial mason must also inscribe the grave number towards the bottom right hand side of the reverse of the memorial in letters not exceeding 1" high. On kerbstones the grave number must be inscribed on the right hand side of the foot kerb.
- 9.16. Memorial masons must remove all arisings from the cemetery at the conclusion of their work, and must leave the area in a tidy condition. It is not possible for memorials to be stored in the cemetery prior to re-fixing following a burial – all such memorials must be removed from the site by the memorial mason appointed to remove a memorial prior to the grave being excavated.

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- 9.17. During grave digging any nearby / adjacent memorials which pose a hazard to the grave digger will be temporarily moved to a safe distance from the grave to be excavated and replaced immediately following the interment at the council's expense. Bereavement Services will attempt to contact the memorial owner informing them that the actions are intended to reduce risk to the grave digger and also protect their particular memorial from damage should the grave being prepared collapse and their memorial fall.
- 9.18. The owner of the memorial has a responsibility to maintain it during the period of the grant of right to erect it, unless the grant provides to the contrary. The condition, integrity and inherent safety of the monument during its entire lifespan is legally - the responsibility of the owner.
- 9.19. The burial authority is holding the owner's private property in a public place. The burial authority have the overall responsibility for the safety of any visitors to council run burial grounds.

10. **Care of Graves and Memorials**

- 10.1. All memorials erected are the sole responsibility of the owner and the Council shall not be held responsible for any damage to or caused by the memorial, howsoever incurred. The memorial remains the responsibility of the grave owner during the lease period of the grave. The Council reserves the right to repair or make safe any memorial which becomes unsafe or falls into disrepair, and to recover any expenses from the registered owner. The Council will undertake routine safety checks on all memorials, and will notify the grave owner at the last registered address of any necessary works to make the memorial safe. The grave owner will be given a period of 6 months from the date of the letter to effect the necessary repairs. The Council reserves the right to temporarily make safe any memorials that pose a threat until such works are completed. If the grave owner does not arrange for the repairs to be made, the Council may repair or remove the memorial at the owner's expense.
- 10.2. The Council recommends that grave owners take out an insurance plan for their memorial.
- 10.3. Grave spaces must be kept in a neat and tidy condition, and all litter must be removed from the site. Litter is defined as either rubbish/garbage left behind or things that are lying in an untidy way.
- 10.4. All flower holders or other items left on graves must be made of non-breakable material. Any items left on graves are at the owners' risk and the Council cannot be held responsible for any theft or damage to them howsoever caused. The Council may remove any articles from any grave that are likely to cause risk, damage or offence to other visitors to the cemetery or which interfere with the Council's maintenance of the site.
- 10.5. No trees may be planted on graves. Only suitable planting such as annual bedding or small shrubs only will be permitted on traditional graves. The Council may remove any plants that it considers unsuitable or that infringe on other grave spaces or interfere with the Council's maintenance work.
- 10.6. No memorial benches are permitted other than those purchased from the Council.
- 10.7. Items tied to trees, plants or memorial benches or other public property are not permitted and will be removed at regular intervals.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 8

Key Decision [No]

Ward(s) Affected: N/A

Annual summary of Corporate Risks and Opportunities

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

1.1 This report provides the annual updates on the Councils' Corporate Risks and Opportunities and their management.

2. Recommendations

2.1 That the progress in managing the Corporate Risks and Opportunities be noted;

2.2 That the Committee consider if it would like any further information on any of the Corporate Risks and Opportunities; and

2.3 That the Committee agree to receive a further annual progress report in October 2020.

3. Context

- 3.1 The Committee has previously requested that a summary report on progress in managing the Councils' Corporate Risks and Opportunities be reported to it Annually in accordance with the Risk and Opportunity Management Strategy 2018 - 2020. This will assist the Councils in monitoring the Corporate Risks and Opportunities and is also good practice in effective Risk and Opportunity Management.

4. Issues for consideration

- 4.1 Corporate Risks and Opportunities are reported and updated quarterly to the Council Leadership Team (CLT), in consultation with Heads of Service.
- 4.2 An additional risk has been recently added relating to Climate Change, following the Councils' Climate Emergency Declaration.
- 4.2 A summary of the current monitoring and status for the Corporate Risks and Opportunities is set out in the Appendix to this report. This includes details of the mitigation measures in place and these practices being followed by the Councils continue to highlight the good practice being followed across the organisation in the management of Risks and Opportunities and the importance of risk and opportunity management.

5. Engagement and Communication

- 5.1 The CLT and Organisational Leadership Group (OLG) have been consulted on the production of this report.

6. Financial Implications

- 6.1 There are no direct financial implications as a result of this report but there are some financial implications connected with the actual Risks and Opportunities.

7. Legal Implications

- 7.1 There are no direct legal matters arising as a result of this report. The Joint Strategic Committee has responsibility for receiving an Annual report on the management of the Corporate Risks and Opportunities. The approved Code of Corporate Governance specifies that the Councils should have an effective system of Risk management in place.

Background Papers

Adur and Worthing Councils Risk and Opportunity Management Strategy - 2018 - 2020

Officer Contact Details:-

Mark Lowe

Scrutiny and Risk Officer

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mark.lowe@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Matter considered. The Risks and Opportunities are directly linked to the projects and work streams that are in place to help deliver the commitments and activities contained in the Councils strategic vision 'Platforms for our Places'. Some of these will impact on the economic development of the areas if they occur.

2. Social

2.1 Social Value

Matter considered. Some of the Risks and Opportunities impact on communities.

2.2 Equality Issues

Matter considered. No issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no direct issues identified.

2.4 Human Rights Issues

Matter considered and no direct issues identified.

3. Environmental

Matter considered and no direct issues identified.

4. Governance

The Risks and Opportunities are aligned with the Councils' priorities contained in 'Platforms for our Places'. As part of good Governance the Councils need to manage Risks and Opportunities effectively and clear governance controls are contained in the Risks and Opportunity Management Strategy which include the requirement to report annually on the Corporate Risks and Opportunities to the Joint Strategic Committee.

Corporate Risks and Opportunities 2019/20

1. That the Council finances continue to be under pressure

High Risk

The Councils have continued to successfully address financial pressures while improving service delivery in recent years. The Medium Term Financial Strategy is regularly refreshed and reported to Joint Strategic Committee. The Councils have developed a number of strategic strands, including commercial property investment, prevention of homelessness, temporary accommodation supply, digital transformation and commercial income growth. Targets set in these work streams have been met or exceeded each year. Significant impacts are expected from budget cuts to be made next year by West Sussex County Council and the Councils have been working for some months on mitigating the impacts of these. Whilst the delay to the fairer funding review alleviates some pressure in 2020/21, this does mean that there remains uncertainty for 2021/22 and beyond and we expect continued financial pressure.

2. Potential impact of Welfare Reform changes

High Risk

DWP have now taken the lead in arranging a multi-agency group to provide an opportunity for all partners to collaborate on this work. Continued partnership work to identify and work those most at risk is embedded in work such as 'Preventing Homelessness' ; Going Local - Social Prescribing and internal service reviews.

The Government announced that from April 2019 the digital and budgeting support that is provided to residents will be provided nationally by Citizens' Advice and funded directly by the Government. A video is available on the Councils web pages to help local communities better understand the new benefit.

The DWP roll out of UC has been further delayed (for the transfer of existing claimants onto the new benefit) and timetables for this are still awaited. At present information is that the impact is slow and although there are clearly individuals who have found the new process challenging and one of the biggest ongoing risks is related to housing costs and homelessness.

3. Economic uncertainty - Risk that key national indicators might impact on the local economy.

Medium Risk

An [Economic Strategy](#) was adopted for 2018-2023, focused on growth through the three dimensions of place, people and prosperity. The strategy seeks to address challenges around employment space, housing and transport infrastructure, and recognises the need to expand on the strengths of our cultural economy and capitalise on the leadership our councils are providing on digital infrastructure. The Platforms for our Places commitments highlight the opportunity to be a trusted partner to support the retention of local business; make the best use of our existing assets to support local economic activity, secure new revenue income streams and position the Councils so that they are well placed to attract public and private investment.

The Councils have developed risk assessments and plans are in place in the event of a 'No Deal' Brexit. There has been involvement with preparations and planning through the Sussex Resilience Forum. The Councils are actively engaging with strategic partners to identify what additional support may be required to support our local businesses (and our communities) as the UK exits the EU.

4. Housing supply - Availability of affordable housing supply including; emergency and temporary accommodation; move on accommodation at LHA rates and suitable/affordable private sector rented accommodation.

High Risk

Significant progress has been made by the Councils in securing additional temporary accommodation units in recent months, and this is having a positive effect on the Councils' budget position, in the face of rising demand.

The Councils Opening Doors scheme which supports private landlords has made a successful start, helping maintain people in private sector tenancies. Reviews are well underway to identify Council land and property that could be redeveloped into homes, as well as exploring opportunities with partners such as West Sussex County Council. There has been a 50% reduction in rough sleeping as a result of effective outreach work, and significant continued MHCLG grant funding will maintain levels of support to the street homeless.

The Adur and Worthing Local Plans highlight the constraints placed upon further outward growth, although we continue to work with registered providers and developers to bring forward new homes as quickly as possible.

- 5. Organisational development - Risk that policies and learning offer are outdated and limit our ability to adapt and drive change. Ageing workforce and need better succession planning.**

Medium Risk

Significant improvements have been made to the organisational development offer over the last two years, including a review of annual review and 1-1 processes, involving training for all managers in “Leading Quality Conversations”. A quarterly Leadership College event brings managers from across the organisation together to engage with council finances, key strategic priorities and leadership development. Recently, all Heads of Service received 360 assessments, helping identify strengths across the senior team, and opportunities for group and individual development, including coaching. A People Working Group has been running for over two years, with representation from across the organisation, and this group has produced a new Staff Handbook, developed a new exit interview approach, reviewed recruitment practices, and HR policies, many of which have been reviewed and simplified over the same period. A key area of focus in the next 12 months will be succession planning. A People Data Dashboard has been produced which is providing managers with key data about their workforce.

- 6. IT Disaster recovery - Hosting applications locally carries increasing risks given the pace of technological change. As for most councils, we have limited resilience in the team, and too much dependence on key personnel. Our data centre cannot be sufficiently protected from physical threats.**

High Risk

Following the introduction of the new digital strategy in 2015, the reliability of ICT services has been radically transformed. Management of the local data centre has been improved significantly, and these changes have been made alongside progressing with the long term strategy to move applications to secure, resilient off-site cloud hosting.

A disaster recovery test was undertaken in 2018 which involved a power outage scenario at the Town Hall. This was successful and learning from that was embedded into management and maintenance practices. Regular reports are provided to the Joint Governance Committee.

Business Continuity plans are in place for every service detailing what actions will be taken in the event of ICT failure, and a Business Continuity working group meets regularly to drive continuous improvement of our response plans and incident readiness. Annual Network security tests are carried out. The Senior Management Team recently undertook training via Sussex Police on cyber security where our technical approach was praised and ongoing needs for awareness raising and

training for staff were confirmed. An awareness programme is in development.

7. Major Project delivery - Some major projects remain undelivered and strategically important sites remain vacant. Considerable potential for reputational damage given the high priority attached to these programmes by local communities.

High Risk

A solution based approach working with key partners in the development sector to unlock challenging sites. The councils have embarked on an ambitious programme of development that makes the best use of their existing assets. This is exemplified by Adur District Council's 'design and build' scheme to provide a new office development, pre-let to an expanding local company.

An innovative approach to partnership will help to 'de-risk' projects and create the right conditions for development to take place. For example, Worthing Borough Council has entered into a Land Pooling Agreement to help de-risk the development of Union Place and secure access to the agencies and skills necessary to deliver.

Both councils have used Local Growth Fund monies to deliver the necessary infrastructure to support development. The councils have also played a pro-active role in supporting Coast to Capital in the development of a Strategic Economic Plan to ensure that their priorities for the development of major projects are represented and therefore, more likely to benefit from future public funding in the future.

The councils have provided clear and unambiguous signals to the development sector about their intentions and commitment to deliver. A dedicated team has been established to manage the major projects and capital budgets adjusted to reflect the priority attached to this work. Regular monitoring of progress provides oversight and formal reporting to the relevant executive councillors; internal project groups and formal Committee meetings takes place to oversee progress.

8. Emergency response - Review of capability to respond to emergency incidents

Medium Risk

Significant work has been undertaken to strengthen our approach. A Strategic Duty Officer rota is in place, with all SDOs trained. The Director for D&R and the CEO attended two training sessions in 2018 with county colleagues, including "emergencies on trial" training which role-played an inquest / enquiry scenario.

A scenario test was undertaken in March 2018, which grew the experience of the senior management team, and in 2019 senior officers participated in a cybersecurity scenario run by Sussex Police. An ICT scenario was also undertaken in 2018, and a further scenario test will be undertaken in Spring 2020 to ensure regular refresh

training.

9. Failure to comply with the new GDPR - Risk of fines and associated costs

Medium Risk

A new Senior Information Governance Officer started in September 2019 and will pick up and review the comprehensive action plan. Progress to date includes:-

30+ GDPR leads from each service have been briefed and attended workshops. They are using an 'Implementing GDPR toolkit' to work through the GDPR activities, namely:

- Complete Register of Processing Activity.
- Update Privacy notices
- Accountability - Documents how the service is complying with the data protection principles
- Contracts with Data Processors reviewed and updated
- Comply with the data protection principles
- Comply with subject access rights
- Review and update retention & disposal details and arrangements
- Review service policies, procedures, staff training.
- Reports to CLT and Joint Governance Committee with GDPR updates.

Opportunities for partnership working with Arun are also being considered.

10. Climate Emergency

High Risk

The Councils have committed to become carbon neutral by 2030, and to work at a systemic level to encourage all organisations to match its ambition. Following the Council's Declaration of a climate emergency in July 2018, the Councils have commissioned experts to produce a Carbon Reduction Plan by December 2019. Significant capital funds have been allocated to support carbon reduction measures and additional resources are being brought in to help drive this significant agenda.

The Councils have made significant progress in recent years, including introducing a discounted public transport scheme Easit - adopted by many local firms - which is part of a wider Staff Travel Action Plan. The Council's electricity supply is 100% renewable, and solar panels have been installed on corporate buildings.

A review and expansion of the Councils' Sustainable AW strategy is underway which will include strengthened sections on biodiversity, climate adaptation, food systems and community action.

Opportunities

- **Place based health - The increasing alignment/integration of Health, Social Care, Wellbeing and District and Borough services creates a real opportunity for Adur and Worthing Councils to influence and shape the long term health and preventative agendas for our residents.**

Medium Opportunity

- The development of Local Community Networks with the heavy involvement and leadership of one of our senior managers on secondment
 - The Chair of our CCG meets regularly with our key Cabinet Members and has invited political involvement in Future Place Based Health Initiative
 - CEO is a representative on the West Sussex Health and Wellbeing Board.
 - Across Adur and Worthing we are running highly innovative Placed Based Health Projects (e.g. Going Local Social Prescribing) and influencing long term health and social care direction.
 - The Council is leading the provision of a new integrated healthcare facility on the Town Hall Car Park site working closely with a range of health partners. The facility would provide a new medical centre for 3 existing town centre GP practices.
- **Place leadership - Civic Governance and the way Adur and Worthing Councils co-lead with a range of community and key stakeholder partners is vital to provide the leadership and direction our communities and places need over the medium and longer term**

Medium Opportunity

- Developing strong place brand and a brand for the Councils and ensuring our place reputation is well managed
- Ensuring the strongest network of partnerships that can genuinely be both strategic and unblock operational and direction issues
- Building and continuing to build the capacity of our CVS infrastructure organisations to ensure key voice of our CVS organisations are plugged into the right conversations
- Developing critical intelligence/data that all leaders of place require
- Progressing our systems leadership work. 3 days of system leadership training has taken place with Worthing LCN participants and 2 days with leaders from the Communities Directorate.
- Ensuring our Local Strategic Partnership remains relevant and adds value in addition to the other underlying thematic partnerships
- Ensure strong and sustained relationships are built and maintained with Greater Brighton partners, LEP, WSCC, Districts and Boroughs, commercial sector, community and voluntary sector, NHS and other statutory partners essential for a collaborative approach to leadership of place.

- **Sustainability - Through *Platform 3* and *Sustainable AW* the council is initiating activity, collaborative relationships and enhanced capacity across Adur & Worthing to deliver positive environmental change.**

Medium Opportunity

A significant stepping up of activity on the sustainability agenda includes a review of the successful Sustainable AW strategy and a comprehensive carbon reduction plan to be presented to Joint Strategic Committee in December 2019, with the aim of becoming carbon neutral by 2030.

The Councils recently hosted a community event on the subject of Food & Land with the aim of improving the local food system, and a large Climate Change Event is planned for January 2020.

- **SameRoom - Build a service design and digital capability to help us transform ours and others' services.**

Medium Opportunity

The Councils have established a national reputation for the use of service design in our service change and digital work, notably the successful multi-agency preventing homelessness project, work on loneliness, a Design Council funded project on Work & Skills, and a number of internal projects such as digital housing repairs, digital waste, and in the project work of the People Working Group.

Our Councils are leading nationally on the creation of a service design apprenticeship which would be used across all sectors, and a wide range of public bodies and private companies are participating including Cancer Research UK, Government Digital Service, Lloyds Bank, Coop and a number of large councils.

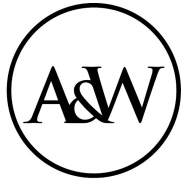
- **Social Innovation - This may provide an opportunity to look at issues, whether these be problems or not, in a different way. The key is to find and develop a network of 'innovators' in our places who have the willingness and capacity to work together and with us to explore new ideas.**

Medium Opportunity

There are a number of innovation projects that have been developed. These include

- Beat the Streets - in collaboration with TCV and Intelligent Health
- Food, Land & Learning event
- Going Local social prescribing
- Preventing Homelessness
- Live Well through work and skills
- Worthing Ping and other activity based projects are beginning to develop and will be drawn into the development of the emergent 'Activity Strategy'
- Local Walking and Cycling Group - being used to develop the A&W LCWIP

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 9

Key Decision: No

Ward(s) Affected: Churchill, Cokeham, Eastbrook, Hillside, Manor, Mash Barn, Peverel, Southlands, Southwick Green, St. Mary's, St. Nicolas, Widewater

Adur Homes Responsive Repairs Policy

Report by the Director for Communities

EXECUTIVE SUMMARY

1. PURPOSE

- 1.1 This report shares a new draft Responsive Repairs Policy for Adur Homes and sets out the reasons for developing this policy, the benefits and the key changes proposed.
- 1.2 The following appendices have been attached to this report:
 - (i) **Appendix 1** Draft Responsive Repairs Policy

2. RECOMMENDATIONS

The Joint Strategic Committee is asked to:

- 2.1 Agree that the draft Responsive Repairs Policy can be put out to consultation with Adur Homes Tenants and Leaseholders;
- 2.2 Delegate authority to the Head of Housing, in consultation with the Adur District Council Executive Member for Customer Services, to agree any changes to the draft policy, following consultation; and
- 2.3 Agree that, following consultation, the draft, as amended, be put before Adur District Council, at its meeting on 19 December 2019 for final approval.

3. CONTEXT

- 3.1 Adur Homes does not currently have a responsive repairs policy that covers all areas relating to the repairs service. There are a few stand-alone policy statements, which have not been reviewed for some time. These include:
- Repairs Service - Appointments (last reviewed January 2010)
 - Coloured Kitchen Units, Sanitary Ware and Wall Tiles (last reviewed November 2011)
 - Dealing with Post Inspections (last reviewed November 2011)
 - External Window Replacement (not programmed) (last reviewed November 2011)
 - Adur Homes Code of Conduct for Contractors (last reviewed no date)
 - Adur Homes Recharge Policy (last reviewed May 2010)
 - Adur Homes Right to Buy - Request for Work Policy (last reviewed Nov 2011)
- 3.2 Chapter 5 of the Tenant's Handbook, "Repairs and Improvements" also covers some of the responsibilities of tenants and the Council in respect of repairs. The current version of this document dates from 2006 but it is currently under review. This review will ensure the new version reflects any changes agreed as part of this policy.
- 3.3 Adur Homes has been reviewing the repairs service and so it was considered timely to bring together, and update, the policies and commitments relating to repairs and to produce one policy document to set out the Council's and tenants' responsibilities. This will increase transparency for our tenants and will ensure expectations are clear for the repairs service.

4. ISSUES FOR CONSIDERATION - PROPOSED POLICY CHANGES

- 4.1 The new draft policy (attached at Appendix 1) reflects current legislation and practice in other authorities. The key changes to current practice proposed are:
- a) The introduction of three appointment slots a day instead of two. This will increase customer choice and increase efficiency by reducing the risk of a tenant not being in because, for example, they have had to pick up children from school halfway through the current morning and afternoon slots
 - b) Making clear the usual method of reporting repairs is via the online Repairs Service (though those without access to the portal can still report repairs via the Contact Centre where staff can enter the details for them). The portal increases efficiency because it guides tenants through a series of questions to ensure they request the right repair and, in most cases, it enables them to make an appointment for themselves.
 - c) Clarification regarding tenants' and landlord's responsibilities, which are currently set out in the Tenant's Handbook, and a section covering when these requirements may be waived for vulnerable tenants.

- d) A move to a 28 day response time for non-urgent repairs, down from the 42 days set out in the current Tenants' Handbook. This is more in line with other social landlords response times and is the timescale the service currently endeavours to achieve.

5. ENGAGEMENT AND COMMUNICATION

- 5.1 Adur Homes Tenants and Leaseholders will be consulted on the draft policy before it is finalised and brought back to members for final approval.

6. FINANCIAL IMPLICATIONS

- 6.1 The cost of delivering the Repairs Service is covered by the Housing Revenue Account.

7. LEGAL IMPLICATIONS

- 7.1 Section 11 Landlord and Tenant Act 1985, as amended, places a statutory obligation upon Adur District Council, as landlord, to keep its properties in a good and decent state of repair.
- 7.2 A Policy which clearly sets out the Council's responsibilities will ensure tenants' understand their rights and obligations.
- 7.3 Article 4.01 of the Adur District Council Constitution provides that the full Council will be the policy making body from which the policy framework will be established. The Executive are responsible for policy implementation and effective service delivery. The Responsive Repairs Policy therefore requires full Council agreement for its adoption.

Background Papers

Repairs Service - Appointments
Coloured Kitchen Units, Sanitary Ware and Wall Tiles
Dealing with Post Inspections
External Window Replacement (not programmed)
Adur Homes Code of Conduct for Contractors
Adur Homes Recharge Policy
Adur Homes Right to Buy - Request for Work Policy
Tenancy Handbook

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SUSTAINABILITY AND RISK ASSESSMENT

1. ECONOMIC

The aim is to provide a responsive repairs service that offers best value for money, balancing costs and quality of repairs. This policy will underpin work to improve productivity and efficiency of the repairs service.

2. SOCIAL

2.1 Social Value

The repairs service ensures that residents of Adur Homes live in safe and functional environments. Clarity over the responsibilities of tenants, leaseholders and the local authority and around priorities and timescales will contribute to the provision of a more efficient service.

2.2 Equality Issues

The draft policy includes clauses to ensure that those unable to access the internet can still report repairs and setting out what additional help can be offered to vulnerable tenants.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

Matter considered and no issues identified

3. ENVIRONMENTAL

The repairs service contributes to the overall sustainability of our housing stock in Adur and the management of the Housing Revenue Account capital assets.

4. GOVERNANCE

The proposed Policy will be put to the full Council of Adur District for adoptions post consultation with Executive Members and our tenants and leaseholders.

Adur District Council

DRAFT Responsive Repairs Policy

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1. Introduction

- 1.1. This policy applies to general needs, sheltered accommodation, garages and all communal areas of stock managed by Adur District Council (the Council), including leasehold properties.
- 1.2. It covers responsive repairs, including general build, mechanical and electrical (M&E), communal heating, lighting, fire related works, door entry systems and lifts.
- 1.3. Items not covered by this policy are:
 - Servicing of domestic boilers;
 - Statutory compliance checks;
 - Void works; and
 - Cyclical and planned maintenance.
 - Private sector lets
- 1.4. The aim of this policy is to set out repair responsibilities, service priorities, the framework within which decisions regarding repairs are made and the principles on which future service developments and improvements can be designed and implemented.

2. Policy Statement and Service Standards

- 2.1. Our aim is to provide a service that is responsive to residents' needs, achieves high levels of satisfaction, delivers value for money and operates at an affordable cost. We will monitor our performance in these areas, using key performance indicators and satisfaction surveys, to ensure that we meet these aims.
- 2.2. An effective repairs policy implies a degree of partnership between residents and landlord. Tenants have an obligation within their tenancy agreement to report essential repairs to their landlord.
- 2.3. Where we agree to carry out a repair for which we would not normally be liable and for which the resident will be charged, we will ensure the resident is notified of their liability and will work to the same service standards which would apply should we be responsible for the repair.
- 2.4. We will only use employees and contractors who are suitably qualified and experienced to complete the work they are asked to do. They will follow the appropriate Code of Conduct and will carry and provide photo identification before entering a resident's home.

- 2.5. We will treat residents and their homes with courtesy and respect at all times. We ask that tenants' belongings are cleared out of the way before works commence but will do our utmost to ensure no damage is done in the course of carrying out work.
- 2.6. We will leave tenants' properties and communal areas clean and tidy following the completion of work.

3. What are the Council's Legal Obligations?

- 3.1. The Council, as your landlord, is legally obliged to keep its properties in a decent state of repair. The key legislation on this is as follows:
 - **Landlord and Tenant Act 1985:** This Act gives landlords an absolute obligation to carry out basic repairs, including the structure and exterior of the property and installations for the supply of water, gas and electricity, sanitation and space heating and heating water.
 - **Defective Premises Act 1972:** Section 4 of this Act places a duty on the landlord to take reasonable care to ensure that anyone who might be expected to be affected by defects in the property is reasonably safe from injury or damage to their property.
 - **Environmental Protection Act 1990:** This Act makes provision for the control of premises whose conditions are considered to be prejudicial to health or a nuisance. This legislation means we are liable for damages and compensation to tenants and their families who suffer as a result of failure to maintain their properties.
 - **The Secure Tenants of Local Authorities Housing (Right to Repair) Regulations 1994:** These Regulations ensure that tenants get urgent minor repairs which affect health, safety or security done quickly, in line with a prescribed schedule. Repairs costing over £250 are not included in the scheme.
 - **Homes (Fitness for Human Habitation) Act 2018:** imposes a covenant on the landlord, that dwellings must be fit for human habitation at the time a lease is granted and remains fit for human habitation during the term of the lease. The covenant also applies to all common and retained parts of the building.

4. Tenant Responsibilities

- 4.1. Tenants are responsible for carrying out the following themselves:
 - Repairing damage caused by accident, misuse or neglect by the household, their visitors or pets
 - Installing a gas meter if one is not provided

- Installing, repairing and replacing gas cookers and other household appliances.
- Fitting waste pipes and supply valves to washing machines and dishwashers and vents for tumble driers
- Repairing plumbing, electrical and other works not installed by the Council
- Clearing blocked waste pipes to baths, basins, sinks, showers and gully grids which are avoidable and may be solved using a domestic cleaning fluid
- Replacing light bulbs, fluorescent starters and resetting trip switches/circuit breakers
- Testing of smoke alarms and replacing batteries as required, except in Sheltered housing and communal areas
- Internal decorating, such as painting, papering and filling surface cracks, including any decorating required following a repair.
- Repairing/replacing wall tiles unless these have been fitted by the Council
- Repairing/replacing fireplaces and fireplace tiles unless these have been fitted by the Council
- Repairing/replacing fire baskets and grates unless these are the only form of heating in the property
- Sweeping flues and chimneys where the tenant has their own solid fuel heating system
- Resetting thermostats and programmers
- Repairing floor coverings which have not been installed by the Council
- Repairing or replacing internal doors, handles and latches
- Replacing keys and locks as a result of loss or damage (apart from communal keys and locks which will be replaced by the Council and recharged to the tenant)
- Getting any spare keys cut for your locks
- Fitting extra locks and door chains
- Controlling condensation, including cleaning away mould
- Bleeding radiators
- Replacing insulation jackets to hot water cylinders (loose-fitting)
- Repairing or replacing sanitary-ware, plugs and chains

- Replacing toilet seats and covers
 - Repairing/replacing external door furniture not fitted by the Council
 - Repairing, replacing door bells
 - Repairing or replacing television aerials and satellite dishes, unless they are communal. (NB permission is needed from the Council to install a satellite dish)
 - Repairing/replacing garden gates and gate furniture, fences, paths and sheds unless adjacent to a public highway.
 - Keeping gardens or outside areas in a reasonable state.
 - Replacing clothes posts, clothes lines or rotary driers, unless these are shared with other people
 - Repairing faulty outside taps, unless these are shared with other people
 - Repairing or replacing TV aerials, satellite dishes and cabling, other than communal systems
 - Dealing with pests such as mice, rats and wasps (unless these are in a communal area). Full details of a tenant's responsibility for pests can be found on the Council's website ([add link](#)).
- 4.2. Where the Council carries out a repair which is due to accident, misuse or neglect by a tenant, a member of their household, a visitor or a pet, whether or not it is something for which we would normally be liable, we will charge the tenant for the work. Tenants should also be aware that they will also be held liable for any damage to a property due to a faulty appliance.
- 4.3. When attending to carry out a repair, it is the tenant's responsibility to lift any fitted carpets, laminate flooring or similar and to move furniture to allow access to undertake the work. Tenants are also responsible for reinstating these and for any costs incurred.
- 4.4. If there is any damage to plasterwork, woodwork or other finishes during repairs, the Council will ensure it is made good. However, any re-decoration required, such as papering or painting, is the responsibility of the tenant.
- 4.5. For vulnerable tenants, at our discretion, we will fit and refit floor coverings and in special circumstances move furniture. See paragraph xxx below for details of the circumstances in which this will be considered. Allowing the Council to undertake these tasks is at the Tenant's risk and, while all due care will be taken, the Council will not be held liable for any damage.

5. Landlord Responsibilities

5.1. These are the most common items that the Council will repair:

- the structure (walls and supports)
- fire bricks and fire backs
- the roof
- windows and glazing, including window catches
- external doors and glazing, including locks
- Chimneys (repairs not sweeping), tiles and other floor coverings (as originally fitted)
- external decorations
- door frames and skirting boards
- kitchen worktops and fittings including cabinet doors, handles and hinges where there is damage due to fair wear and tear
- fixed electrical wiring, switches, lighting and power points.
- heating systems
- pipes, taps, fittings and drainage,
- water tanks and cylinders
- sinks, basins, toilet pans and cisterns, baths and showers
- fences and walls (excluding gates) that front a highway
- essential access paths and steps
- gutters and external pipes
- cubbyholes, outbuildings and sheds we own
- shared parts of blocks of flats (corridors, stairways, passages and access ways)
- fire equipment, CO2 detectors, where installed by the Council, and door closers on the front doors of flats and communal doors
- Communal lighting, entry phones and shared TV aerials/satellite dishes

5.2 During the Right to Buy process, the Council will only undertake emergency repairs and those under the Right to Repair Scheme. On completion, responsibilities will be

as a leaseholder. If the purchase is not completed, responsive repairs will recommence.

6. Leaseholder Responsibilities

- 6.1. Leaseholders are responsible for carrying out all repairs except for:
- repairs and maintenance to the structure and common parts of the building.
 - repairs to the external fabric of the building (this does not include doors, windows or glazing which are a leaseholder responsibility).

If the Council agrees to undertake any works for which the Leaseholder is responsible, it is entitled to recover the costs of the works.

- 6.2. Leaseholders have the right to redecorate the interior of their property and replace fittings such as bathrooms and kitchens. Any structural alterations or installations on the exterior of the property (for example a satellite dish or a porch) require the permission of the Council before works commence, alongside any planning permission or building control consents required.
- 6.3. Under the lease, the leaseholder is obligated to keep the property in good order and ensure electrics and gas appliances are safe. We recommend an annual inspection of gas and regular servicing of appliances.
- 6.4. Leaseholders are responsible for any drainage that serves only their property up to the point of the shared drains. In the case of a shared water supply, the Council will take responsibility up to the point where pipes enter the property.
- 6.5. Leaseholders must allow Council operatives or contractors to access their property to deal with repairs that are the Council's responsibility. We will always endeavour to give reasonable notice where possible. In the event of an emergency, access may be gained reasonably under any provision that the lease allows.

7. Reporting Repairs

- 7.1. Repairs should normally be reported online via the online Repairs Service [\(add link\)](#). If a tenant does not have access to the portal, repairs can also be reported by telephone to the Contact Centre.
- New repairs requests should not be made by email, through social media or via a councillor or member of parliament.
 - Tenants with a disability that prevents them using both the portal and the telephone, for example a hearing or sight impairment, can report repairs direct to their housing officer. Other tenants who report a repair to a housing officer will be asked to report the repair in the usual way, as set out above.
 - If a tenant reports additional repair(s) to an operative while in attendance or if an operative identifies additional work, the operative can undertake this if it doesn't conflict with their next appointment. If

they cannot do it, they will ask you to report the repair in the usual way, as set out above

7.2. Housing staff also regularly inspect communal areas and report repairs.

7.3. When a repair is reported, we will:

- review the repairs history of the property to check it hasn't been reported already
- confirm whether the repair is our responsibility
- if the repair is a tenant responsibility but we agree to carry it out, we will take payment in advance
- confirm the priority and timescale for the repair

7.4. In most circumstances when a repair is reported by a tenant online, they will be given the opportunity to book a convenient appointment for themselves. In the same way, when a repair is reported by telephone to the Contact Centre, the call handler will be able to enter the details into the Repairs Portal and agree an appointment.

7.5. Appointments will not be able to be booked at the time of reporting when the repair is:

- An emergency; or
- A repair that needs to be carried out by an external contractor (for example a heating contractor)

Emergencies will be responded to according to the timescales set out in paragraph 8.1 below. Where a contractor needs to be engaged, we ask the contractor to contact the tenant as soon as possible to agree an appointment. .

8. Repairs Priorities

8.1. Emergency Repairs

8.1.1. A repair will only be designated as an emergency in cases where there is:

- an immediate danger to life & limb;
- a high risk of major damage to the property
- a total loss of electricity or water supply (unless this is the responsibility of the supplier);

- a total failure of heating or hot water (winter months only October to March);
- a water leak that cannot be contained;
- a serious blockage of main drains (or of a WC if there is only one in the property);
- a need to make the property secure after a break-in or other incident; or
- a need to allow access where the door entry system is not working.

8.1.2. In the case of an emergency repair, an operative will attend to make the property safe within 4 hours of the repair being reported. The repair will then be completed within the next 24 hours.

8.1.3. In cases where the property cannot be made safe, arrangements may have to be made to decant tenants to another property until repairs have been completed.

8.1.4. Only emergency repairs will normally be undertaken out of hours and will be limited to making safe unless it will be more cost-efficient to complete at the time. If a tenant uses the Out of Hours service for a non-emergency, a call-out charge of £80 may be made. The duty supervisor will advise tenants of this at the time the repair is reported.

8.2. Urgent Repairs

8.2.1. These are repairs which cannot wait for a routine priority appointment and may cause you significant inconvenience or loss of comfort. We aim to respond to urgent repairs within seven working days. These repairs include, but are not limited to:

- constantly running overflows
- failure of door entry systems
- communal light repairs (where there is potential risk)
- partial heating failure
- WC repairs (including no flush)
- repairs to doors and windows, where security is at risk
- badly leaking wash hand basin, bath or sink trap

8.3. Routine Repairs

8.3.1. Routine repairs are usually unforeseen and minor in nature, and can generally be completed on a first visit from standard van stocks. These repairs include, but are not limited to:

- minor leaks and blocked drains and pipes
- faulty electrical fittings and minor electrical faults
- leaking roofs/minor roof repairs
- repairs to outside walls
- repairing and replacing kitchen units and worktops
- replacing door and window furniture (if no security risk)
- major repairs to plasterwork for example plaster is blown and large areas are crumbling. (NB The tenant is responsible for minor repairs to plasterwork and where the damage, though more major, has been caused through redecoration such as steaming the walls to remove wall paper).
- minor plumbing and repairing taps
- repairing and cleaning guttering and downpipes

8.3.2. Modernisation, improvement works or replacement of components (for example, doors, windows and kitchens) will not usually be considered a responsive repair and will fall into the category of planned works for which

there is likely to be a longer timescale as these works tend to be planned a number of months or years ahead and carried out as a programme.

- 8.3.3. In the case of a routine repair, an operative will make a first visit within 28 days of the repair being reported. In the majority of cases the repair will be able to be completed on that first visit. However, in some cases the first visit will identify that the job is more complex, for example an inspection may need to be arranged, items may need to be ordered or scaffolding may need to be erected. These circumstances will lead to unavoidable delay and subsequent visits. Tenants will be informed in these cases.

9. Vulnerable tenants

- 9.1. The Council recognises that our tenants include individuals and groups who are vulnerable and may need extra consideration and support in the delivery of services.
- 9.2. We will always consider reducing the time taken, where possible, for repairs for frail, elderly or disabled customers, particularly for faults like broken heating systems where the residents' health may quickly be affected if the system is out of action. We may also agree to carry out work that is usually the responsibility of the tenant if they are unable to undertake it themselves. In these circumstances, the tenant will be recharged for the work..
- 9.3. Being considered part of a vulnerable group does not automatically give a tenant the right to a quicker response to a repair request or to have the work undertaken by the Council. Each case will be dealt with on its own merits and is at the discretion of Adur Homes management.

10. Repairs Appointments

- 10.1. Appointments will usually be made at the time the repair is reported for all internal, non-urgent works that are to be carried out by the Council. Tenants can choose from one of the following time slots:
 - 8.00am to 10.30am
 - 10.30am to 1.30pm
 - 1.30pm to 4.00pm

Note: The time slots indicate the times between which an operative will arrive on site. They do not guarantee that the repair will be completed in that time period.

- 10.2. If a repair is internal to the property, or in an external location that can only be reached by going through the property, an adult 18 or over must be present to let the operative into the property. Under normal circumstances we ask that an adult remains in the property for the duration of the works. If it is unavoidable that an operative must be left in the property alone, tenants are responsible for

moving/locking away any valuables or breakables. They will also be asked to sign a disclaimer before leaving the property. If the repair is external and can be accessed without going into the property, an adult does not need to be present.

- 10.3. An appointment can be cancelled at any time without penalty by phoning the Council. If operatives arrive on site and the tenant, or an adult over 18, is not there to give them access, a calling card will be left and tenant can call the Council before 5pm the same day to rearrange. If the tenant does not call before 5pm, the repair will be cancelled, unless it is a health and safety issue, in which case the Council will take steps to gain emergency access in the tenant's absence.
- 10.4. On occasion, emergency access is needed for essential repairs, maintenance or inspections. Failure to allow access may result in the serving of a notice seeking possession, forced entry by a blue light service, the council seeking a warrant from the courts to force entry or other specific measures such as interrupting utility supplies or no repairs or major works being carried out until the essential repairs are completed. As set out in the Tenancy Agreement, in cases where, due to an issue in the tenant's property, a neighbouring property is at risk of serious damage or its occupants are at risk, the Council can force access immediately to make safe. In the case of a leasehold property the Council may gain access reasonably under any provision that the lease allows.

11. Pre-Inspections

- 11.1. Pre-inspections will be arranged where:
 - the source of the problem that has been reported is unclear;
 - previous repairs have not resolved the problem;
 - where a potential generic problem has been identified;
 - the tenant cannot explain the problem;
 - works may be more complex than a routine repair for example, measurements or detailed specifications are required; or
 - a survey is required before sending out an external contractor.
- 11.2. If a pre-inspection is needed, the timescale to carry out this inspection will not be included within the target timescale for repair.
- 11.3. Following the pre-inspection, the inspector will inform the tenant of the works that will be undertaken, the priority of those works and how long they are likely to take. In cases where the works will be subject to obtaining more than one price or will involve more than one contractor, it may not be possible to give clear timescales.

- 11.4. Where it is suspected that asbestos is present, a check will be made to see if a sample is on record – if not an asbestos test will be arranged before any repairs are undertaken

12. Quality

- 12.1. We will use materials which meet industry standards, represent value for money and, where appropriate, are of the same specification as materials used in planned works or improvement schemes. We will endeavour to match like for like but may not always be able to do so.
- 12.2. Post-inspections will be carried out on a proportion of all repairs to monitor quality and customer experience. A tenant or leaseholder can also request a review of works that have been undertaken where they are concerned about the quality of work carried out.
- 12.3. Tenants will be provided with means to feed back to the Council on the timeliness and quality of repairs.
- 12.4. The Council will also monitor the delivery of the repairs service through a series of key performance indicators to check that we are meeting timescales and providing an efficient service.

13. Insurance

- 13.1. Claims for damage will only be considered where the Council could reasonably have foreseen the need for repair in advance of it being reported but failed to take action, or where there is a clear legal liability. In all other circumstances it is the responsibility of tenant to claim against their contents insurance.
- 13.2. In the event of internal damage, leaseholders are required to contact their insurers in the first instance.

14. Exceptions

- 14.1. The Council retains the right to divert from this policy when authorised by Adur Homes Housing Improvement Board.

Appendix 1 - Other Related Policies

Adaptations for Tenants with Disabilities Policy (May 2008) (Needs Review)

Adur Homes Voids - Asbestos Policy (Nov 2011) (Needs Review)

Adur and Worthing Councils Asbestos Policy (Currently under Review)

Asset Management Strategy (Needs to be developed)

Adur Homes Joint Estate Inspections with Residents' Groups and Tenants Reps (Nov 2011) (Needs Review)

Adur Homes Customer Charter (no date) (Needs Review)

Adur Homes Code of Conduct for Contractors (no date) (Needs Review)

Compensation Policy (Needs to be developed)

Adur and Worthing Complaints Procedure (add web link)

Adur & Worthing Data Protection Policy 2018

Decant Policy (Needs to be developed)

Disrepair Policy (Needs to be developed)

Adur and Worthing Equalities Policy (July 2011)

Adur Homes Fire Safety Policy (May 2017) (Currently under Review)

Adur Homes Smoke Detectors Policy (May 2010) (Needs Review)

Gas Safety Policy (Currently under Review)

Adur Homes Tenants' Improvements Policy (May 2017)

Pest Control Procedure (add web link)

Adur Homes Recharge Policy (May 2010) (Needs Review)

Recoverable Service Charge Policy (Needs to be developed)

Adur Homes Right to Buy - Request for Work Policy (Nov 2011) (Needs Review)

Adur & Worthing Councils' Safeguarding Adults and Children Policy 2018

Service Charge Dispute Resolution Policy (Needs to be developed)

Voids Policy (Needs Review)

Vulnerable Tenants Policy (Needs to be developed)



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 10

Key Decision [~~Yes~~/No]

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

Shoreham Harbour Joint Area Action Plan

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 The purpose of this report is to inform the Joint Strategic Committee and Council of the outcome of the Public Examination of the Shoreham Harbour Joint Area Action Plan (JAAP), and seek approval for the adoption of the plan by the Council
- 1.2 The JAAP, will become part of Adur's statutory development plan alongside the adopted Adur Local Plan (ALP). The JAAP provides specific planning policies and site allocations to support the regeneration of the Shoreham Harbour area up to 2032. It will be used to determine planning applications within the Shoreham Harbour Regeneration Area.
- 1.3 The JAAP and the ALP are development plan documents (as defined in the Planning and Compulsory Purchase Act 2004) and therefore carry equal weight in decision making. The JAAP has been prepared in conformity to the ALP. However, in the event of any conflicting policy, the most recently adopted plan (the JAAP) will prevail.
- 1.4 The JAAP will also be considered for adoption by West Sussex County Council (18 October 2019) and Brighton & Hove City Council (24 October 2019).

2. Recommendations

2.1 That Joint Strategic Committee recommends Adur Council to:

1. Note the responses to the consultation on the main modifications to the Shoreham Harbour Joint Area Action Plan and the contents of the Inspector's Report with her conclusion that the JAAP, as modified, is legally compliant and 'sound'.
2. Note and consider any comments by the Planning Committee of 7 October 2019 on the Shoreham Harbour Joint Area Action Plan, the Inspector's Report, Main Modifications and/or revised Adur Policies Map 2019.
3. Adopt and publish the Shoreham Harbour Joint Area Action Plan, incorporating the main modifications and minor modifications, as part of the Development Plan for Adur.
4. Adopt and publish the Adur Policies Map 2019 (and Inset Maps), incorporating the policies and proposals in the Shoreham Harbour Joint Area Action Plan. This will supersede the Adur Local Plan Policies Map 2017 (and Inset Maps).
5. Revoke the Shoreham Harbour Interim Planning Guidance and Western Harbour Arm Development Brief, which are superseded by the Shoreham Harbour Joint Area Action Plan.
6. Delegate authority to the Head of Planning and Development to make any further minor non-material changes to the text of the plan, or to the content of the policies map in consultation with Brighton & Hove City Council and West Sussex County Council.

3. Context

- 3.1 The Shoreham Harbour Joint Area Action Plan (attached as Appendix 1) is a 15 year plan for the comprehensive regeneration of Shoreham Harbour and focuses on four key development areas: Southwick Waterfront and Western Harbour Arm (in Adur); Aldrington Basin and South Portslade (in Brighton & Hove). Overall these areas are expected to deliver 1,400 new homes, 23,500m² of new employment space, a consolidated port, improved flood

defences, transport infrastructure, public spaces and community and leisure facilities. It has been prepared by the Shoreham Harbour Regeneration Partnership, which comprises Adur District Council, Brighton & Hove City Council, West Sussex County Council and the Shoreham Port Authority.

3.2 The proposals in Adur are described in more detail below:

- South Quayside (split between Adur and Brighton & Hove) - This is mostly a port-operational area. Port facilities will be safeguarded and improved. The area also includes a waste water treatment works, power station and renewable energy generation. These uses will be safeguarded.
- Portslade and Southwick Beaches (split between Adur and Brighton & Hove) - Access to the beaches for pedestrians and cyclists will be improved. Habitats will be created and protected to enhance biodiversity.
- Fishersgate and Southwick - This area includes a mix of port operations, employment space, residential areas and green space. Port facilities will be safeguarded and improved.

The area includes an allocation for proposed development at Southwick Waterfront. This will deliver a minimum of 4,000m² employment generating floorspace.

Lady Bee Marina will be expanded and improved. Green space will be improved and connected to create wildlife corridors and linear open spaces.

Improvements to existing housing estates will be supported. This includes the retrofit of energy efficiency measures.

- Harbour Mouth includes port-operational areas, existing housing and employment space, and Kingston Beach. Port operational areas will be safeguarded and improved.

The area includes the Grade II listed Kingston Buci lighthouse and Shoreham Fort, a Scheduled Monument. These will continue to be protected.

- Western Harbour Arm is, at present, mostly an employment area. It includes an allocation for proposed development at Western Harbour

Arm Waterfront. This will deliver a minimum of 1,100 new homes and 12,000m² employment generating floorspace.

New flood defences will be built. A new waterfront route will improve connections for pedestrians and cyclists between Shoreham-by-Sea town centre and Kingston Beach. Habitats and biodiversity will be created and protected

- 3.3 Following the Council resolution on 2 November 2017, a Proposed Submission Joint Area Action Plan was published for statutory public consultation between 10 November and 22 December 2017. A total of 45 representations from 19 bodies and individuals were received during this period and were submitted in May 2018, alongside the JAAP and supporting evidence, to the Secretary of State for independent Examination.
- 3.4 Between 19 September and 21 September 2018, Planning Inspector Anne Napier MRTPI held public hearings at the Shoreham Centre, Shoreham-on-Sea, on aspects of the JAAP as part of the Plan's Examination.
- 3.5 Following consideration of comments received during the Proposed Submission consultation and discussions at the public hearing sessions of the Public Examination, the three authorities proposed a number of main modifications to the Plan. The full schedule of Main Modifications is included in Appendix 2 to this report. These are summarised below:
- Clarification of the approach required within the Plan area for decentralised and renewable energy, with clear and specific guidance, including in relation to the Shoreham Heat Network and its potential impact on sites within the regeneration area;
 - More robust support for identified protected employment areas;
 - Clarity on the required approach to flood risk assessment on non-allocated 'windfall' sites, a requirement to consider the most up-to-date flood risk evidence, and strengthened consequential protection for the environment and sites elsewhere;
 - A requirement for the provision of up-to-date ecological information for all development applications, and clear guidance on the need for like-for-like compensatory habitats;
 - Identification of the need for air quality impact assessments for development proposals;
 - Clarification of the approach to public open space and green infrastructure, including that provided by the proposed segregated cycle route along the A259 corridor;

- Amendments to the requirements for the assessment of the design of development proposals, including the provision of public art, and the impact of proposals on existing living conditions of neighbouring occupiers and those of potential future occupiers;
 - Identifying the need to consider the navigational safety of vessels in the harbour mouth; and
 - The provision of a robust monitoring mechanism to support the delivery of the Plan.
- 3.6 The full schedule of Main Modifications is included in Appendix 2 to this report.
- 3.7 Following the Examination public hearings, a six week consultation on these modifications took place from 21 January to 4 March 2019. Eleven representations were received and submitted to the Inspector for consideration; these are included in Appendix 3 to this report together with the Councils' responses.
- 3.8 The Inspector submitted her report to the authorities on 7 August 2019 concluding that the JAAP is 'sound' and legally compliant, provided that the main modifications are made to the Plan. The remainder of the JAAP proposed for adoption is consistent with that approved at Joint Strategic Committee in October 2017 and Council in November 2017.
- 3.9 A copy of the Inspector's Report is available in Appendix 4. The Report has been published for public inspection and is available to view on the Council's website. In light of the Inspector's conclusions the JAAP may now be adopted.
- 3.10 The Plan will be presented to Adur Planning Committee on 7 October 2019 in order to note the progress of the Plan, and to provide opportunity for Committee Members to comment on the Plan, the Main Modifications, the Inspector's Report and/or the revised Adur Policies Map 2019. Joint Strategic Committee is asked to note and consider any comments made by the Planning Committee.
- 3.11 Adoption of the JAAP will be considered by West Sussex County Council on 18 October 2019 and Brighton & Hove City Council on 24 October 2019. After adoption by each council, separate six week periods for legal challenge will begin. If the three authorities adopt the JAAP it will become part of the statutory development plan for the plan area. That means that it will be used by the District Council as the basis for determining planning applications

within the Shoreham Harbour Regeneration Area alongside the Adur Local Plan.

- 3.12 The Town and Country Planning (Local Planning) (England) Regulations 2012 require the adopted policies map to illustrate geographically the application of the policies in the adopted development plan. It is therefore proposed that Council adopts a revised map, incorporating the policies in the JAAP. The Adur Policies Map 2019 (and Insets) is included in Appendix 5.
- 3.13 The JAAP supersedes the Shoreham Harbour Interim Planning Guidance (2011) and the Western Harbour Arm Development Brief (2013). It is proposed that the Council revoke these planning guidance documents and remove them from the website.
- 3.14 It is proposed that authority should be delegated to the Head of Planning and Development to agree any further necessary minor modifications to be made to the JAAP for factual updates and clarity, which do not materially affect the Plan, following consideration by Brighton & Hove City Council and West Sussex County Council.

4. Issues for consideration

- 4.1 It is necessary to adopt the Plan in order to ensure that it carries the appropriate legal weight in decision-making. Applications for development must be determined in accordance with the development plan unless material considerations indicate otherwise - giving the JAAP a vital role in shaping the development of the Shoreham Harbour Regeneration Area. The plan sets out strategic priorities for the area, and demonstrates how need for development will be met. Alternative development options for the JAAP plan area have been considered at the various stages of the preparation of the JAAP.
- 4.2 The JAAP has been found to be sound and legally compliant subject to the main modifications required by the Inspector. As provided by s23(4) of the Planning and Compulsory Purchase Act 2004 the council cannot adopt a plan that is materially different from that recommended by the Planning Inspector; the Council cannot choose to accept some of the modifications and not others. The only options available to the council at this stage are to either adopt the plan in its entirety, with all of the Main Modifications required by the Inspector, or not to adopt the plan at all.
- 4.3 A considerable amount of resources over many years have been expended on the preparation and examination of the plan and to not adopt the plan at

this stage would risk this being wasted and undermine the joint working which has occurred with the Council's two partner authorities and the Shoreham Port Authority.

- 4.4 Progression of the JAAP to a stage where it has been found sound, legally compliant and able to be adopted is a considerable achievement, and represents the culmination of many years' work. Adoption will incorporate the JAAP into the city's Development Plan and support the wider regeneration of the Shoreham Harbour area.

5. Engagement and Communication

- 5.1 The Joint Area Action Plan has evolved through a number of stages of public consultation, as follows:

- Draft JAAP - 2014
- Revised Draft – December 2016
- Proposed Submission JAAP – November 2017
- Proposed Main Modifications – January 2019

- 5.2 Following adoption of the Local Plan (which takes effect immediately on the resolution of the Council), the Council must make the Local Plan publicly available for inspection 'as soon as reasonably possible' - together with the Policies Map, Adoption Statement and final Sustainability Appraisal report. Parties involved in the process will also be notified. There will be a six-week period within which legal challenges may be made, although the Local Plan would remain in effect pending the outcome of any challenge.

- 5.3 These documents will be available to view on the Councils' website. Hard copies will be available to view at the Councils' offices and libraries in Shoreham, Southwick, Portslade and Hove.

6. Financial Implications

- 6.1 There are no specific unbudgeted resource implications arising from the adoption of the Shoreham Harbour Joint Area Action Plan. The main financial input has been in staff resource, commissioning evidence studies and paying for the Examination into the plan. This has largely been met through external funding.

7. Legal Implications

- 7.1 The statutory background to the adoption of the JAAP is set out in paragraph 4.2 of this report. Moreover, the legislation requires that the JAAP, being a development plan document, may only be adopted by a resolution of Full Council.
- 7.2 As soon as reasonably practicable after adoption, the JAAP and adoption statement must be published on the Council's website and made available for inspection at the Council's principal offices and other appropriate locations (Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012).

Background Papers

- Report by the Director of the Economy to Joint Strategic Committee on Proposed Submission Shoreham Harbour Joint Area Action Plan: <https://www.adur-worthing.gov.uk/media/media.146214.en.pdf>
- Appendix 1: Shoreham Harbour Joint Area Action Plan (2019)
- Appendix 2: Main Modifications to the Shoreham Harbour Joint Area Action Plan
- Appendix 3: Representation on the Proposed Main Modifications and the Councils' responses
- Appendix 4: Planning Inspector's Report on the Examination of the Shoreham Harbour Joint Area Action Plan
- Appendix 5: Revised Adur Policies Map 2019 (and Inset Maps)

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Sustainability & Risk Assessment

A Sustainability Appraisal process has been undertaken throughout the development of the JAAP; a final Sustainability Statement will be produced and published as soon as possible after adoption of the plan.

1. Economic

The JAAP provides a positive framework for supporting and developing the local economy, including the provision of employment floorspace, and protection of existing employment areas

2. Social

2.1 Social Value

The plan will support the development of additional homes (including affordable housing), employment floorspace, infrastructure, and social and community facilities.

2.2 Equality Issues

An Equalities and Health Impact Assessment was undertaken to accompany the submission version of the JAAP.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

Matter considered and no issues identified

3. Environmental

The Plan seeks to balance economic, environmental and social objectives. Policies include those relating to climate change and protection and enhancement of habitats and biodiversity.

4. Governance

'Platforms for Our Places': Our Financial Economies. This includes building/ commissioning infrastructure. The use of section 106 contributions will facilitate the delivery of infrastructure, to meet the identified needs of new and existing residents / businesses. This will help to contribute towards meeting many of the Council

priorities. 'Our Social Economies': delivering housing to meet identified needs, particularly affordable housing' Also delivering and safeguarding open space, sports and leisure facilities which contribute to health and wellbeing. 'Stewarding our Natural Resources': Sustainability is inbuilt within the JAAP; the plan also supports the provision of sustainable transport measures; the public realm is also addressed.

The JAAP also refers to, and contributes to the delivery of a range of other Council strategies and plans.

The development of the JAAP has provided a range of consultation opportunities for individuals and groups within the community to comment on the development of the Plan.



SHOREHAM HARBOUR REGENERATION



SHOREHAM HARBOUR JOINT AREA ACTION PLAN

95 OCTOBER 2019

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INTRODUCTION



1 Introduction

1.1 What is the Joint Area Action Plan (JAAP)?

1.1.1 The *Shoreham Harbour Joint Area Action Plan* (JAAP) is a strategy for the regeneration of Shoreham Harbour and surrounding areas. It includes proposals and policies for new housing and employment generating floor-space; and for upgraded flood defences, recreational and community facilities, sustainable travel, environmental and green infrastructure improvements.

1.1.2 An area action plan is a type of local plan for an area of significant change. The JAAP sets a planning policy framework to guide development and investment decisions within the Shoreham Harbour Regeneration Area up to 2032.

1.1.3 The plan builds on and complements the *Adur Local Plan (2017)* and the *Brighton & Hove City Plan Part One (2016)*. Planning applications within the regeneration area must comply with the strategy and policies in the JAAP, as well as the relevant local plans, unless material considerations indicate otherwise.

1.1.4 The plan contains:

- a long-term vision, objectives and strategy for the Shoreham Harbour Regeneration Area
- themed area-wide policies on:
 - climate change, energy and sustainable building
 - Shoreham Port
 - economy and employment
 - housing and community
 - sustainable travel
 - flood risk and sustainable drainage
 - natural environment, biodiversity and green infrastructure
 - recreation and leisure
 - place making and design quality
- proposals for seven character areas, including four allocations for new development
- an outline of how the Shoreham Harbour Regeneration Project will be delivered, monitored and implemented

1.2 Where is the Shoreham Harbour Regeneration Area?

1.2.1 Map 1 shows the location of Shoreham Harbour. It is between the coastal resorts of Brighton and Worthing, on the Sussex coast in south-east England. The harbour is around 55 miles from London and 30 miles south of Gatwick Airport.

1.2.2 Map 2 shows the boundary of the regeneration area. It stretches around 3 miles from the Adur Ferry Bridge in Shoreham-by-Sea through to Hove Lagoon. It is bounded to the north by the West Coastway railway line, and to the south by the River Adur and the English Channel. The A259 runs east-west through the regeneration area.

1.2.3 Shoreham Harbour straddles the local authority boundary between Adur district (within West Sussex) and the City of Brighton & Hove. The regeneration area includes parts of Shoreham-by-Sea, Kingston-by-Sea, Southwick, Fishersgate, Portslade-by-Sea and Hove.

Map 1 - Location of Shoreham Harbour

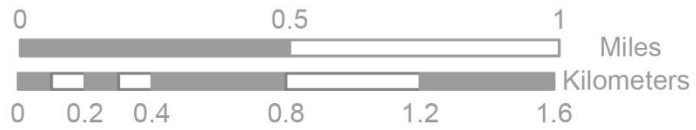


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Map 2 - Shoreham Harbour Regeneration Area



- — Local authority boundary
- ▭ Shoreham Harbour Regeneration Area



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1.3 Who prepared the plan?

1.3.1 The plan was prepared by the Shoreham Harbour Regeneration Partnership. This is made up of Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority.

1.3.2 The partnership also works closely with a number of other organisations. These include the Environment Agency, Homes England, Highways England, Natural England and Historic England.

1.3.3 The plan has been jointly adopted by Adur District Council, Brighton & Hove City Council and West Sussex County Council.

1.4 Why was the plan prepared?

1.4.1 The regeneration of Shoreham Harbour and surrounding areas is a long-standing aspiration of all the project partners. The partnership has produced this plan to identify realistic, deliverable and sustainable proposals for the regeneration area.

1.4.2 The JAAP is part of a long-term strategy to revitalise the area. It will deliver new and affordable housing and modern employment floor-space on previously developed land.

1.4.3 The JAAP will help to generate investment and access funding for improved infrastructure, including sustainable transport, flood defences and sustainable drainage. It supports the safeguarding of the important function of Shoreham Port, including the importing and handling of aggregates and minerals.

1.4.4 The plan promotes the port as a hub for renewable energy generation, contributing to national and local carbon reduction targets. The JAAP also promotes the creation and enhancement of green infrastructure links through the area.

1.5 How was the plan prepared?

1.5.1 There were four stages to preparing the JAAP:

- **Stage 1:** Information gathering, baseline analysis and identifying issues (2008 – 2012)
- **Stage 2:** Consideration of options, developing spatial framework, preparing development briefs for areas of change (2012 – 2014)
- **Stage 3:** Consulting on the plan, updating evidence, exploring technical issues, addressing delivery issues (2014 – 2016)
- **Stage 4:** Publication of the proposed submission JAAP, submission to the Secretary of State for independent examination, followed by formal adoption by the councils (2017 – 2019).

1.6 How was the community involved?

- 1.6.1 Working with local residents, businesses, community and local interest groups is an important part of the plan-making process. These individuals and groups have made a critical contribution to shaping the proposals and policies in the JAAP.
- 1.6.2 As well as formal periods of public consultation, there has been ongoing engagement with communities throughout the plan-making process.
- 1.6.3 The consultation process complied with statutory regulations¹ and the *Statement of Community Involvement (SCI)* of each of the partner councils².

1 The Town and Country Planning (Local Planning) (England) Regulations 2012

2 *Adur and Worthing Statement of Community Involvement* (2019); *Brighton & Hove Statement of Community Involvement* (2015); *West Sussex Statement of Community Involvement* (2018)

1.7 What is the status of the JAAP?

- 1.7.1 The JAAP is a local plan³ for the Shoreham Harbour Regeneration Area. The JAAP is part of the development plan for both Adur and Brighton & Hove. The *Adur Local Plan* and *Brighton & Hove City Plan Part One* designate the regeneration area as a broad location for change⁴.
- 1.7.2 The councils will assess all planning applications and investment decisions within the regeneration area against the strategy, proposals and policies in the JAAP, as well as the relevant local plans.
- 1.7.3 Sections 1.8 to 1.12 set out how the JAAP relates to other policies, plans and strategies.
- 1.7.4 The JAAP supersedes the following policy documents:
- *Shoreham Harbour Development Brief: South Portslade Industrial Estate and Aldrington Basin* (2013)
 - *Shoreham Harbour Development Brief: Western Harbour Arm* (2013)
 - *Shoreham Harbour Interim Planning Guidance* (2011)

3 As defined in The Town and Country Planning (Local Planning) (England) Regulations 2012. Also referred to as a Development Plan Document as defined in the Planning and Compulsory Purchase Act 2004.

⁴ Policy 8 of the *Adur Local Plan* (2017); Policy DA8 of the *Brighton & Hove City Plan Part One* (2016).

1.8 European policy

Strategic Environmental Assessment

- 1.8.1 Relevant European legislation includes the Strategic Environmental Assessment (SEA) Directive (2001)⁵. This requires assessment of the plan against environmental objectives to ensure that it is sustainable⁶.
- 1.8.2 The *Sustainability Appraisal* of the Shoreham Harbour JAAP meets the requirements of the SEA Directive.

Equality & Health Appraisal

- 1.8.3 EU policies also require plan –makers to consider the impact that proposals may have on health and equality⁷. This applies to these protected characteristics:
- gender
 - race
 - disability
 - age
 - sexual orientation
 - religion or belief

5 Directive 2001/42/EC transposed into UK legislation in The Environmental Assessment of Plans and Programmes Regulations 2004

⁶ The UK is expected to leave the EU in March 2019. The European Union (Withdrawal Bill) will convert existing EU law (such as EU regulations and EU decisions) directly in the UK's legal systems. The Bill will preserve laws made in the UK to implement EU obligations (e.g. the laws which implement EU directives).

⁷ Transposed into UK legislation in the Equality Act 2010

		1.9 National policy	
1.8.4	The <i>Equality and Health Appraisal</i> of the JAAP meets these requirements.	National Planning Policy Framework and Planning Practice Guidance	Duty to Cooperate
1.8.5	Under the Habitats Directive (1992) and Birds Directive (2009) ⁸ plan-makers must consider the potential effects of proposals on protected sites ⁹ .	1.9.1 The JAAP was prepared in conformity with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).	1.9.6 The Duty to Cooperate is a legal duty for local planning authorities to engage with each other on cross boundary issues. Engagement must be active, constructive and ongoing to make local plans more effective.
	Habitats Regulations Assessment	1.9.2 The NPPF applies a presumption in favour of sustainable development. It requires local planning authorities (LPA) to assess their housing and employment space needs, and to plan positively to meet those needs.	1.9.7 The JAAP was prepared by a partnership of local authorities working together across the boundaries. The regeneration project is jointly governed by Adur District Council, Brighton & Hove City Council and West Sussex County Council. Joint working arrangements are set out in a <i>Memorandum of Understanding</i> between the project partners.
1.8.6	Both the <i>Adur Local Plan</i> and <i>Brighton & Hove City Plan Part One</i> were screened for Habitats Regulations Assessment (HRA). These reports concluded that a full HRA is not required as there are no significant impacts on protected European sites.	1.9.3 The NPPF promotes the role of ports. This includes the importance of safeguarding capacity for landing minerals and aggregates.	1.9.8 The <i>Shoreham Harbour Duty to Cooperate Statement</i> (2017) sets out in more detail the cross boundary engagement in the preparation of this plan.
1.8.7	The proposals in this plan have also been screened for HRA. The <i>Shoreham Harbour Joint Area Action Plan Habitats Regulations Assessment Screening Report</i> (2018) concluded that a full HRA is not required as there are no significant impacts on protected European sites.	1.9.4 The NPPF also promotes the shift towards a green economy and encourages policies that promote district level renewable energy generation and green infrastructure as set out in this plan.	
		1.9.5 Where appropriate the JAAP highlights sections of the NPPF and PPG which support the policies in the plan.	

⁸ Directive 92/43/EEC and Directive 2009/147/EC transposed into UK legislation in The Conservation of Habitats and Species Regulations 2010

⁹ Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites.

			1.10 Sub-regional policy		Coastal West Sussex and Greater Brighton Local Strategic Statement
	National policy statements		Greater Brighton City Deal		
1.9.9	The <i>National Policy Statement for Ports</i> (2012) was produced by the Department for Transport under the Planning Act 2008 ¹⁰ . It provides the framework for decision making on proposals for new port development.	1.10.1	The Greater Brighton City Deal was awarded by government in 2014. The city region is made up of Adur, Brighton & Hove, Lewes, Mid Sussex and Worthing.	1.10.5	The Coastal West Sussex and Greater Brighton Strategic Planning Board is made up of lead councillors from Adur, Arun, Brighton & Hove, Chichester, East Sussex, Horsham, Lewes, Mid Sussex, and West Sussex councils and the South Downs National Park Authority. Through the board the councils work together to identify and manage cross-boundary planning issues.
1.9.10	The statement highlights the changing role of ports in relation to energy supply and generation. This includes securing energy supplies, providing facilities to support offshore renewable sites and to house power stations fuelled by biomass.	1.10.2	The councils work together to prioritise economic growth. Shoreham Harbour is identified as a growth centre which will focus on environmentally driven technologies.	1.10.6	In 2016, the councils adopted an updated <i>Coastal West Sussex and Greater Brighton Local Strategic Statement</i> (LSS). This statement sets the following strategic objectives:
1.9.11	The <i>Overarching National Policy Statement for Energy (EN-1)</i> (2010) outlines the increasing importance of renewables as part of the energy mix.	1.10.3	The regeneration area is within the area of the Coast to Capital Local Enterprise Partnership (LEP). The LEP is responsible for £202 million Growth Deal funding. It has awarded £9.5 million for flood defence projects and transport access improvements in the Shoreham area.		<ol style="list-style-type: none"> 1 Delivering sustainable economic growth 2 Meeting strategic housing needs 3 Investing in infrastructure 4 Managing environmental assets and natural resources
	UK Marine Policy Statement		Coast to Capital Strategic Economic Plan		
1.9.12	The <i>UK Marine Policy Statement</i> (2011) sets out the government's vision for 'clean, healthy, safe, productive and biologically diverse oceans and seas'. It is the overarching framework for preparing marine plans across the UK. These will be used for decisions affecting the marine environment.	1.10.4	The LEP produced the <i>Coast to Capital Strategic Economic Plan</i> in 2014. It identifies Shoreham-by-Sea as one of its key strategic locations for growth. The plan recognises the flood risk and transport constraints in delivering growth.		

¹⁰ Planning Act 2008 s. 5(9)

- 1.10.7 The LSS sets nine spatial priorities for the area. Spatial Priority 1 relates to Shoreham Harbour and Shoreham (Brighton City) Airport. For Shoreham Harbour this includes:
- 1 Improved road access to and from the A27 and A259 and to local transport infrastructure including public transport, walking and cycling.
 - 2 Improved flood defences.
 - 3 Consolidated port activities in the eastern harbour arm and safeguarding sufficient capacity at mineral wharves to ensure a steady and adequate supply of minerals to meet foreseeable future demands.
- 1.10.8 **Brighton and Lewes Downs Biosphere Management Strategy**
- UNESCO¹¹ designated the Brighton and Lewes Downs as The Living Coast Biosphere Reserve in 2014. Biospheres are defined as “sites of excellence”:
- ‘to balance conservation and socioeconomic development between nature and people, and to explore and demonstrate innovative approaches as learning sites for sustainable development’.*
- 1.10.9 The *Biosphere Management Strategy* has three objectives. These are:
- 1 Nature Conservation
 - 2 Sustainable Socio-Economic Development
 - 3 Knowledge, Learning and Awareness
- 1.10.10 The *Shoreham Harbour Joint Area Action Plan* will enable the delivery of a high quality, exemplar, mixed-use sustainable development and improved environmental quality. This includes:
- a comprehensive flood defence solution
 - development that reduces car ownership and promotes sustainable modes of transport
 - improved green infrastructure and access to open spaces
 - provision of enhanced public realm along the river frontage
 - policies in the *Adur Local Plan* and *Joint Area Action Plan* that recognise the need to enhance green corridors and improve ecological connectivity.

¹¹ United Nations Educational, Scientific and Cultural Organisation

1.11 Local policy

- 1.10.11 **South Inshore Marine Plan**
The Marine Management Organisation adopted the *South Inshore Marine Plan* in June 2018. This covers the south coast and tidal rivers between Folkestone and the River Dart, Devon.
- 1.10.12 Marine plans and local plans overlap between high and low water marks. The South Inshore Marine Plan includes the coastline at Shoreham Beach, and Southwick and Portslade-by-Sea. It also includes the Eastern and Western Arms of the River Adur.
- 1.10.13 The plan will manage the sustainable development of marine industries such as shipping, marine aggregates, fishing and windfarms, as well as the conservation and protection of marine habitats and species.
- 1.11.1 *Both the Adur Local Plan and the Brighton & Hove City Plan Part One* identify the regeneration of the Shoreham Harbour area in their strategic objectives. Both plans also contain a policy that identifies the harbour as a 'broad location' for future strategic development.
- 1.11.2 This plan is consistent with the local plans for both Adur and Brighton & Hove. In case of any conflict between policies in these plans and the JAAP, the most recently adopted plan will have precedence¹².
- Adur Local Plan**
- 1.11.3 Adur District Council adopted the *Adur Local Plan* in December 2017. The plan provides a strategy for development in Adur¹³ up to 2032. Policy 2 (Spatial Strategy) states:
- 1.11.4 Policy 8 (Shoreham Harbour Regeneration Area) sets out the policy and priorities for each character area and states that:
"The Council will facilitate the delivery of a minimum of 1,100 new dwellings and a minimum of 16,000sqm of employment generating uses (including B1 uses) within that part of the Shoreham Harbour Regeneration Area Western Harbour Arm during the plan period to 2032 (as shown on the Policies Map)."
- 1.11.5 Policy 4 (Planning for Economic Growth) allocates land for employment generating uses in Adur up to 2032, including 16,000m² of floor-space in the part of the Shoreham Harbour Regeneration Area within Adur.

¹² See Section 38(5) of the Planning and Compulsory Purchase Act 2004

¹³ The plan excludes the parts of the district within the South Downs National Park.

Brighton & Hove City Plan

- 1.11.6 Brighton & Hove City Council adopted the *Brighton & Hove City Plan Part One* in March 2016. The plan provides the overall strategic and spatial vision for the future of Brighton & Hove¹⁴ up to 2030.
- 1.11.7 Strategic Objective 6 states:
“Through joint working with Adur District Council, West Sussex County Council and the Shoreham Port Authority, maximise the potential of Shoreham Harbour for the benefit of existing and future residents, businesses, port-users and visitors through a long term regeneration strategy.”
- 1.11.8 Policy DA8 (Shoreham Harbour) sets out the policy and priorities for each of the harbour character areas and states that the JAAP process will further explore and test the delivery of:
- 300 new residential units within Brighton & Hove
 - 7,500m² net additional employment floor-space

Minerals and Waste Plans

- 1.11.9 Shoreham Port contains a number of minerals wharves and waste management facilities. West Sussex and Brighton & Hove councils are minerals and waste planning authorities for the regeneration area.
- 1.11.10 *West Sussex Joint Minerals Local Plan* (2018) safeguards sufficient capacity to ensure a steady and adequate supply of minerals whilst supporting regeneration aspirations set out in this document. The Plan was adopted in July 2018.
- 1.11.11 Brighton & Hove City Council, East Sussex County Council and the South Downs National Park Authority adopted the *Waste and Minerals Plan* in 2013. The *East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan* was adopted in 2017. The plan safeguards wharf capacity at Shoreham Harbour.

Shoreham Beach Neighbourhood Plan

- 1.11.12 In 2014, Adur District Council approved the Shoreham Beach Neighbourhood Area and designated the Shoreham Beach Neighbourhood Forum. The forum is working with the community to produce a neighbourhood plan to address issues in the area. The neighbourhood plan area is contiguous with Marine ward. This overlaps with the regeneration area at Shoreham Fort, Shoreham Sailing Club and Silver Sands.

¹⁴ The plan excludes the parts of the city within the South Downs National Park.

1.12 Shoreham Harbour policy

Shoreham Harbour Flood Risk Management Guide

1.12.1 The partnership, working closely with the Environment Agency, produced the *Shoreham Harbour Flood Risk Management Guide Supplementary Planning Document (SPD)* (2015). This sets out illustrative concepts for an upgraded flood defence network along the Western Harbour Arm, and a summary of the cost and requirements of developers in relation to mitigating flood risk. These documents will also be used to provide information for funding applications. The SPD also provides guidance for flood mitigation at the other allocations.

Shoreham Harbour Green Infrastructure Strategy

1.12.2 The partnership is currently preparing a green infrastructure strategy. This will set out proposals for ecological enhancements throughout the regeneration area as well as the creation of a green corridor as part of an enhanced green infrastructure network.

Shoreham Harbour Transport Strategy

1.12.3 The *Shoreham Harbour Transport Strategy* (2016) has been prepared to support delivery of the JAAP through a programme of transport infrastructure improvements, transport services and travel behaviour change initiatives. It is supported by a technical evidence base, which is set out in the *Shoreham Harbour Transport Strategy Baseline Analysis* document (2014).

Shoreham Port Masterplan

1.12.4 Shoreham Port Authority produced the *Shoreham Port Masterplan* (2010) and *Shoreham Port Masterplan Review* (2017). Although it is not a statutory planning policy document, the plan sets the port's future development and must be taken into account when considering new developments in or near the port.

1.12.5 This plan includes many of the proposals identified in the masterplan where relevant to the regeneration project.

SPATIAL STRATEGY



2 Spatial strategy

2.1 What is the vision for Shoreham Harbour?

By 2032, Shoreham Harbour Regeneration Area will be transformed into a vibrant, thriving, waterfront destination comprising a series of sustainable, mixed-use developments alongside a consolidated and enhanced Shoreham Port which will continue to play a vital role in the local economy.

The redevelopment of key areas of the harbour will provide benefits for the local community, natural environment and economy through increased investment, improved leisure opportunities, enhanced public realm and the delivery of critical infrastructure that will help respond positively to climate change.

2.1.1 This section sets out the vision, themes, objectives and strategy for the regeneration of the Shoreham Harbour area up to 2032.

2.1.2 The vision is to maximise the potential of the area for the benefit of existing and new residents, businesses, port-users and visitors through a long-term regeneration strategy. This will be achieved through partnership working between local authorities and Shoreham Port Authority and with local landowners to facilitate the redevelopment of key sites.

2.1.3 The aim is to deliver a series of appropriately located, high quality, sustainable, mixed-use developments including new housing, employment floor-space, leisure opportunities, improved public space and associated infrastructure including flood defences and transport improvements.

Sustainable development

2.1.4 Sustainable development “*meets the needs of the present without compromising the ability of future generations to meet their own needs*”¹⁵.

The planning system contributes to achieving sustainable development¹⁶. The NPPF identifies three overarching objectives to sustainable development:

- an economic objective, contributing to building a strong, responsive and competitive economy.
- a social objective, supporting strong vibrant and healthy communities.
- an environmental objective, contributing to protecting and enhancing the natural, built and historic environment.

2.1.5 Sustainable development is an overarching theme for this plan, and the local plans for both Adur and Brighton & Hove.

15 Resolution 42/187 of the United Nations General Assembly

16 NPPF (2019) Paragraph 7

2.2 What are the objectives of the regeneration project?

Objective 1: Climate change, energy and sustainable building

To minimise carbon emissions, address the challenges of climate change and create a renewable energy hub.

To ensure all new developments use energy and water as efficiently as possible, use energy from renewable technologies, use sustainable materials, reduce waste, incorporate innovative approaches to open space, biodiversity, and green infrastructure, encourage uptake of low carbon modes of transport and support sustainable lifestyles in existing and new areas.

To maximise opportunities to deliver sustainability objectives through large-scale zero and low-carbon energy technologies to serve the harbour and wider area; particularly those that take advantage of the harbour's coastal location. Shoreham Port will be supported in becoming an important hub for renewable energy generation for the benefit of the sub-region as well as locally.

2.2.1 Local plans are legally required to include policies to ensure that development and the use of land *"contribute to the mitigation of, and adaptation to, climate change"*¹⁷.

2.2.2 Planning helps to shape places to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change. It also supports the delivery of renewable and low carbon energy and associated infrastructure¹⁸.

2.2.3 Shoreham Port has EcoPort status from the European Sea Ports Organisation. The regeneration partnership aims to maximise the harbour area's potential as a hub for renewable energy.

2.2.4

Objective 2: Shoreham Port:

To support a growing, thriving port.

To facilitate the delivery of the adopted Shoreham Port Masterplan, the provision of a modernised, consolidated and sustainable port and to promote the important role of the port in the local and wider economy.

Shoreham Port is the largest commercial port between Southampton and Dover, and the closest Channel port to London.

2.2.5

The port plays an important economic role in the area. Around 1,700 people are employed in the port and a further 1,000 nearby. It is an important location for the import and export of aggregates, timber, steel, oil and cereals.

2.2.6

Shoreham Port Masterplan sets out Shoreham Port Authority's strategy for the growth and development of the port. The regeneration proposals in this plan provide an opportunity for consolidating, reconfiguring and enhancing the operations of Shoreham Port.

¹⁷ Planning Act 2004 s.19 (1)(a) (as amended by Planning Act 2008 s.182)

¹⁸ NPPF (2019) paragraph 148

Objective 3: Economy and employment:

To stimulate the local economy and provide new jobs.

To provide new, high quality employment floor-space and improve the business environment to support the needs of local employers. To equip local communities with the training and skills required to access existing and future employment opportunities.

Objective 4: Housing and community:

To provide new homes and contribute to meeting identified housing need.

To contribute to meeting the housing needs of Adur and Brighton & Hove through delivering new homes of a range of sizes, tenures and types, including affordable and family homes as well as associated supporting community infrastructure.

Objective 5: Sustainable travel

To improve connections and promote sustainable transport choices.

To promote sustainable transport choices through ensuring that new developments are well served by high quality, integrated and interconnected networks, improved pedestrian, cycling and public transport routes and seeking to reduce demand for travel by private car in innovative ways.

- 2.2.7 Local planning authorities must plan to meet the development needs of business and support economic growth¹⁹. The proposals in this plan will contribute to providing employment space in the local area.
- 2.2.8 For Adur, an *Employment Land Review* (2014) identified the requirement for: 15,000 to 20,000m² office and research and development floor-space (use classes B1a and B1b); and, 35,000 to 40,000m² warehouse floor-space (use class B8).
- 2.2.9 For Brighton & Hove, the *Employment Land Review* (2012) identified the requirement for 112,240m² office floor-space (use classes B1a and B1b); and, 43,430 m² industrial floor-space (use classes B1c, B2 and B8).

- 2.2.10 Local planning authorities must plan to meet objectively assessed needs for new housing and identify deliverable sites or broad locations with potential for new housing. Local plans must also include policies to deliver community infrastructure and local facilities. The proposals in this plan will contribute to delivering housing in the local area.
- 2.2.11 Adur needs 6,825 homes up to 2032). This is 325 homes per year. The full objectively assessed housing need cannot be met and the *Adur Local Plan* aims to deliver 3,718 dwellings over the plan period.
- 2.2.12 The objectively assessed housing need for Brighton & Hove that informed the *City Plan Part One* was 30,120 homes up to 2030. It was accepted this could not be met. Consequently the adopted *City Plan Part One* sets a housing target of 13,200 dwellings over the plan period.

- 2.2.13 Local plans should promote development at locations that minimise trip generation and encourage the use of sustainable modes of transport²⁰. Transport policies can support reductions in greenhouse gas emissions, as well as contribute to wider sustainability and health objectives²¹
- 2.2.14 The *Shoreham Harbour Transport Strategy* includes a programme of transport infrastructure improvements, transport services and travel behaviour change initiatives.

¹⁹ NPPF (2019) paragraph 80

²⁰ Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'

²¹ NPPF (2019) paragraph 103

Objective 6: Flood risk and sustainable drainage

To reduce the risk of flooding and adapt to climate change.

To ensure that development avoids and reduces the risks from flooding and impacts on coastal processes and that risks are not increased elsewhere as a result. To ensure that appropriate and comprehensive flood infrastructure is delivered. To ensure surface water run-off and water pollution have been reduced by the introduction of sustainable drainage systems.

- 2.2.15 Local plans should direct development away from areas at high risk of flooding. This is determined through the Sequential Test, and if necessary, the Exception Test²².
- 2.2.16 Both Adur and Brighton & Hove councils have carried out sequential and exceptions tests for the regeneration area. These have found the wider sustainability benefits of development at Shoreham Harbour outweigh the flood risk. Development must be safe, without increasing the flood risk elsewhere.

²² NPPF (2019) paragraph 157

Objective 7: Natural environment, biodiversity and green infrastructure

To add to the natural capital of the Shoreham Harbour Regeneration Area by delivering net gains to biodiversity and a multifunctional green infrastructure network.

To conserve and protect the area's important environmental assets, wildlife habitats and ecosystem services, and to enhance the biodiversity of the area by creating new habitats. To minimise and mitigate impacts on the natural and local environment from soil, air, water or noise pollution.

To support the objectives of the Brighton & Lewes Downs Biosphere Management Strategy through the creation of green links within and beyond the harbour area, changes in the design and management of spaces to create a functioning green infrastructure network, including new green spaces and biodiverse green roofs and walls.

- 2.2.17 Local plans should contribute to and enhance the natural and local environment and effective reuse of brownfield land²³.
- 2.2.18 The JAAP seeks the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. It is important future proposals take into account natural capital and seek to deliver net gains to biodiversity.

²³ NPPF (2019) paragraph 170

Objective 8: Recreation and leisure

To enhance and activate the harbour for leisure, recreation and tourism and encourage active, healthy lifestyles.

To create places that promote healthy and enjoyable living by improving existing and providing new green infrastructure including open spaces and green links as well as leisure and recreation opportunities. To improve connections to and use of the waterfront, coast and beaches as attractive destinations for both locals and visitors.

2.2.19 Local planning authorities should plan for recreational and leisure facilities and services to meet the needs of existing communities and new development. Planning plays an important role in promoting healthy and active lifestyles. This includes the provision of open space, sports and recreation facilities²⁴.

2.2.20 Local plans should also include policies to protect and enhance public rights of way and access²⁵.

Objective 9: Place making and design quality

To promote high design quality and improve townscape.

To promote developments of high design quality that maximise the waterfront setting, respect local character and form and enhance key gateways and public spaces.

To protect and enhance the area's historic assets including the Scheduled Monument at Shoreham Fort, listed buildings and conservation areas.

2.2.21 Local plans should include policies that set out the quality of development expected in the area. New development should:

- function well
- establish a strong sense of place
- optimise the potential of the site
- respond to local character and history
- create safe and accessible environments
- be visually attractive²⁶

2.3 What is proposed in the plan?

2.3.1 This plan splits the regeneration area into seven character areas. These are shown in Map 3. The areas are:

- CA1: South Quayside
- CA2: Aldrington Basin
- CA3: North Quayside and South Portslade
- CA4: Portslade and Southwick Beaches
- CA5: Fishersgate and Southwick
- CA6: Harbour Mouth
- CA7: Western Harbour Arm

2.3.2 Section 4 of this plan includes specific policies and proposals for each of these areas. This includes four allocations for new development. The allocations are:

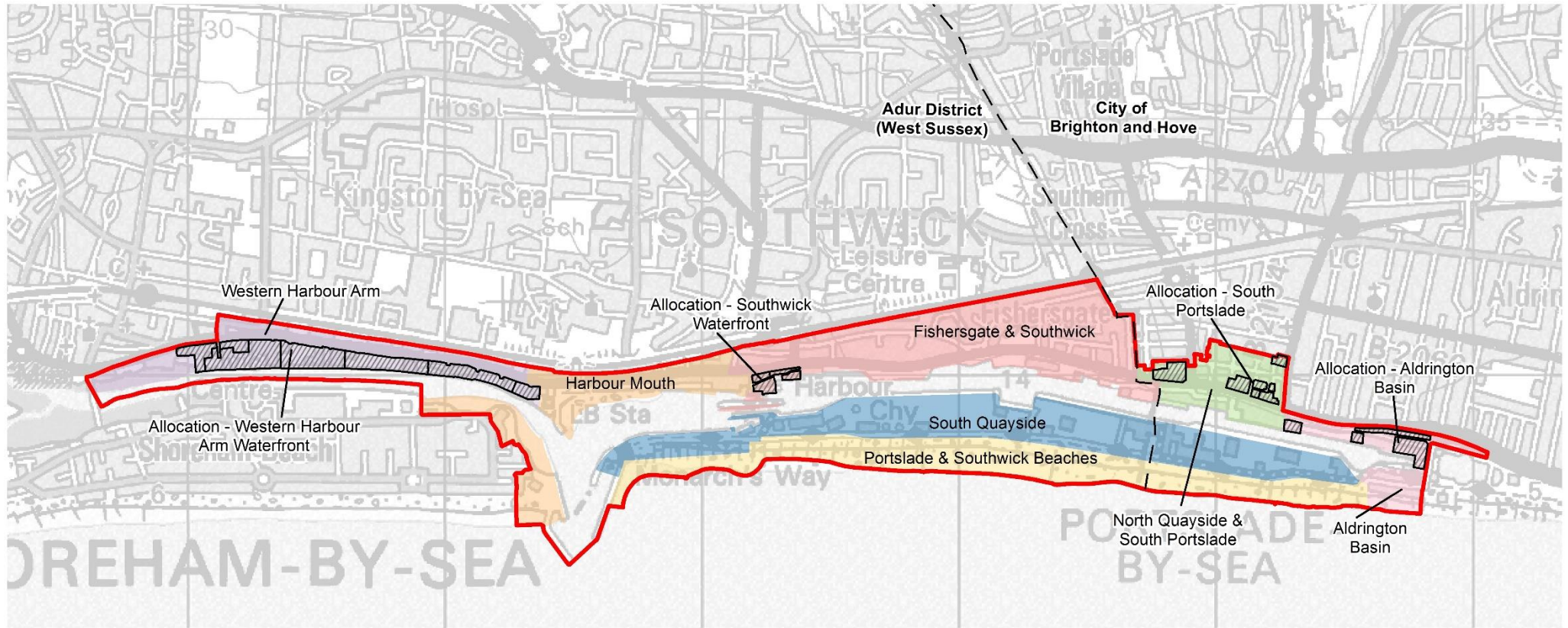
- Aldrington Basin (within CA2)
- South Portslade (within CA3)
- Southwick Waterfront (within CA5)
- Western Harbour Arm Waterfront (within CA7)

24 NPPF (2019) paragraph 96

25 NPPF (2019) paragraph 98

26 NPPF (2019) paragraph 127

Map 3 - Character areas



- Shoreham Harbour Regeneration Area
 - Local authority boundary
 - SH_Allocations_outline
- Character Areas:**
- Character Area 1: South Quayside
 - Character Area 2: Aldrington Basin
 - Character Area 3: North Quayside & South Portslade
 - Character Area 4: Portslade & Southwick Beaches
 - Character Area 5: Southwick Waterfront & Fishersgate
 - Character Area 6: Harbour Mouth
 - Character Area 7: Western Harbour Arm



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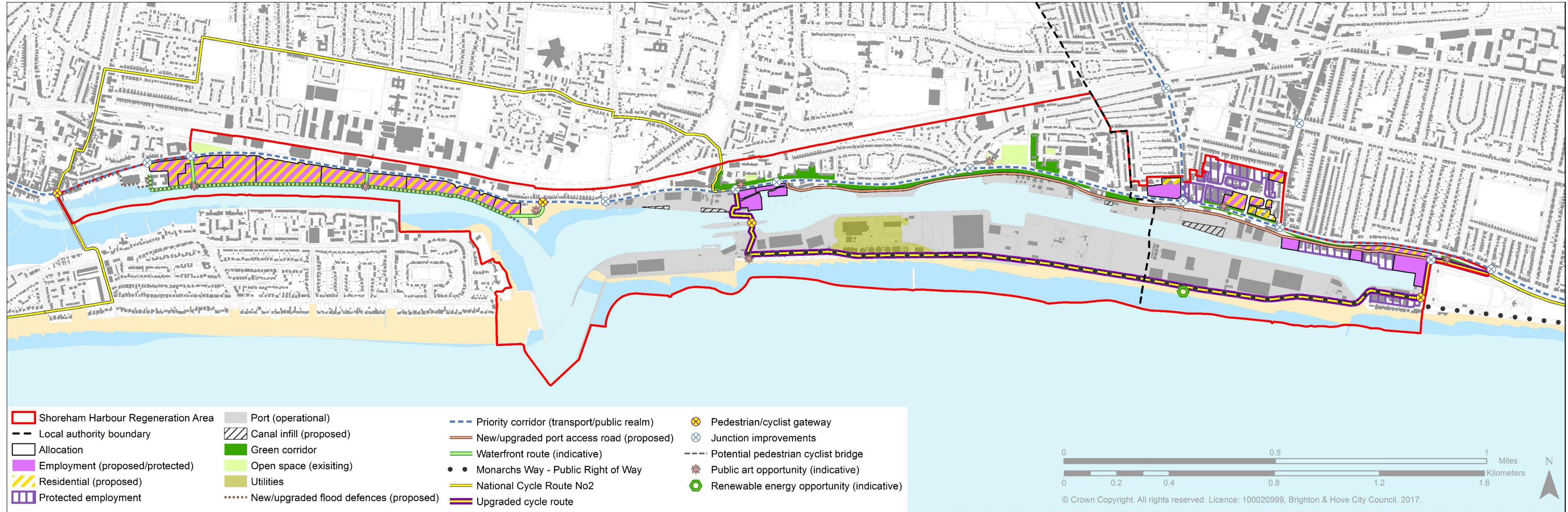


- 2.3.3 Map 4 illustrates the key proposals in the plan. These include:
- CA1 – South Quayside**
- 2.3.4 South Quayside is mostly a port-operational area. Port facilities will be safeguarded and improved.
- 2.3.5 The area also includes a waste water treatment works, power stations and renewable energy generation. These uses will be safeguarded.
- CA2 – Aldrington Basin**
- 2.3.6 Aldrington Basin includes a mixture of port operations, employment space and some residential areas. Port facilities will be safeguarded and improved.
- 2.3.7 The area includes an allocation for proposed development of a minimum of 4,500m² employment generating floor-space and 90 new homes.
- CA3 – North Quayside and South Portslade**
- 2.3.8 North Quayside is mostly a port-operational area. Port facilities will be safeguarded and improved.
- 2.3.9 South Portslade is mostly an employment area. It includes an allocation for proposed development of a minimum of 3,000m² employment generating floor-space and 210 new homes.

- CA4 – Portslade and Southwick Beaches**
- 2.3.10 Access to Portslade and Southwick Beaches for pedestrians and cyclists will be improved. Habitats and biodiversity will be created and protected.
- CA5 – Fishersgate and Southwick**
- 2.3.11 Fishersgate and Southwick includes a mixture of port operations, employment space, residential areas and green space. Port facilities will be safeguarded and improved.
- 2.3.12 The area includes an allocation for proposed development at Southwick Waterfront. This will deliver a minimum of 4,000m² employment generating floor-space.
- 2.3.13 Lady Bee Marina will be expanded and improved. Green space will be improved and connected to create wildlife corridors and linear open spaces.
- 2.3.14 Improvements to existing housing estates will be supported. This includes the retrofit of energy efficiency measures.

- CA6 – Harbour Mouth**
- 2.3.15 Harbour Mouth includes port-operational areas, existing housing and employment space, and Kingston Beach. Port operational areas will be safeguarded and improved.
- 2.3.16 The area includes the historic buildings of Kingston Buci lighthouse and Shoreham Fort. These will be protected.
- CA7 – Western Harbour Arm**
- 2.3.17 Currently the Western Harbour Arm is mostly an employment area. It includes an allocation for proposed development at Western Harbour Arm Waterfront. This will deliver a minimum of 1,100 new homes and 12,000m² employment generating floor-space.
- 2.3.18 New flood defences will be built. A new waterfront route will improve connections for pedestrians and cyclists between Shoreham-by-Sea town centre and Kingston Beach. Habitats and biodiversity will be created and protected.

Map 4 - Regeneration proposals





2.4 What are the constraints in the regeneration area?

2.4.1 Map 5 shows some of the main planning constraints in the regeneration area. Development and regeneration proposals need to consider these constraints.

Slipways and hards

2.4.2 There are several historic slipways and hards in the Western Harbour Arm area. Many of these are in a poor state of repair and are unusable for modern craft. However they are an important part of the heritage and character of Shoreham-by-Sea.

Historic buildings and conservation areas

2.4.3 The regeneration area includes part of the Shoreham-by-Sea Conservation Area and the Riverside section of the Southwick Conservation Area.

2.4.4 Shoreham Fort is a Scheduled Monument.

2.4.5 There are three Grade II listed buildings:

- Royal Sussex Yacht Club
- Sussex Arms Public House
- Kingston Buci Lighthouse

2.4.6 **Nature reserves**
The Adur Estuary Site of Special Scientific Interest (SSSI) is close to the regeneration area. The Western Harbour Arm, in particular, is within the impact risk zone for this site. Parts of the SSSI are also an RSPB nature reserve.

2.4.7 There are Local Wildlife Sites (LWS) at Shoreham Beach and Basin Road South. Shoreham Beach is also a Local Nature Reserve (LNR).

Open space

2.4.8 Kingston Beach and The Ham are registered as village greens. This safeguards these areas as public spaces.

2.4.9 Other public open spaces include:

- Fishersgate Recreation Ground
- The Garden, a pocket park at Coates Court, Southwick
- The Sanctuary, a pocket park at Laylands Court, Fishersgate

2.4.10 The regeneration area is also close to Hove Lagoon and Vale Park.

Air quality

2.4.11 There are two Air Quality Management Areas (AQMAs) that are partly within the regeneration area. The Brighton & Hove and Portslade AQMA in the east. And the Shoreham AQMA in the west.

2.4.12 These AQMAs have been designated due to the high level of pollutants from road vehicle emissions. Each AQMA has an Air Quality Action Plan which sets out how this is managed.

Hazardous substances

2.4.13 There are three Health and Safety Executive (HSE) Consultation Zones in the regeneration area. These limit the types of development that are allowed close to sites where hazardous substances are handled. There is also a Development Proximity Zone at the Fishersgate site.

2.4.14 The Western Harbour Arm site will become inactive during the plan period. Adur District Council will seek to revoke the hazardous substances consent for this site at that time.

AREA-WIDE POLICIES



3 Area-wide policies

3.1 Objective 1: Climate change, energy and sustainable building

To minimise carbon emissions, address the challenges of climate change and create a renewable energy hub.

To ensure all new developments use energy and water as efficiently as possible, use energy from renewable technologies, use sustainable materials, reduce waste, incorporate innovative approaches to open space, biodiversity, and green infrastructure, encourage uptake of low carbon modes of transport and support sustainable lifestyles in existing and new areas.

To maximise opportunities to deliver sustainability objectives through large-scale zero and low-carbon energy technologies to serve the harbour and wider area; particularly those that take advantage of the harbour's coastal location. Shoreham Port will be supported in becoming an important hub for renewable energy generation for the benefit of the sub-region as well as locally.

3.1.1 Section 19 (1A) of the Planning and Compulsory Purchase Act (2004) (as amended) legally requires local planning authorities to include in their plans *"policies designed to secure that the development and use of land ... contribute to the mitigation of, and adaptation to climate change"*.

3.1.2 The National Planning Policy Framework (NPPF) states that:
*"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."*²⁷

3.1.3 In line with the carbon reduction targets in the Climate Change Act 2008, the NPPF states that local authorities should take a proactive approach to mitigating and adapting to climate change²⁸. Local plans should provide a positive strategy for increasing the use and supply of renewable and low carbon energy, heating and cooling, and identify suitable areas for renewable and low carbon energy sources²⁹.

3.1.4 Planning Practice Guidance (PPG) states that the inclusion of policies to contribute to the mitigation of, and adaptation to, climate change is a consideration when examining a plan for soundness³⁰.

²⁷ NPPF (2019) Paragraph 148

²⁸ NPPF (2019) paragraph 149

²⁹ NPPF (2019) paragraph 151

³⁰ PPG (2014) paragraph 6-002

- 3.1.5 The harbour falls within The Living Coast, the Brighton & Hove Downs Biosphere, which promotes world class management of the environment. Shoreham Harbour is identified as a future hub for low carbon energy and decentralised energy generation.
- 3.1.6 The Coast to Capital Local Economic Partnership (LEP) and the Greater Brighton City Deal are promoting the potential for district heating networks and an eco-technology cluster at Shoreham Harbour. There is significant potential to leverage investment and resources for delivery in this area.
- Sustainable building and design**
- 3.1.7 The *Adur Local Plan* includes a requirement for a Sustainability Statement to accompany development proposals within the parts of the regeneration area in Adur. Guidance is set out within *Sustainability Statements Guidance Note: Shoreham Harbour*.
- 3.1.8 *Brighton & Hove City Plan Part One* policy CP8 Sustainable Buildings sets out requirements for sustainability standards and issues that must be addressed by all development proposals.
- Creating an exemplar renewable energy hub**
- 3.1.9 Shoreham Harbour Regeneration Partnership was awarded funding under the second wave of the government's Eco-Towns programme in 2009 and a Capacity and Viability Study (2010) was commissioned to explore its potential to meet the programme criteria. A *Shoreham Harbour and Adur District Energy Strategy* (2009) and *Brighton & Hove Renewable and Sustainable Energy Study* (2012) have also been carried out which both highlighted the potential of the harbour to significantly contribute towards meeting the renewable energy needs of the sub-region.
- 3.1.10 Shoreham Port has European 'Eco Port' status and, as a community trust Port, is motivated to maximise its potential as a hub for renewable energy generation and waste heat distribution.
- 3.1.11 Building-related energy consumption is a significant contributor to greenhouse gas emissions. The hierarchy of demand reduction, efficient energy supply and renewable energy provision represents the most cost-effective means of reducing energy consumption and greenhouse gas emissions for new developments.
- 3.1.12 Passive design makes the best use of site orientation, building form, layout, landscaping and materials to maximise natural light and heat, whilst avoiding overheating by providing passive cooling and ventilation.
- Low and zero-carbon technologies include, but are not limited to the following:**
- Solar-thermal water heating
 - Air, ground or water source heat pumps
 - Efficient gas boiler
 - Gas combined heat and power (CHP)
 - Solar photovoltaic (PV) panels
 - Wind turbines
- Heating and cooling networks**
- 3.1.13 Heating and hot water for buildings account for 40% of UK energy use and 20% of greenhouse gas emissions. The Climate Change Committee estimates that district heating can meet 20% of domestic heating and hot water needs by 2030. The Climate Change Act 2008 obliges the UK to cut 80% emissions by 2050. The Clean Growth Strategy (2017) includes policies to roll out low carbon heating, and phase out the installation of high carbon fossil fuel heating.

3.1.14 In accordance with Policies DA8 and CP8 of the *Brighton & Hove City Plan Part One*, and Policies 8 and 19 of the Adur Local Plan, the councils are proactively encouraging opportunities that arise to incorporate waste heat or other heat sources into the heat networks for the city. The Brighton & Hove Energy Study (2013) identified the potential for district heating networks in and around Shoreham Harbour within a long list of priority areas.

3.1.15 All new development will be expected to incorporate low and zero carbon decentralised energy generation and will be required to either connect where a suitable heating/cooling network is in place (or would be at the time of construction) or design systems to be compatible with future connection to a network. All development proposals must demonstrate that the heating and cooling systems have been selected in accordance with the heating and cooling hierarchy as set in Table 1:

Table 1: Heating and cooling hierarchy

<u>System</u>	
1.	Connection to existing heating/cooling network (most preferred)
2.	Site-wide heating/cooling network
3.	Building-wide heating/cooling network
4.	Individual heating/cooling systems (least preferred)
<u>Technology</u>	
1.	Renewable/waste energy sources (such as biomass, heat pumps, solar thermal) (most preferred)
2.	Low carbon technologies (such as gas-CHP)
3.	Conventional systems (such as gas or direct electric (least preferred)).

3.1.16 In order to safeguard future connection to heating/cooling networks, individual heating/cooling systems will not normally be permitted, unless it can be demonstrated that it is not feasible and/or viable to provide a centralised communal wet heating system.

3.1.17 The councils will require the submission of a feasibility assessment to provide a rationale for the chosen heating/cooling system. This should incorporate a high level assessment of the potential to extend the heating/cooling network beyond the development area in future. Development must adhere to the guidelines set out in Chapter 3 – Design – of the CIBSE Heat Networks Code of Practice for the UK.

3.1.18 Within the proposed Shoreham Heat Network Area, buildings must allow adequate plant room space for future connection and for future building/network interface equipment (such as heat exchangers). Indicative requirements are set out in Table 2:

Table 2: Indicative space requirements for heat exchange substation equipment within building plant rooms

Heating capacity (kW) (space heating and ventilation)	Approximate building size (m ³)	Space required by the heating equipment (m ²)
30	1,000 – 1,500	2
200	10,000 – 15,000	4
400	20,000 – 30,000	5
800	40,000 – 60,000	6

- 3.1.19 Heat in buildings must operate at an appropriate temperature for future connection to a heat network. The targeted difference between flow and return temperatures on the primary heat network shall be no greater than 30°C for supply to new buildings.
- 3.1.20 Plant rooms must be situated to consider potential future pipe routes. Pipe runs from the plant room to the highway or proposed heat network main route must be protected and remain accessible for future installation.
- 3.1.21 In the event that a developer considers compliance with the heating/cooling hierarchy to be unviable, proposals should be submitted with a viability assessment, to justify departure from the hierarchy. Viability assessments must:

- Be compliant with the CIBSE Heat Networks Code of Practice for the UK.
- Be completed by a suitably qualified individual³¹.
- Include baseline energy consumption and carbon emissions calculations for regulated and non-regulated energy use.
- Compare the economies of a heat network solution³² against individual heating scenario³³.
- Provide a breakdown of the cost estimates and assumptions used for the assessment.
- Include linear heat density calculations for the site.
- Present Internal Rate of Return (IRR), capital expenditure, cost and carbon savings as outputs.

³¹ For example a CIBSE Heat Network Code of Practice Qualified Consultant

³² This includes the cost of a communal boiler system, heat meters, heat interface units and plate heat exchanger.

³³ Such as individual gas boilers alongside an equivalent level of microrenewables that would be required to meet energy efficiency requirements.

Shoreham Heat Network

3.1.22

Shoreham Harbour Regeneration Partnership, Adur District Council, West Sussex County Council and Shoreham Port Authority have formed the Shoreham Heat Network Partnership. The Heat Network Delivery Unit (HNDU)³⁴ has provided part funding to explore the potential for heat networks in and around Shoreham Harbour. The *Shoreham Harbour Heat Network Study* (2016) mapped heat demands and identified potentially viable scenarios for network development. The Shoreham Harbour District Energy Feasibility Study (2018) proposes a 2km network serving the allocated sites at the Western Harbour Arm, the site of the former Adur Civic Centre and a number of existing buildings in Shoreham-by-Sea town centre.

3.1.23

The study finds that a network served by marine source heat pumps and gas CHP technologies would provide affordable, low carbon heat and the combination of technologies provides a more robust, lower risk solution than a single heat source. Engagement with Shoreham Port Authority has identified the potential for abstraction and discharge points in the mouth of the River Adur, subject to appropriate environmental permits.

3.1.24

The heat network partnership is carrying out a detailed feasibility study and preparing the business case for detailed project development of the Shoreham Heat Network. All new development in and around the Western Harbour Arm development is required to connect to the proposed network once complete. Development coming forward before the heat network is delivered is required to be connection ready, and to connect once the network is in place. The council will secure the connection of the approved schemes through planning conditions and/or Section 106 agreements.

Wind

3.1.25

The Rampion offshore wind farm is under construction 13km off the Sussex coast to the south and east of Shoreham Harbour. The development will comprise up to 116 wind turbines with a gross capacity of up to 400MW. There will be potential supply chain benefits for Shoreham Harbour and the local economy.

3.1.26

Shoreham Port Authority has also installed two medium scale (100kw) on-shore wind turbines in the South Quayside area as an effective way of increasing renewable energy generation and reducing carbon emissions. The turbines will generate, on average, 555,000kWh electricity per year to power the nearby port Pump House.

3.1.27

Proposals for turbines are subject to environmental impact assessment as part of the planning application process.

³⁴ HNDU is now part of the Department for Business, Energy and Industrial Strategy (BEIS). It was formerly part of the Department for Energy and Climate Change (DECC), which was abolished in 2016.

Solar Photovoltaics

- 3.1.28 The expanse of warehouses roofs in the harbour area offer significant potential for solar PV power generation. Shoreham Port Authority has worked with Brighton Energy Co-operative to install a large number of solar panels on a number of these roofs. The project is funded by community investors buying shares in the co-operative.
- 3.1.29 There is also the potential for solar energy generation on the roofs of the Adur Homes estates at Southwick and Fishersgate. The regeneration partnership will support Adur Homes to explore these opportunities.

Sustainable use of water

- 3.1.30 Shoreham Harbour is supplied with water from the Brighton Chalk Aquifer. This is an important and heavily exploited resource. The Environment Agency has classified the location as falling within an area of 'serious water stress', where demand for water is high and resource availability is low.
- 3.1.31 New development at the harbour offers the opportunity to incorporate sustainable drainage systems (SuDS). These can provide a range of sustainability benefits in addition to managing surface water, including enhancing biodiversity and reducing flood risk.
- 3.1.32 Water efficiency standards can help to deliver the objectives set out within both the *Biosphere Management Strategy* (2014-2019) and the *South East River Basin Management Plan* (2016). The basin plan contains an action that requires local authorities to seek the use of water efficiency standards that exceed the Building Regulations where there is local evidence to support this need.

Policy SH1: Climate change, energy and sustainable building

1. Development proposals should demonstrate how they maximise opportunities to support local sustainability objectives and commitments.
2. A completed Sustainability Checklist will be required to accompany all development proposals in the areas of the harbour within Brighton & Hove. A Sustainability Statement will be required to accompany all development proposals within Adur.
3. Where it is feasible and viable, development should seek to achieve zero-carbon status, in particular within the four site allocations. This will include the use of passive design measures. Proposals must demonstrate good thermal performance and air tightness to prevent heat loss.
4. Developers should demonstrate how they can contribute towards the regeneration partnership's objective of becoming a hub for renewable energy generation.
5. The councils will support proposals for low and zero carbon energy generation, including solar photovoltaics.

Decentralised energy, heating and cooling networks

6. All new development will be expected to incorporate low and zero carbon decentralised energy generation, including heating and cooling. The councils will support the development of heating and cooling networks and associated infrastructure. All development proposals must demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy as set out in Table 1.
7. Where no heat network is in place, development proposals must be designed to be connection ready, and will be expected to demonstrate that all specifications below have been met:
 - All buildings must use a centralised communal wet heating system rather than individual gas boilers or electric heating.
 - All buildings must allow adequate plant room space to allow for connection at a later date.

- Plant rooms must be situated to consider potential future pipe routes. The developer must identify and safeguard a pipe route to allow connection between the building and the highway or identified network route where available.
- The developer must not in any other way compromise or prevent the potential connection.

Shoreham Heat Network

8. Development within the proposed Shoreham Heat Network area³⁵ will be required to connect to district heating networks where they exist, or incorporate the necessary infrastructure for connection to future networks.

³⁵ As identified in the *Shoreham Harbour District Energy Feasibility Study* (2018) or subsequent update.

Sustainable use of water

9. **All developments should seek to achieve high standards of water efficiency and explore potential to implement measures to recycle, harvest and conserve water resources.**
10. **All new homes should achieve (as a minimum standard), internal water use of no more than 110 litres per head per day and all new commercial buildings should meet the BREEAM 'excellent standard'.**
11. **Opportunities should be sought to link together development within the regeneration area with site-wide recycled water networks, taking advantage of the diversity of water sources and uses on-site. This process will be supported by the local authorities. Where a recycled water network is delivered on site, all buildings are required to connect, if practical to do so.**

3.2 Objective 2: Shoreham Port

To support a growing, thriving port.

To facilitate the delivery of the adopted Port Masterplan, the provision of a modernised, consolidated and sustainable port, and to promote the important role of the Port in the local and wider economy.

- 3.2.1 Shoreham Harbour contains the entirety of the working Trust Port of Shoreham. Since 1760 the Shoreham Port Authority has had responsibility for operating and managing the port. The continued existence of a thriving and expanding commercial port is an integral part of the regeneration proposals.
- 3.2.2 As a Statutory Harbour Authority, Shoreham Port Authority is responsible for the management of navigational safety within harbour limits between Hove Lagoon, the Old Toll Bridge on the River Adur and the outer Port limits. Shoreham Port Authority is also a Competent Harbour Authority within the provisions of the Pilotage Act 1987.
- 3.2.3 Shoreham Port Authority provides conservancy and a vessel information service for ships and craft using the port, including the maintenance of navigational channels, moorings, lights and the provision of hydrographic, tidal and other information. There are also a number of byelaws which govern operations and activities within the harbour limits.
- 3.2.4 The current level of use at Shoreham Port is 700 to 900 ship arrivals per year, which results in a trading throughput of approximately 1.8 to 2 million tonnes per year. The main commodities that are imported and exported at the port are aggregates, timber, scrap metal, cereals, oil and, increasingly, steel. The *Shoreham Port Masterplan Review (2017)* aims to provide the capacity for a 25% increase in trade over the masterplan period.
- 3.2.5 The port is a significant local employer. There are now over 100 businesses based at the port and about 1,600 people working on site. Employers range from large multinationals, national firms, through to a variety of small and medium sized firms including motorbike repairs and cheese suppliers.
- 3.2.6 Delivery of the proposals identified in the *Port Masterplan* have the potential to create a further 500 local port-related jobs.

3.2.7 Land restrictions are an obstacle to growth within the port. It is therefore important to maximise the productivity of the existing port land. The JAAP aims to do this by focusing commercial port activity at the Eastern Arm and Canal, and by ensuring that vacant and underused sites are used to their full potential.

3.2.8 Non-port related industries currently located within the Eastern Arm and the Canal will be relocated, in order to expand the port's capacity and secure future operations. In parallel, current port-related activities in the Western Harbour Arm will be relocated where and when possible through securing alternative sites within the harbour, or elsewhere in the region. This will enable the land to be used for other developments.

Port Masterplan

3.2.9 Shoreham Port Authority's strategy for growth is set out in the updated *Shoreham Port Masterplan Review* (2017) and involves consolidating port-related uses within the Eastern Arm, Canal and South Quayside. The JAAP aims to promote the masterplan objective of enhancing the port's role in the local community, particularly in terms of jobs and trade growth.

Eco-Port Status and Renewable Energy Hub

3.2.10 Shoreham Port Authority has an environmental policy and has EcoPort status, shared with other ports in Europe. The port uses power for lighting on the terminals, operating the lock gates and water pumps which are used to keep the water at a constant level. Opportunities are being explored to reduce the reliance on traditional forms of energy by producing energy locally from renewable sources instead.

Adapting to Climate Change

3.2.11 In accordance with the *National Ports Policy Statement* (2012), new port infrastructure will typically be long-term investments which will need to remain in operation over many decades, in the face of a changing climate. Consequently, proposals for new development must consider the impacts of climate change when planning the location, design, build and operation of new port infrastructure.

Land Reclamation and Infilling

3.2.12 Previous development proposals for the harbour have included the reclamation of land out to sea on the south side of South Quayside, however the costs of implementation were considered to be prohibitive in the short to medium term. Whilst large scale land reclamation is not considered viable, it has been proposed on a limited scale within the canal, including at Britannia Wharf, as well as at Albion and Turberville Wharves, where it is hoped to increase the overall capacity and efficiency of the site.

Permitted Development Rights

3.2.13 Shoreham Port Authority has permitted development rights for certain types of development within the harbour meaning that planning permission from the local planning authority is not required. These rights are set out within the Shoreham Harbour Acts and also reflected within the General Permitted Development Order (GPDO) 2015; Part 17, Development By Statutory Undertakers, Class B (Dock, Pier, Harbours, Water transport, canal or inland navigation undertakings).

Minerals Wharves

- 3.2.14 The NPPF provides protection to mineral wharves, stating that local planning authorities should safeguard existing, planned and potential sites for bulk transport of minerals, secondary materials and marine- dredged aggregates³⁶.
- 3.2.15 Minerals wharf capacity at Shoreham Harbour makes a significant contribution to meeting the needs for aggregate imports in the sub-region. Most of the wharf capacity is contained within the Eastern Arm and Canal.
- 3.2.16 Policy WMP 15 of the *East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)* safeguards existing, planned and potential minerals wharf facilities and their consequential capacity for receiving and processing sea-borne imported aggregates at the Shoreham Port. The policy does allow for some redevelopment of wharves if overall capacity is maintained at the harbour. It is recognised that this capacity could be in the West Sussex portion of the harbour.
- 3.2.17 The *East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted 2017)* identifies the area of the Port falling within Brighton & Hove for safeguarding where policy WMP15 will apply.
- 3.2.18 Policy M10 of the *West Sussex Joint Minerals Local Plan (2018)* safeguards permanent mineral wharves at Shoreham Port for the purpose of minerals transportation. The policy further safeguards temporary consents granted at New Wharf and Kingston Wharf, to ensure they can continue to operate without prejudice, whilst they have planning permission. The plan states (paragraph 6.10.11) further temporary permissions may be granted for mineral related development at these sites if there is not a conflict with other development plan policies and objectives. These temporary permissions can contribute positively to ensuring a steady and adequate supply of minerals to the area. Safeguarding of these sites will cease once permission expires.
- 3.2.19 There are several larger safeguarded sites within the heart of the port operational area that are actively used to discharge aggregates which offer unused capacity and therefore potential to mitigate the loss of wharves elsewhere in the port.
- 3.2.20 The regeneration partnership is exploring how best to deliver the safeguard sites policies at Shoreham Harbour to protect the overall wharfage capacity at the port whilst maintaining flexibility over which sites can contribute to meet aggregate needs.
- 3.2.21 In accordance with the NPPF, Shoreham Port Authority will continue to work closely with local minerals planning authorities in preparing their annual Local Aggregate Assessment based on a rolling average of 10 years sales data, other relevant local information and an assessment of all supply options (including marine dredged, secondary and recycled sources).
- 3.2.22 West Sussex County Council has prepared a *Statement of Common Ground (2016)* between the project partners, and the neighbouring minerals authorities (East Sussex County Council and South Downs National Park Authority) to establish co-operation and collaboration between the parties in addressing strategic cross-boundary issues as they relate to planning for minerals infrastructure and their safeguarding at Shoreham Port. The statement sets out matters of agreement and commitment to a future policy approach, reflecting the aspirations for regeneration at the harbour.

³⁶ NPPF (2019) Paragraph 204

Policy SH2: Shoreham Port

1. New development proposals within the port area will be assessed against the objectives of the *Port Masterplan*, which will be treated as a material consideration.
2. Parts of the harbour as identified within this plan will be safeguarded for port operational uses and will be the focus for commercial port activity. Non-port related activities will be resisted in those areas.
3. Acceptable uses will need to demonstrate the requirement for a port-side location or are ancillary to a use requiring a port-side location.
4. Sui generis uses appropriate to a port-side industrial location will also be acceptable provided they generate comparable levels of employment to B1-B2 use classes.
5. New development within the harbour area should not conflict or unreasonably constrain the day to day operations and workings of the port and port-related uses.
6. Proposals in the vicinity of port operational areas should give careful consideration to health and safety implications in relation to access to the waterfront and to the security of moorings and storage areas. Security and safety implications should be considered at the outset and discussed with Shoreham Port Authority at an early opportunity.
7. Proposals for uses that support the port's status as an 'Eco port' and hub for renewable energy generation will be encouraged.
8. New port infrastructure proposals should consider the impacts of climate change when planning the location, design, build and operation of new port infrastructure.
9. Proposals for the upgrade, intensification, and refurbishment of sites so they meet modern business standards and are more resource efficient will be supported.
10. There should be no net loss of employment floor-space in port operational areas as a result of new development proposals unless exceptional circumstances can be demonstrated.

3.3 Objective 3: Economy and employment

To stimulate the local economy and provide new jobs.

To provide new, high quality employment floor-space and improve the business environment to support the needs of local employers. To equip local communities with the training and skills required to access existing and future employment opportunities.

- 3.3.1 The development of the harbour area is a long-term aspiration. In the short to medium term (5-10 years) it is essential to ensure that the initial phases of development do not compromise the operations of businesses on sites which are unlikely to come forward until later in the process. The regeneration partnership is committed to continuing a process of dialogue to ensure mutually appropriate development as and when sites come forward.
- 3.3.2 The JAAP proposals have been prepared in line with consideration of their impacts on the local economy. A preliminary *Economic Impact Assessment* (GL Hearn, 2013) has been undertaken which has indicated that the proposals could generate a significant net increase in employment and additional economic output. The proposals will also promote increased supply chain opportunities, with the new business base created by the proposals potentially supporting further indirect job creation in the local economy.
- 3.3.3 Whilst the proposals will result in overall losses of employment land footprint as land is redeveloped for other uses, the profile of the new employment space that is created and retained will support the objectives identified in the Brighton & Hove and Adur Employment Land Studies, particularly by:
- Renewing older and poor quality industrial stock and delivering quality workshop and industrial space to meet the needs of key creative/digital industries as well as emerging high-tech manufacturing and environmental technologies sectors.
 - Expanding Adur's under-developed office market through the provision of new office accommodation and thus supporting growth in higher value-added sectors.
 - Providing an opportunity to deliver small, affordable, start-up office space for which there is a continuing need in Brighton.
- 3.3.4 Proposals that incorporate initiatives and opportunities to secure apprenticeships, training and new job opportunities for the local area will be encouraged.

- 3.3.5 As part of planning obligations associated with major development schemes developers may be required to contribute towards the provision of good quality employment and training opportunities during construction.
- 3.3.6 The regeneration partnership will continue to work with key stakeholders and local service providers to improve access and links to training and skills opportunities for local people. The Coast to Capital Local Enterprise Partnership (LEP) has produced a Skills Strategy (Skills for Growth, 2015) which identifies the need for improved employee skills across the LEP area. The Partnership will proactively engage with the LEP on this matter.
- 3.3.7 Some existing employment areas are protected within the relevant character area policies. The councils will monitor conversions of employment space to residential development through the monitoring framework set out in the Appendix. If necessary, in response to the identified monitoring indicator trigger, the councils will consider seeking to remove permitted development rights in accordance with Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Policy SH3: Economy and employment

1. **The JAAP proposals support the delivery of a minimum of 16,000m² of new employment generating floor-space in Adur and 7,500m² in Brighton & Hove.**
2. **To prevent the loss of employment floor-space and associated jobs in the local area, the authorities will aid the relocation of existing occupiers displaced by new development within the regeneration area, district or sub-region depending upon individual requirements.**
3. **Prior to sites coming forward for redevelopment to alternative uses, planning permissions for continuation of current employment uses may be granted for temporary periods on a case-by-case basis.**
4. **The Councils will seek agreement with developers to secure appropriate training and job opportunities for local residents.**
5. **New development will be required to contribute to the improvement of the local highways network and public realm to improve the street environment for local businesses.**
6. **Proposals should seek to incorporate or contribute towards enhancements to areas of public realm identified as being of poor quality.**

Retail uses

7. **As part of mixed-use redevelopments, small-scale, ancillary retail uses are acceptable provided that such activity will assist in enlivening key frontages and supporting existing retailing areas. Proposals should be appropriate and complementary in relation to Shoreham-by-Sea town centre and the existing district centre designation on Boundary Road/Station Road.**
8. **New development for town centre uses (other than small-scale ancillary uses mentioned in clause 1) outside of the defined town centre boundary (or Primary Shopping Area in the case of retail uses) will be assessed in accordance with the National Planning Policy Framework sequential and impact tests. An impact test will be required for any proposed retail development outside of the Primary Shopping Area with a net sales floor-space of 1,000m² or more.**

3.4 Objective 4: Housing and community

To provide new homes and contribute to meeting housing need.

To contribute to meeting the housing needs of Adur and Brighton & Hove through delivering new homes of a range of sizes, tenures and types, including affordable and family homes as well as associated supporting community infrastructure.

- 3.4.1 Both Adur and Brighton & Hove are geographically constrained by the sea and by the South Downs National Park to the north. Most of the remaining green space is protected through environmental designations, to prevent coalescence of settlements and for its recreation and amenity value. As a result, there is a limited supply of sites where new homes can be built and therefore development mainly consists of building on previously developed (brownfield) sites and small scale infill sites. Despite this, the demand for new homes continues to grow creating a challenge for local authorities in identifying new sites.
- 3.4.2 Housing needs assessments for both Adur and Brighton & Hove have identified a shortfall in housing provision in relation to need, in particular affordable and family sized homes. Supporting the delivery of new housing areas is central to the vision of transforming the harbour into an attractive waterfront community. The JAAP will support the regeneration of a number of brownfield sites which have been identified as suitable for residential development, balanced with the protection of key employment sites in other parts of the harbour.
- 3.4.3 Most residential development within the Shoreham Harbour Regeneration Area is expected to be multistorey flats. A small number of terraced town houses may be appropriate on a small number of allocated sites.
- Social and community infrastructure*
- 3.4.4 To ensure the regeneration of Shoreham Harbour promotes healthy, sustainable communities, it is important that appropriate and sufficient social and community infrastructure is provided in accessible locations to serve all parts of the community. An increase in population in the area will place pressure on existing facilities and create the need for new infrastructure provision.
- 3.4.5 Social infrastructure refers to emergency services, schools and colleges, health facilities, community spaces and cultural venues in the area.
- 3.4.6 Specific items of supporting infrastructure that will need to be delivered for Shoreham Harbour are set out within the Infrastructure Delivery Plans (IDPs) that accompany the *Adur Local Plan* and *Brighton & Hove City Plan Part One*.

- 3.4.7 These are live documents that are continuously updated and identify the range of different stakeholders that are responsible for delivery as well as associated costs, funding sources, priorities and progress.
- 3.4.8 Specific requirements relating to delivery of the Western Harbour Arm proposals are set out under 4.7 – Western Harbour Arm.
- 3.4.9 The Brighton & Hove IDP sets out specific requirements to support the proposed increase in residential population at South Portslade Industrial Estate and Aldrington Basin. In particular planning obligations towards education and health/medical services will be sought from new developments coming forward.
- 3.4.10 The *Adur Local Plan (2017)* includes Policy 33: Planning for Sustainable Communities that resists the loss of existing community facilities. Also refer to *Policy SH10: Infrastructure Requirements* in this plan.

Policy SH4: Housing and community

1. **Sites identified for residential-led redevelopment should contribute a minimum of 1,400 new homes across the harbour area by 2032, comprising 1,100 within Adur and 300 within Brighton & Hove.**
2. **Developers will be required to ensure that proposals deliver a mixed and balanced community through providing a mix of dwelling types, sizes and tenures in accordance with identified local needs including suitable family accommodation.**
3. **New residential development will be expected to make provision for a mix of affordable housing, including social rented, affordable rented and intermediate housing in accordance with local plan policies.**
4. **Development will be required to contribute towards provision of community and social infrastructure, in accordance with the relevant Infrastructure Delivery Plan.**
5. **Residential development in close proximity to existing or proposed employment activities and port uses must be carefully designed and incorporate appropriate mitigation measures to prevent future conflicts arising and maintain the continued operation of business uses.**
6. **Innovative solutions to mitigation will be encouraged to ensure that residential-led development proposals are capable of existing with neighbouring uses, as well as the long-term development scenario envisaged in the JAAP.**

3.5 Objective 5: Sustainable travel

To improve connections and promote sustainable transport choices.

To promote sustainable transport choices through ensuring that new developments are well served by high quality, integrated and interconnected networks, improved pedestrian, cycling and public transport routes and seeking to reduce demand for travel by private car in innovative ways.

3.5.1 Transport improvements will be required to support the JAAP proposals and reduce the impact of existing and future traffic congestion and related air quality and noise impacts, in particular the impacts on the two Air Quality Management Areas (AQMAs). Measures that reduce reliance on the private car and improve sustainable transport choices will be promoted.

Road Network

3.5.2 The coastal settlement pattern of the regeneration area is linear with most of the key roads connected by the A259 which runs east to west through the Shoreham Harbour area. The A27 provides the strategic inland route taking much of the through traffic; however there is a significant volume of local traffic along the A259 including heavy goods vehicles.

3.5.3 Access to the main operational port area is via two main entrances off the A259 which are not well connected to the A27. The advisory lorry route to Shoreham Harbour from the A27 is via the A293. As a result heavy goods vehicles often pass through either residential areas (via the advisory routes) or the town centres of Shoreham-by-Sea and Portslade.

3.5.4 At peak periods journey times for vehicles on the A259 are slow, for example Shoreham High Street. As a gateway to the regeneration area the A259 will be required to facilitate development traffic and provide access to local services, and reducing congestion on this key route is therefore essential to the regeneration proposals.

Public Transport

3.5.5 Public transport accessibility to the harbour is generally good with four local railway stations on the West Coastway line serving most of the population within a 20 minute walk. Despite good accessibility, the railway line acts as a physical barrier to north – south movements for other road users.

3.5.6 Capacity constraints on the Brighton Main Line and West Coastway have been identified by Network Rail as significant challenges facing this part of the rail network.

3.5.7 There are frequent buses along the A259. However, north-south movements are limited due to the road layout and severance created by the A259 and roads running under the railway line. In addition, there is scope to improve public perception of the bus network.

Walking and cycling

- 3.5.8 Shoreham Harbour is well served by pedestrian infrastructure; however the environment for pedestrians is considered to be poor and unattractive in places, and may not encourage short walking trips. In places the network is narrow, in poor condition, close to road traffic or poorly lit. The railway line and A259 both act as barriers to pedestrian movements causing severance.
- 3.5.9 Two key pedestrian routes connect across the harbour - the Adur Ferry Bridge from Shoreham-by-Sea town centre to Shoreham Beach and the harbour lock gates to Southwick Beach. Whilst both are well used, up until recently neither of these has offered a high quality pedestrian environment. The Adur Ferry Bridge now provides a much improved pedestrian and cycle connection between Shoreham Beach and Shoreham-by-Sea town centre and railway station.
- 3.5.10 To the east, the Brighton & Hove seafront provides a heavily used promenade for pedestrians and cyclists and a series of recreational activities. This ends abruptly at Hove Lagoon immediately to the east of Shoreham Harbour.
- 3.5.11 Southwick Beach and Carats Cafe act to some extent as destinations that help draw people to walk along the eastern part of the harbour and across the lock gates from Southwick. There is a significant opportunity to improve the quality of this experience. There are also opportunities to create visitor destinations around Shoreham Fort on Shoreham Beach and the lighthouse on Kingston Beach.
- 3.5.12 Monarch's Way is a long distance footpath running between Worcester and Shoreham Harbour. The route runs along Basin Road South and then along the promenades of Hove and Brighton before turning inland. Natural England is leading the delivery of the England Coast Path: a national trail that will run the entirety of the coast of England. This is planned to share the route along Basin Road South then cross the harbour at the lock gates and follow the A259 as far as Adur Ferry Bridge. In the longer term the waterfront route at the Western Harbour Arm could be designated as part of the route.
- 3.5.13 The National Cycle Route 2 (NCN2) from Dover to Penzance runs through the regeneration area. This route also uses Basin Road South, before crossing the lock gates and taking an inland route to Shoreham town centre and the Adur Ferry Bridge.
- 3.5.14 The *Shoreham Harbour Transport Strategy* identifies a dedicated, safe and continuous cycle facility along the A259 from Wharf Road to Adur Ferry Bridge, providing a core cycle route, a critical item of infrastructure. Reducing the intimidating nature of the A259 corridor for cyclists with quality surfacing, clear signing, and provision for cycles at side roads or accesses.
- 3.5.15 The A259 does not currently have good infrastructure for cyclists and is heavily used by motor vehicles, including HGVs. However the road provides the most direct route between Hove and Shoreham-by-Sea. Many cyclists therefore use this route. The partnership is exploring the potential for dedicated cycle facilities along this route.
- 3.5.16 Adur & Worthing Councils have committed to producing a Local Cycling and Walking Infrastructure Plan (LCWIP) to improve safe routes for walking and cycling, and seek funding to implement these. The LCWIP will incorporate proposals identified in this plan and the Shoreham Harbour Transport Strategy.

Transport Strategy

3.5.17 The *Adur Local Plan & Shoreham Harbour Transport Study* (2013) and addendums (2014; 2016) assessed the impact of proposed housing and employment development at Shoreham Harbour on the highway network. It proposes a package of mitigation measures which will reduce the impact of development and encourage a shift in travel patterns to sustainable modes of transport. This package consists of sustainable transport measures, behaviour change initiatives and junction capacity improvements.

3.5.18 The *Shoreham Harbour Transport Strategy* was developed alongside the JAAP to support regeneration and development at Shoreham Harbour. The strategy contains a package of integrated transport measures that will guide the provision of transport infrastructure for the next 15 years.

3.5.19 The strategy takes a balanced view of transport provision in the regeneration area focusing on improvements to the existing road network and measures to encourage the use of sustainable modes of transport. Five key outcomes are identified in the Transport Strategy:

- OC1 Reduced levels of congestion
- OC2 Strengthened sustainable transport mode share
- OC3 Improved connectivity
- OC4 A safe and attractive environment
- OC5 Adequate parking provision and controls

3.5.20 Examples of behaviour change initiatives include travel plans, car sharing schemes, encouraging shared car ownership, and cycle training. This study is part of the evidence base for the Shoreham Harbour Transport Strategy and development proposals will be expected to contribute towards the package of measures identified.

Parking

3.5.21 Guidance produced by West Sussex County Council states that car parking provision for residential development should: take account of the expected levels of car ownership; ensure high quality of design; make efficient use of land. The guidance outlines that expected levels of car ownership and demand should be determined taking account of the type, size and tenure of the proposed development.

3.5.22 Brighton & Hove standards currently outline maximum levels of parking, however it is anticipated that new guidance will put a priority on minimising off-street car parking provision in accessible locations.

3.5.23 Due to the constrained nature of allocated sites at Shoreham Harbour, innovative approaches to parking will be required. The Transport Strategy identifies a localised approach to car parking provision such as using appropriate parking controls and the use of car clubs.

Policy SH5: Sustainable travel

1. New development in the regeneration area must demonstrate how it intends to reduce the need to travel by car and should help to deliver sustainable transport improvements as identified in the *Shoreham Harbour Transport Strategy*.
2. Development will be required to contribute towards implementation of the area-wide travel behaviour change and travel choice programme set out in the *Shoreham Harbour Transport Strategy*.
3. The layout and streetscape of the allocations should be designed to give pedestrians and cyclists priority over vehicular traffic wherever possible.
4. Developments will be required to contribute towards the delivery of transport infrastructure which reduces congestion and increases the use of sustainable transport modes. Specific measures are identified in the *Shoreham Harbour Transport Strategy* including junction capacity improvements, improvements to bus and rail infrastructure and better cycling and pedestrian routes and facilities.
5. Improvements should focus on the following priority corridors and seek to minimise the impact of traffic, including HGV's, on surrounding communities:
 - A259
 - A283
 - A293
6. To improve the connectivity of the regeneration area, development proposals must provide or contribute towards the delivery of a comprehensive and well integrated transport network with strong linkages to town / district centres, the harbour waterfront / coastline, the South Downs, access routes and surrounding neighbourhoods. Specific network improvements for these supporting links are identified in the *Shoreham Harbour Transport Strategy*.
7. Proposals that incorporate facilities and/ or initiatives to promote the use of the river as a means of transport, such as provision of pontoons and additional moorings will be encouraged.
8. Improvements must be consistent with recommendations in the *Shoreham Harbour Streetscape Guide* and *Shoreham Harbour Transport Strategy*.

Parking

9. Car parking provision will be considered as part of the overall package of measures that impact on the need to travel resulting from the development. Proposals should include adequate levels of car parking for residential development or measures to promote lower levels of car ownership.
10. For commercial development, car parking provision should be in line with local authority maximum standards.
11. The amount of surface and on-street car parking should be minimised wherever possible and innovative solutions to the provision of car and cycle parking are encouraged as informed by the *Shoreham Harbour Transport Strategy*. Measures could include the creation of new car clubs or the extension of existing car clubs, by providing additional vehicles in appropriate locations and access to membership, to cover the regeneration area.
12. All new development proposals will be required to provide adequate, appropriate and secure cycle parking and storage facilities.

3.6 Objective 6: Flood risk and sustainable drainage

To reduce the risk of flooding and adapt to climate change.

To ensure that development avoids and reduces the risks from flooding and impacts on coastal processes and that risks are not increased elsewhere as a result. To ensure that appropriate and comprehensive flood infrastructure is delivered. To ensure surface water run-off and water pollution have been reduced by the introduction of sustainable drainage systems.

3.6.1 Parts of the regeneration area are at a high risk of flooding due to the proximity to the coastline and the River Adur, exacerbated by the low lying topography of some sites. This is especially true for the Western Harbour Arm, parts of Aldrington Basin, Southwick and Portslade beaches as well as the port operational area.

3.6.2 Tidal flooding presents the most significant risk to the area. The *Adur & Worthing Strategic Flood Risk Assessment* and *Brighton & Hove Strategic Flood Risk Assessment* identify a number of sites located within Tidal Flood Zones 2, 3a, 3b and Non-functional Flood Zone 3b. This latter category recognises that some sites have the same risk of tidal flooding as Flood Zone 3b but do not have a significant storage or conveyance potential which materially impacts flood risk elsewhere. In addition to this tidal flood risk, some areas are also affected by fluvial and surface water flooding.

3.6.3 Working closely with the Environment Agency, the partnership has prepared a *Shoreham Harbour Flood Risk Management Guide SPD* which sets out the types of flood risk present in the harbour area, the vision for a comprehensive flood defence network along the Western Harbour Arm and the requirements of developers in relation to mitigating flood risk in the regeneration area. This guide has been adopted by both Adur and Brighton & Hove councils. A key consideration of the SPD is the impact that climate change will have on rising sea levels, storm frequency and storm magnitude.

3.6.4 Brighton & Hove City Council, in partnership with Adur District Council and the Environment Agency, has produced the *Brighton Marina to River Adur Coastal Strategy Study*. This document examines how the stretch of coastline between Brighton Marina and the River Adur (up to the Canal lock gates in Southwick) will change over the next 100 years. This includes identifying erosion and flood mitigation measures that need to be delivered over this period.

3.6.5 Proposed flood defence improvements identified in this strategy would enhance the standard of protection for allocated sites identified in this plan, such as Southwick Waterfront and Aldrington Basin. The proposals identified in the strategy are therefore fully supported by the Partnership. A similar strategy, *The Rivers Arun to Adur Flood and Erosion Management Strategy* (2010) has already been adopted by DEFRA. This strategy includes a large part of the River Adur taking in the Western Harbour Arm.

3.6.6 The NPPF highlights the need to direct development away from areas at highest risk of flooding³⁷. Development Plans should apply a sequential, risk-based approach to the location of development to minimise risk from flooding and take account of the impacts of climate change. The proposals in this plan have been assessed through the Sequential and Exceptions Tests carried out in preparation of the Brighton & Hove City Plan Part One (2016) and the Adur Local Plan (2017). Therefore, a sequential test will not be required for proposed development within the allocations, unless the proposal departs significantly from the terms of the allocation.

3.6.7 Proposed development outside the allocations in this plan and within flood zone 2 or 3 will require a sequential test to be carried out as part of the site-specific flood risk assessment³⁸. To support the regeneration of the area, applicants will be expected to search for alternative sites at a lower risk of flooding within the character area the site is situated in (as identified in this plan). Where necessary, having regard to the potential vulnerability of the site and the development proposed, an exceptions test will also be required.

3.6.8 Policies in Part 4 of this plan identify the site-specific flood defence and mitigation measures required within the character areas. Development in the Western Harbour Arm in particular will be required to deliver significant flood risk mitigation infrastructure. Responsibility for the delivery and maintenance of flood defences will belong to the landowner.

³⁷ NPPF (2019) Paragraph 157

³⁸ Subject to the criteria in the PPG

Policy SH6: Flood risk and sustainable drainage

- 1. The partnership will support the delivery of measures to mitigate flood risk and coastal erosion in the regeneration area. Development proposals in the regeneration area must comply with the principles and approach to flood risk management set out in the *Shoreham Harbour Flood Risk Management Guide* (2015), or subsequent guidance and must take account of the most up to date flood risk management evidence and policy in consultation with the relevant authorities, including the Environment Agency.**
- 2. Prior consent of the Environment Agency is required for any works within 16m of the tidal River Adur. All proposed flood defences, flood defence upgrades, slipways, pontoons and floodgates will require prior approval of the Environment Agency, either through the Environment Agency Permit or as part of the Marine Management Organisation license. New development will need to be setback from the river's edge where flood defence maintenance is required. Set back distance should be discussed and agreed with the relevant authority including the Environment Agency. Maintenance arrangements for flood defences should be agreed with the Environment Agency and the local authorities prior to construction.**
- 3. Where development creates new or alters flood flow routes, the site specific Flood Risk Assessment must assess the potential flood hazard posed by them to ensure that flood risk is not increased elsewhere.**
- 4. Residential development proposals must protect against a breach scenario through the application of an appropriate finished floor level of 5.77m AOD.**
- 5. Non-residential development proposals must be designed to be safe for the proposed lifetime of the development, assumed to be at least a 60 year period from the date of receiving planning permission, unless otherwise agreed with the Local Planning Authority.**
- 6. Where undefended land levels are below the 1 in 200 year tidal flood event for 2115, 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 to this height to meet the required standard of protection.**
- 7. Where sheet piling is being proposed, a piling risk assessment must be carried out to demonstrate that any proposed piling will not result in contamination of groundwater or migration of contamination off-site. Wherever possible piling should be non-percussive vibro or push piling to minimise impacts to migratory fish. Use of percussive methods should be restricted to times when ecological impact is minimal. Displacement piling methods are generally preferred on contaminated sites as they produce no spoil so that contamination is not exported to the surface.**
- 8. Where proposals seek to retain existing wharf walls as part of the flood defence infrastructure, an extensive structural survey will be required to ensure the development will be safe for its lifetime.**

9. Where pontoons and mooring opportunities are provided as part of delivery of new flood defences, the following requirements apply:
 - Pontoons should be designed to be freestanding structures.
 - Where boats are to be moored directly onto piling, a structural survey is required to consider whether defences could take the loading over their expected lifetime.
 - Where loss of habitat occurs due to construction of moorings or pontoons or from boats resting on intertidal habitat, creation of new like for like compensatory habitat will be required.
10. Proposals should demonstrate how the risks of surface water runoff and water pollution have been reduced including through the introduction of sustainable drainage systems (SuDS) and water capture/recycling technology. SuDS must also be applied to hard landscaping (including paving and road carriageways).
11. New developments must incorporate open space, appropriate planting, green roofs and/or green walls (suitable for coastal growing conditions) to reduce levels of surface water runoff and consequent risk of flooding.
12. 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.
13. Proposals must include an emergency strategy to ensure the safety of residents at times of flooding.

3.7 Objective 7: Natural environment, biodiversity and green infrastructure

To add to the natural capital of the Shoreham Harbour Regeneration Area by delivering net gains to biodiversity and a multifunctional green infrastructure network.

To conserve and protect the area's important environmental assets, wildlife habitats and ecosystem services and to enhance the biodiversity of the area by creating new habitats. To minimise and mitigate impacts on the natural and local environment from soil, air, water or noise pollution.

To support the objectives of the Brighton & Lewes Downs Biosphere Management Strategy through the creation of green links within and beyond the harbour area, changes in the design and management of spaces to create a functioning green infrastructure network, including new green spaces and biodiverse green roofs and walls.

- 3.7.1 The regeneration area falls within the Brighton & Hove Downs Biosphere. As such, the JAAP aims to contribute towards meeting its three objectives of:
- Nature conservation
 - Sustainable socio-economic development
 - Knowledge, learning and awareness
- 3.7.2 New development within the regeneration area is expected to be outstanding from an environmental perspective and all opportunities to promote biodiversity need to be considered. The councils will require the submission of an Ecological Impact Assessment (EcIA) carried out in accordance with British Standards (BS42020:2013 Biodiversity – Code of practice for planning and development) and CIEEM guidance, or subsequent updates.
- 3.7.3 Ecological impacts should be assessed and recommendations for appropriate mitigation, compensation and enhancement made. Negative impacts should be avoided wherever possible. It is possible to significantly reduce negative impacts of development on the ecology of an area through mitigation measures.
- 3.7.4 Any potential wildlife habitats that will be lost or negatively impacted as a result of development will need to be compensated for and enhanced wherever possible.
- 3.7.5 There is potential for development at the Western Harbour Arm to lead to loss of, or harmful impact to, intertidal habitats in the River Adur. Adur District Council is currently working with partners to develop a strategy to address this issue, and identify suitable locations for compensatory habitat creation. Nevertheless, developers will be required to demonstrate that impacts cannot be avoided before mitigation and/or compensatory measures are considered.
- 3.7.6 The *Shoreham Harbour Ecology and Green Infrastructure Study (2015)* identifies the potential impacts of development proposed within this plan. It also updates previous ecological surveys and proposes green infrastructure improvements.

Designated sites and biodiversity

- 3.7.7 In accordance with the NPPF and with *Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services*, it is essential that any development in the harbour takes into account the sensitivities of the local and natural environment and protects and enhances it wherever possible³⁹.
- 3.7.8 Located just outside the regeneration boundary to the west, is the Adur Estuary, a Site of Special Scientific Interest (SSSI) of particular ecological significance for its inter-tidal mudflats. It also contains one of the few saltmarsh habitats in West Sussex.
- 3.7.9 The Adur Estuary is an important habitat for a range of species, including estuarine plants and wading birds (particularly redshank, dunlin and ringed plover). The ringed plover population regularly exceeds 1% of the total British population, making the SSSI of national importance for this species.
- 3.7.10 The entire regeneration area is within the Impact Risk Zone (IRZ) for the Adur Estuary SSSI. An IRZ provides an initial assessment of potential risks to an SSSI posed by development proposals. Allocation Western Harbour Arm Waterfront is most likely to impact the SSSI. Consultation with Natural England is expected for these sites.
- 3.7.11 The eastern end of Shoreham Beach Local Wildlife (LWS) falls within Character Area 6: Harbour Mouth. A large part of the LWS is also designated as a Local Nature Reserve (LNR) whose boundary is adjacent to the regeneration area. The site's main interest is coastal vegetated shingle, an internationally rare and threatened habitat. It also provides a high tide roosting area for wading birds that have fed on the mudflats within the Adur Estuary.
- 3.7.12 Basin Road South LWS is located at the eastern end of the regeneration area, adjacent to Allocation Aldrington Basin. This site is also designated for coastal vegetated shingle. The *Shoreham Harbour Vegetated Shingle Assessment* (2015) found that the site is predominantly made up of imported material and has undergone periods of disturbance.
- 3.7.13 The Basin Road South LWS is 1.1ha in size. The assessment found the extent of vegetated shingle to be 0.43ha (39%) concentrated along the northern and southern fringes. The status of this site will be reviewed through the *Brighton & Hove City Plan Part Two*. The partnership is working to identify opportunities for coastal vegetated shingle habitat creation at Portslade and Southwick Beaches.
- 3.7.14 The Shoreham Harbour area as a whole is of regional importance for passage bird species and is of county importance for wintering birds as a result of the sheltered nature of the site. The area is also of local importance for breeding birds. It will be important to consider the impacts of increased recreational activities as a result of new development at the harbour on these sensitive areas.
- 3.7.15 A Reptile Survey (2009) has indicated the presence of an exceptional population of common lizards and a good population of slow worms on the North Canal Bank on the harbour's Eastern Arm, south of the A259. A Great Crested Newt Pond Survey (2009) concluded that due to a general lack of ponds and standing water bodies within the area, there is a negligible risk of impacts on this protected species as a result of the proposals.

³⁹ NPPF (2019) Paragraph 170

Green infrastructure and wildlife corridors

3.7.16

There are a number of strategically important green corridors in and around the harbour area including the nationally important routes of the South Downs Way and the Monarchs Way long distance footpath. As highlighted in both the recent Adur District Council and Brighton & Hove City Council open space strategies; the beaches, foreshore and wider seafront area act as a blue/green corridor supporting a broad diversity of species. Other local links include:

- National Cycle Route 2 along the coast links Shoreham with Worthing to the west and Brighton to the east. Between Shoreham-by-Sea town centre and the Canal lock gates at Southwick this route is diverted inland to avoid the busy A259. It is anticipated that the proposed pedestrian/cycle route along the waterfront at the Western Harbour Arm, and a designated A259 cycle route could create a more direct route.

- By 2020, Natural England expects to deliver the England Coast Path, a new National Trail around England's entire coast. The Partnership is working with Natural England to progress this project. It is anticipated that the new and improved routes at the Western Harbour Arm, Canal lock gates and Portslade and Southwick Beaches will ultimately form part of this route.
- Regional cycle route 79 (12) following the Adur River valley connects Horsham to the south coast at Shoreham.
- Within Brighton & Hove, there are three north-south corridors providing important wildlife links and some public access between the harbour and the South Downs:
 - Southwick Hill down to Fishersgate – public access throughout although very narrow in parts of the urban area.
 - Foredown Hill to Vale Park in South Portslade – series of green spaces with intermittent public access.
 - Benfield Valley linking the downs to Old Shoreham Road with consistent public access.

3.7.17

The Shoreham Harbour Ecology and Green Infrastructure Study (2015) makes a number of proposals to enhance the green infrastructure and biodiversity of the harbour and surrounding areas. These include:

- The preparation of a green infrastructure strategy for the regeneration area and links to surrounding areas.
- A259 green corridor. The study identifies fourteen green spaces located along the A259. These act as a series of 'stepping stones' for wildlife. These sites include designated spaces such as Kingston Beach village green, but also the embankments between the A259 and the port, and the grassed amenity spaces around the Adur Homes estates at Southwick and Fishersgate. The Partnership is working with Adur Homes, Action Eastbrook and local communities to deliver improvements to these sites. Specific proposals are included within each character area policy in Section 4 of this plan. Further detail will be included in the Shoreham Harbour Green Infrastructure Strategy.

- Portslade and Southwick Beaches green corridor. The Shoreham Harbour Vegetated Shingle Assessment identified significant potential for coastal vegetated shingle habitat creation along these beaches. Habitat creation could be delivered as part of improvements to coastal defences and through the delivery of the England Coast Path and improved cycle route along the beaches.
- Linear intertidal habitat creation. The study identifies opportunities to deliver habitats as part of new flood defences along the waterfront. This includes timber baulking and ‘vertical beaches’ attached to sheet piling.
- Green roofs and walls. These could compensate for the loss of open mosaic habitats at ground level on vacant or unused sites. These should be appropriately planted for the coastal location, including vegetated shingle.

- 3.7.18 New development at the harbour should act as a catalyst to enhance green corridors and linkages, particularly where higher density developments result in limited opportunities to provide open space on site.
- 3.7.19 The national cycle network provides a valuable basis from which to extend greenways in this location to better connect Shoreham to urban areas such as Hove, Lancing and Worthing. Proposals for improving this route are set out within the *Shoreham Harbour Transport Strategy*.

- 3.7.20 Other recommendations from green infrastructure assessments in relation to biodiversity include:
- Enhance and create new open spaces and habitats at locations such as Shoreham Fort and Shoreham (Kingston Buci) Lighthouse with improved access linkages for visitors.
 - Consider and improve wildlife corridors wherever a new green corridor is developed or enhanced as part of the new development.
 - The role of parks, allotments, school playing fields, private residential gardens and cemeteries in providing valuable green corridors and wildlife habitats should be recognised in this area.
 - Protect the species rich grasslands beside the harbour and integrated grassland into new areas of waterfront open space where possible.
 - Building designs should incorporate green roofs and areas of planting wherever possible.
 - Existing open spaces and parks would benefit from more wildlife planting and a varied mowing regime.

Water quality

- 3.7.21 The overall groundwater quality of the Brighton Chalk Aquifer is currently classified as “poor” in the Water Framework Directive (WFD) Cycle 2 2015 classification. The quantitative and chemical quality are both classified as “poor”. The overall water quality of the Adur Estuary is classified as “moderate”. The ecological quality is classified as “good” whilst the chemical quality is classified as “fail”.
- 3.7.22 The Water Framework Directive required all bodies of water (including surface water, coastal waters and groundwater) to achieve “good” status by 2021 and to be prevented from deteriorating in quality. It will be important for development proposals to undertake the necessary risk assessments to demonstrate Water Framework Directive compliance. Applicants are advised to refer to the Clearing Waters for All guidance.
- 3.7.23 The Environment Agency monitors the quality of bathing water at Southwick Beach. Since 2013, water at this location has achieved “excellent” status. This means that the bathing water meets the standard for the highest, cleanest class for the revised Bathing Water Directive, which has stricter standards than those for the old Directive.

Air Quality

- 3.7.24 Road vehicles are the greatest contributing factor to poor air quality in Adur and Brighton & Hove, with vehicles emitting a variety of pollutants including carbon monoxide, nitrogen oxides, volatile organic compounds and particulate matters.
- 3.7.25 There are two Air Quality Management Areas (AQMAs) that lie partly within the regeneration area. Brighton AQMA includes Kingsway / Wellington Road (A259) Church Road (A293), Boundary Road / Station Road (B2194) and parts of South Portslade to the south of North Street. Shoreham AQMA runs along Shoreham High Street (A259) from Norfolk Bridge to Surry Street.
- 3.7.26 There is also an AQMA in Southwick on the A270 between Kingston Lane and Southview Close. This is outside the regeneration area, but may be impacted by journeys arising from new development.
- 3.7.27 Air Quality Action Plans (AQAPs) will continue to play a key role in helping to manage issues of localised air pollution.

Noise

- 3.7.28 Noise can be a significant issue in built-up urban areas, and can act as both a disturbance and a threat to human health. DEFRA has undertaken a comprehensive noise mapping study, the results of which indicate that there are parts of the regeneration area where road traffic noise exceeds World Health Organisation guidelines.
- 3.7.29 The main generator of background noise in the Regeneration area is road traffic. The A259, A293 and B2194 have high levels of noise pollution related to traffic movements with noise levels decreasing with distance from these roads.
- 3.7.30 Rail-related noise is also an issue in some parts of the regeneration area with levels decreasing with distance from the railway line. Some of the industrial and port-related land uses in the regeneration area also generate high levels of noise.

Contamination

3.7.31 The nature of current and historic industrial activities at Shoreham Harbour raises significant potential for contamination to be present, which could adversely impact site users, buildings and the environment, including surface and groundwater quality. Pollution to controlled waters may result in contravention of objectives set out within the Water Framework Directive (WFD).

3.7.32 Former land uses have included Portslade Gas Works, oil storage, and coal and timber yards. Current uses also include coal and timber yards, as well as a power station, aggregate sorting and storage sites, garages, oil and petrol storage areas, a waste water treatment facility and other waste uses. Consequently, significant risks of pollutant linkages have been found in the area.

3.7.33 In accordance with the NPPF, it will be important for development proposals to undertake the necessary site assessment in line with best practice approaches. All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and

in accordance with most recent guidance⁴⁰.

3.7.34 Current guidance includes:

- BS 10175:2011+A1:2013 Code of practice for the investigation of potentially contaminated sites.
- BS ISO 5667-22:2010 Water quality sampling guidance on the design and installation of groundwater monitoring points.
- BS ISO 5667-18:2001, BS 6068-6.18:2001 Water quality sampling guidance on sampling of groundwater at contaminated sites.

3.7.35 In order to ensure appropriate consideration of land contamination, the following reports/documents should be reviewed prior to the submission of a planning application:

- The risk management framework provided in CLR11, model procedures for the management of land contamination.
- The Environment Agency guiding principles for land contamination and the land contamination sections in the Environment Agency's Groundwater Protection: Principles and Practice.

Waste and recycling

3.7.36 In keeping with the objectives of the *Biosphere Management Strategy* (2014-2019). It is important that the JAAP supports the shift towards sustainable management of waste and seeks to ensure waste is fully considered during design, construction, post-construction and demolition phases of new development.

3.7.37 The East Sussex, South Downs, and Brighton & Hove Waste and Minerals Plan (2013) provides planning policies to guide the management of waste and production of minerals over the plan period to 2026. In addition, the *East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan* (2017) identifies areas of safeguarding for current and future waste management capacity. This includes areas at Shoreham Port.

3.7.38 West Sussex County Council and the South Downs National Park Authority have adopted the *West Sussex Waste Local Plan* (2014). The Waste Local Plan covers the period to 2031 and provides a basis for making consistent land-use decisions for waste management facilities.

⁴⁰ NPPF (2019) Paragraph 178

Policy SH7: Natural environment, biodiversity and green infrastructure

1. The partnership will prepare a green infrastructure strategy and identify mechanisms for its implementation for the regeneration area and its surroundings.
2. The partnership will work with stakeholders, developers, landowners and communities to deliver an improved green infrastructure network including:
 - A259 green corridor improving and connecting improvement sites alongside the road, including embankments and grassed amenity space.
 - Portslade and Southwick Beaches including coastal vegetate shingle habitat creation.
 - Intertidal habitat creation, including baulking and vertical beaches as part of flood defence works.
 - Green walls and roofs, and appropriate street planting.
3. The partnership will promote and require the creation and enhancement of open space and green infrastructure in accordance with the emerging *Shoreham Harbour Green Infrastructure Strategy* and Brighton and Lewes Downs Biosphere objectives.
4. All development applications must be accompanied by up-to-date ecological information to ensure no net loss, and seek to provide a net gain to biodiversity, in particular to Habitats of Principal Importance (formerly known as BAP habitats). The indirect impacts of development, such as recreational disturbance, on designated nature conservation sites and other significant habitats must be considered. Appropriate mitigation must be identified, along with the means for its delivery and maintenance.
5. The *Shoreham Harbour Streetscape Guide* (2012) states that all vegetation must be salt tolerant and suitable for a coastal environment. Trees must be securely staked, hardy and able to withstand strong winds.
6. Development proposals will be required to include schemes to conserve, protect and enhance existing biodiversity and to create appropriate habitats, taking into account appropriate, coastal protected sites and species. Measures to enhance biodiversity include, but are not limited to:
 - Incorporating green walls and roofs and appropriate planting schemes for the location, using locally native species wherever possible.
 - Providing bird-nesting and bat-roosting boxes.
 - Providing areas of vegetated shingle.
 - Using SuDS to create wetland habitat features, which help store and clean surface water.
 - Creating, restoring or enhancing off-site habitats, in particular through contributions to management and monitoring plans for, local conservation sites such as Shoreham Beach and Widewater Lagoon Local Nature Reserves.
 - Where appropriate, development will be required to incorporate ecological enhancements to the marine/estuarine/ riverine environment in order to promote biodiversity.

7. Where impacts on biodiversity cannot be avoided or mitigated, compensatory actions will be required, taking account of an up-to-date ecological survey. Like-for-like compensatory habitat should be provided at or close to the site, subject to agreement with the relevant authorities, including Natural England and the Environment Agency.
8. Development will be required to integrate new green infrastructure, including biodiverse green roof (bio-solar where appropriate), green walls and suitable planting, and to contribute to enhancements to the green corridor.

Water quality

9. All development must comply with the Water Framework Directive. Development must protect surface and groundwater quality. Only clean surface water should be discharged into the River Adur, the Canal and groundwater. Pollution control measures will be required to deal with surface water run-off where this is discharging straight into the River Adur or the Canal, especially where waterside vehicular access is promoted.
10. All marina developments must consider the installation of pump out facilities to reduce the risk to water quality from recreational boating. The size of the pump out facility should be appropriate to that of the development and agreed by the local authority prior to construction.
11. Development should seek to provide ecological enhancements through the use of sustainable drainage systems (SuDS).
12. All development must consider implications upon the sewerage and water supply network and ensure that capacity is adequate. New development must connect to the sewerage and/or water supply system at the nearest point of adequate capacity in collaboration with the service provider.

Air quality

13. Air quality impacts should be considered at an early stage in the design process to ensure that creating new exposure to poor air quality is avoided. Development proposals must be accompanied by an assessment of the air quality impacts for existing and future occupants. This assessment must have regard to the cumulative impacts of committed and planned development on air quality.
14. Development within or adjacent to an Air Quality Management Area (AQMA), or that is likely to have an impact on an AQMA, will be required to provide a contribution towards implementing Air Quality Action Plan objectives, such as sustainable transport improvements.
15. Proposals will be required to demonstrate that appropriate mitigation measures are introduced to ensure that new and existing residents are not exposed to poor air quality.

Noise

16. Development proposals should adhere to the following basic principles of noise control - Noise sources should be separated from sensitive receptors. Then noise should be controlled at source. Finally, the sensitive receptor should be protected.
17. Particular consideration will be required in relation to noise generated by transport and arising from adjacent industrial, trade and business premises, construction sites, activities in the street and on-going port and marine-related activities.

Contamination

18. Applications for development within a 10 metre radius of potentially contaminated sites will be required to submit a desk study, conceptual model, site investigation and risk assessment.

Waste and recycling

19. All development proposals will be required to incorporate facilities that enable and encourage high rates of recycling and re-use of waste and materials.
20. All new development will be required to demonstrate that waste is minimised both during the construction phase and the lifetime of the building.
21. Development proposals shall be accompanied by a Site Waste Management Plan.

3.8 Objective 8: Recreation and leisure

To enhance and activate the harbour for leisure, recreation and tourism and encourage active, healthy lifestyles.

To create places that promote healthy and enjoyable living by improving existing and providing new green infrastructure including open spaces and green links as well as leisure and recreation opportunities. To improve connections to and use of the waterfront, coast and beaches as attractive destinations for both locals and visitors.

Beaches and water sports

- 3.8.1 The public beaches play a significant role in the provision of amenity space in the harbour for residents and visitors. They provide recreational and leisure opportunities as well as providing landscape, environmental and biodiversity benefits.
- 3.8.2 Some of the beaches, such as Southwick Beach, Shoreham Beach and, to a lesser extent, Kingston Beach are well used for traditional seaside activities (walking, swimming, sunbathing and fishing). The Shoreham Beach area is well used by windsurfers and kite surfers. Paddle boarding is becoming an increasingly popular sport for coastal areas.
- 3.8.3 When weather conditions are right, the harbour is well used as a surfing destination. Recreational surfing takes place throughout the harbour area, including Southwick Beach and within the harbour arms. Facilities for these users and other coastal sport users do not exist, but could include:
- outdoor/indoor showers,
 - bathrooms, and changing rooms.

Sailing and facilities for boat-users

- 3.8.4 The harbour is home to a number of sailing facilities including:
- Lady Bee Marina (Southwick Waterfront)
 - Riverside Yard (Southwick Waterfront)
 - Sussex Yacht Club (Western Harbour Arm / Southwick Waterfront)
 - Shoreham Sailing Club (Harbour Mouth)
 - Shoreham Rowing Club (Harbour Mouth)
- 3.8.5 All five areas have a strong leisure and recreation function with the first three providing berthing opportunities for larger vessels. These three currently have capacity for around 120 pontoon berths although access is a constraint to further pontoon capacity. Shoreham Port Authority is seeking to increase berthing capacity at Lady Bee Marina.
- 3.8.6 Whilst there is good provision of uses in and around the regeneration area, access is constrained in some places, and some facilities are in poor condition in need of replacement, improvement or re-provision.

Slipways and Hards

- 3.8.7 There are a number of historic slipways and hards in the Shoreham area. These were formerly used to launch and land boats onto and from the water. However most of these are now unable to function effectively for various reasons such as having been in-filled, being too steep, being dilapidated or being inaccessible and lacking sufficient parking and turning areas for trailers.
- 3.8.8 West Sussex County Council, working in partnership with Adur District Council and the Shoreham Slipways Group, are working towards providing new and improved public slipways for the Shoreham area. These new facilities will help support the local economy through enabling visiting anglers, divers and day boat users to access the harbour. The enhanced access to the water will help to restore Shoreham's maritime heritage.
- 3.8.9 A key planning consideration for locating a new public slipway is the need for sufficient appropriately laid out parking and turning areas for vehicles and trailers to manoeuvre.

Pedestrian Routes

- 3.8.10 Strategic routes for rural walkers are concentrated in the South Downs and stop at the outskirts of built up areas. Currently these do not connect well into the town centres and to the sea. Walking routes in the urban areas of the regeneration area are not well designed and signage is poor. The Adur Ferry Bridge has significantly improved the quality of the pedestrian environment in that area.
- 3.8.11 The pedestrian network running east to west along the majority of the regeneration area north of the coast / waterfront is limited to the path that runs along the A259 and as such currently offers a very poor experience for cyclists and pedestrians.

Cycle Paths

- 3.8.12 National cycle route NCN2 runs through the harbour from Hove Lagoon, along the southern section of the canal (the South Quayside area) across the canal locks, then runs inland to re-emerge in Shoreham-by-Sea. It then crosses over Adur Ferry Bridge and continues on to the seafront to the west. This route links Brighton in the east and Worthing in the west and is part of a long distance cycle route from Dover to Penzance.
- 3.8.13 The section from Hove Lagoon to Brighton in the east and Shoreham Beach to Worthing in the West is almost entirely 'traffic-free' with dedicated cycle paths. The section in between that runs through the harbour area is classified as 'on-road', with no dedicated cycle facilities. This route is well used by cyclists for leisure and recreation. It is also a popular commuting route for cyclists, although a high number of commuters use the A259 from the lock gates in Southwick as this is the quickest and most direct route.

3.8.14 In addition, the harbour area has good cycling links to the South Downs in the north. The Downs Link Bridleway that runs along the river Adur from Ropetackle to the South Downs is a key cycling and pedestrian link which connects Shoreham with the South Downs and which continues up to the North Downs in Surrey. However, signage to this route from the town centre is poor. Other routes to the South Downs from the regeneration area are also poorly signposted.

Open Space

- 3.8.15 Provision of new and enhanced areas of open space will be essential to creating a pleasant harbour side environment. Multi-functional open spaces provide a range of health benefits and can create pleasant new spaces for people to sit, relax and interact helping to build a sense of community and identity for the harbour.
- 3.8.16 The NPPF⁴¹ requires that planning policies should be based on robust, up-to-date assessments of local needs for open space, sports and recreation facilities and opportunities for new provision.
- 3.8.17 The *Adur District Open Spaces Study* (2014) sets open space provision standards for the district.
- 3.8.18 For Brighton & Hove, open space standards are set out within the *Open Space Update Study* (2011).

⁴¹ NPPF (2019) Paragraph 96

Policy SH8: Recreation and leisure

1. New development proposals will be required to contribute to the provision of multifunctional public open space / green infrastructure onsite. The type and quantity of open space will be determined by the scale and type of development, having regard to the identified needs, local standards and the *Shoreham Harbour Green Infrastructure Strategy*. Development will be expected to optimise the amount of onsite provision. Where it is not possible to meet all or part of the open space requirements on site, subject to agreement of the council(s), an appropriate alternative provision, such as enhanced public realm, and/or contribution towards off site provision will be required.
2. Brighton & Hove City Council and Adur District Council will work with developers to explore the role, function and more detailed design of green spaces as they come forward. These areas could help to meet local need for a range of open spaces including parks and gardens, amenity green space, provision for children and young people, outdoor sports facilities, allotments and community gardens.
3. Improved linkages to existing open space assets and green corridors will be encouraged.
4. In accordance with local plan policies, the loss of existing open space will be resisted unless it has become surplus to requirements or would be replaced with equivalent or improved provision in a suitable location. In the case of any loss of open space, mitigation measures include, but are not limited to:
 - Better access to remaining open space.
 - Provision of an alternative site.
 - Significant enhancements to remaining open space including features to improve open access to the waterfront.
5. The provision of appropriate measures to enhance water sports and other traditional coastal activities will be supported.
6. Major waterfront development schemes are expected to incorporate features that improve open access to the waterfront. These may include facilities for boat users, additional moorings, floating pontoons/docks, slipways and inlets. Early consultation with Shoreham Port Authority and statutory bodies such as the Environment Agency and Marine Management Organisation is advised.
7. Development schemes that result in the loss of an existing slipway or hard and that fail to incorporate a new useable slipway (with sufficient parking/turning space) on-site may be expected to contribute towards re-provision of the facility off-site.
8. Where a new/improved slipways or hards are provided or reinstated it will be necessary to consult with the relevant highway authority to ensure appropriate public highway status is recorded including rights of motor vehicle use.
9. Where additional moorings are provided consideration must be given to the management of additional waste and sewage arising. Appropriate services, such as toilets and pump out facilities, should be provided where appropriate.
10. The partnership will work with Natural England to support the delivery of the England Coast path through the Shoreham Harbour Regeneration Area.

3.9 Objective 9: Place making and design quality

To promote high design quality and improve townscape.

To promote developments of high design quality that maximise the waterfront setting, respect local character and form and enhance key gateways and public spaces.

To protect and enhance the area's historic assets including the Scheduled Monument at Shoreham Fort, listed buildings and conservation areas.

3.9.1 High quality urban design is an integral element of successful developments. Good design encompasses architectural design, form, height, scale, siting, layout, density, orientation, materials, parking and open space. Major development proposals may be subject to design review process at the pre-application and application stages in order to ensure the highest quality of design.

3.9.2 New developments should be well-designed and integrated into the landscape and townscape, and should contribute positively to the harbour's character and distinctiveness. Existing poor-quality design should not set a precedent.

3.9.3 Improvements to the public realm (streets and public spaces) provide an opportunity to enhance the quality, character and distinctiveness of the harbour. Good use of 'natural surveillance', natural and artificial light and careful siting of buildings and street furniture can improve the layout of an area, reduce perceived and actual crime and opportunities for anti-social behaviour, and make an area more pleasant to use. *Secured by Design* provides further guidance on incorporating crime prevention measures into development.

Public realm

- 3.9.4 Buildings within a development should be arranged to create well defined spaces, each with a clear purpose and function. The spaces within a development should not consist simply of the land left over once the footprints of buildings and the positions of roads and accesses have been established. Defining the nature and use of the spaces early in the design process can help inform the siting and design of buildings, hard and soft landscape and, if applicable, distribution of uses that will enclose these spaces.
- 3.9.5 A successful place is easy to get to, visible and easy to move through. Physical elements can enhance access and links and add interest and help create a safer environment. The ability to see a public space from a distance, parking arrangements and convenient public transport can also contribute to better access.

- 3.9.6 Successful public places typically offer a variety of uses and activities in and/or around it that suits its users. The right mix and spatial clustering of uses can be critical to attracting a range of people and animating a space. All new development should present an interesting and attractive frontage particularly at street level for pedestrians.
- 3.9.7 A successful place can encourage all sorts of people to meet and interact, creating a stronger attachment to their community and to the sense of place that fosters these types of social activities. In general, comfort and sociability relate to people's sense of safety, cleanliness and overall character of a place. The presence and quality of hard and soft landscaping and the nature of vehicular traffic will also influence these perceptions. Substantial traffic and associated perceptions about danger, noise and air quality may make movement through spaces difficult and deter people from lingering in them.

Public art

- 3.9.8 Public art can play an important role in creating and enhancing local distinctiveness. It provides an opportunity to involve local communities in place making, and to offer work opportunities to artists, including from the local area. Where appropriate, the partnership and councils will expect to be involved in the selection process. Public art can include architectural details, public realm elements, landscaping schemes, sculpture, water features, street furniture and lighting effects. It should be directly related to its setting, and therefore be an integral element of a proposal.

Design principles

- 3.9.9 Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible, and promote health and well-being⁴². Good design is critical to ensuring development functions well, is visually attractive, and is sympathetic to local character, in order to create attractive, welcoming and distinctive places to live, work and visit⁴³.
- 3.9.10 The selection of external materials and finishes is often a critical factor in determining how well a new development relates visually to its surroundings. By adopting the local palette of materials, and the ways in which these are combined and detailed, new development can reinforce local distinctiveness.
- 3.9.11 Scale and massing of buildings is a major factor in determining the visual character of an area. The aim should be to create a sense of harmony and visual continuity between new and old. Elements of any building that are visible from a highway are of particular importance.

- 3.9.12 Internal and external space standards and layout are an important aspect of good quality homes. The councils will expect development proposals to meet the nationally described space standards, which cover minimum gross internal floor, ceiling heights and storage space requirements.

Outside space

- 3.9.13 An element of useable private outdoor amenity space should be provided for the occupants of new residential development. Private amenity space can make an important contribution in improving the health, well-being and general quality of life of the area's residents and has the potential to support and enhance local biodiversity. The provision of space for seating, play, drying and storage space is part of securing good design and a good standard of residential development in the regeneration area.
- 3.9.14 Appropriate forms of provision include gardens, balconies, patios, roof terraces and shared amenity spaces in flatted forms of development. Factors such as access to the amenity space, its orientation, scope for privacy, size and usability will be key considerations.

⁴² NPPF (2019) Paragraph 127

⁴³ NPPF (2019) Paragraph 127

Amenity

- 3.9.15 As development at Shoreham Harbour is expected to be high density, proposals for new development need to consider their impact upon neighbours as well as future users, residents and occupiers. Most potential negative impact can be addressed through design and mitigation measures if these are considered early in the design stage of a development.
- 3.9.16 New buildings should be carefully designed to avoid overlooking. The most sensitive areas are: living rooms; bedrooms; kitchens. Public spaces and communal areas will benefit from a degree of overlooking due to the increased level of surveillance it can provide.
- 3.9.17 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. New development should ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. Particular care should be given to development that adjoins properties with a single aspect.

- 3.9.18 New development should take reasonable steps to avoid overshadowing windows to habitable rooms or open spaces and gardens. This may be particularly difficult in the denser areas of the area. However, it is important in these areas to prevent overshadowing of amenity space and open spaces given the limited amount of open spaces and the existing amount of overshadowing.
- 3.9.19 Sunlight and daylight will be affected by the location of the proposed development and its proximity to, and position in relation to, nearby windows. The councils will assess whether acceptable levels of daylight and sunlight are available to habitable spaces. Reports will be required for both minor and major applications where a proposal has the potential to materially reduce daylight and sunlight levels.
- 3.9.20 Lighting is an important element of design quality; whilst necessary for safety reasons it can also add character and highlight elements of architectural quality. However, it is also important to ensure that light shines on its 'target' and does not waste energy or contribute to 'sky glow'.

Heritage

- 3.9.21 Shoreham Harbour benefits from a number of historic assets which are proposed to be protected and enhanced to contribute towards maintaining the cultural history of the area and visual interest within the landscape and local views. The harbour area includes:
- Parts of the Shoreham-by-Sea Conservation Area
 - The Riverside section of the Southwick Conservation Area.
 - Three Grade II Listed Buildings:
 - Royal Sussex Yacht Club
 - Sussex Arms Public House
 - Kingston Buci Lighthouse
 - Shoreham Fort (Scheduled Monument).

Policy SH9: Place making and design quality

1. Schemes should be designed to reflect the character of the marine environment and should be sensitive to views of the waterfront, surrounding landscape and historic features.
2. Waterfront development schemes are encouraged to incorporate features that improve public access, views and experience of the marine environment. This may be externally in the form of landscaped viewing areas and/or internally as an integral part of building design.
3. Development proposals should improve the quality, accessibility, security and legibility of public streets and spaces. The public realm elements of the development proposals must be designed in accordance with the *Shoreham Harbour Streetscape Guide* (2012). The design of spaces between and around buildings must consider all of the following key design aspects:
 - Purpose and function
 - Access and linkages
 - Uses and activities
 - Comfort, image and sociability
4. Having regard to the indicative opportunities for public art identified within Map 4, major development will be expected to incorporate an integral public art element(s), in accordance with the scale of development proposed and in agreement with the council.
5. All development proposals must demonstrate a high standard of design that enhances the visual quality of the environment and makes a positive contribution to creating places that are safe, inclusive and accessible; and which promote health and wellbeing. In particular, proposals for development will be expected to consider all of the following key design aspects:
 - High quality building materials, architectural design and detailing.
 - Suitable scale and massing in relation to housing type and local context, including landscape, townscape character and historic environment.
 - Appropriate internal space standards in accordance with each authority's policy requirements.
- Buildings should provide strong enclosure to public spaces and streets, and should maintain a clear distinction between public, semi-private and private space.
6. All new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.
7. Development proposals must demonstrate that the effects of the development on the amenity of proposed future and existing users, residents and occupiers would not be unacceptable. When designing new development, applicants will be required to consider the effect of their proposal upon all of the following:
 - Visual privacy and overlooking
 - outlook
 - overshadowing
 - sunlight and daylight
 - artificial lighting
 - disturbance from noise, odour, vibration, air pollution

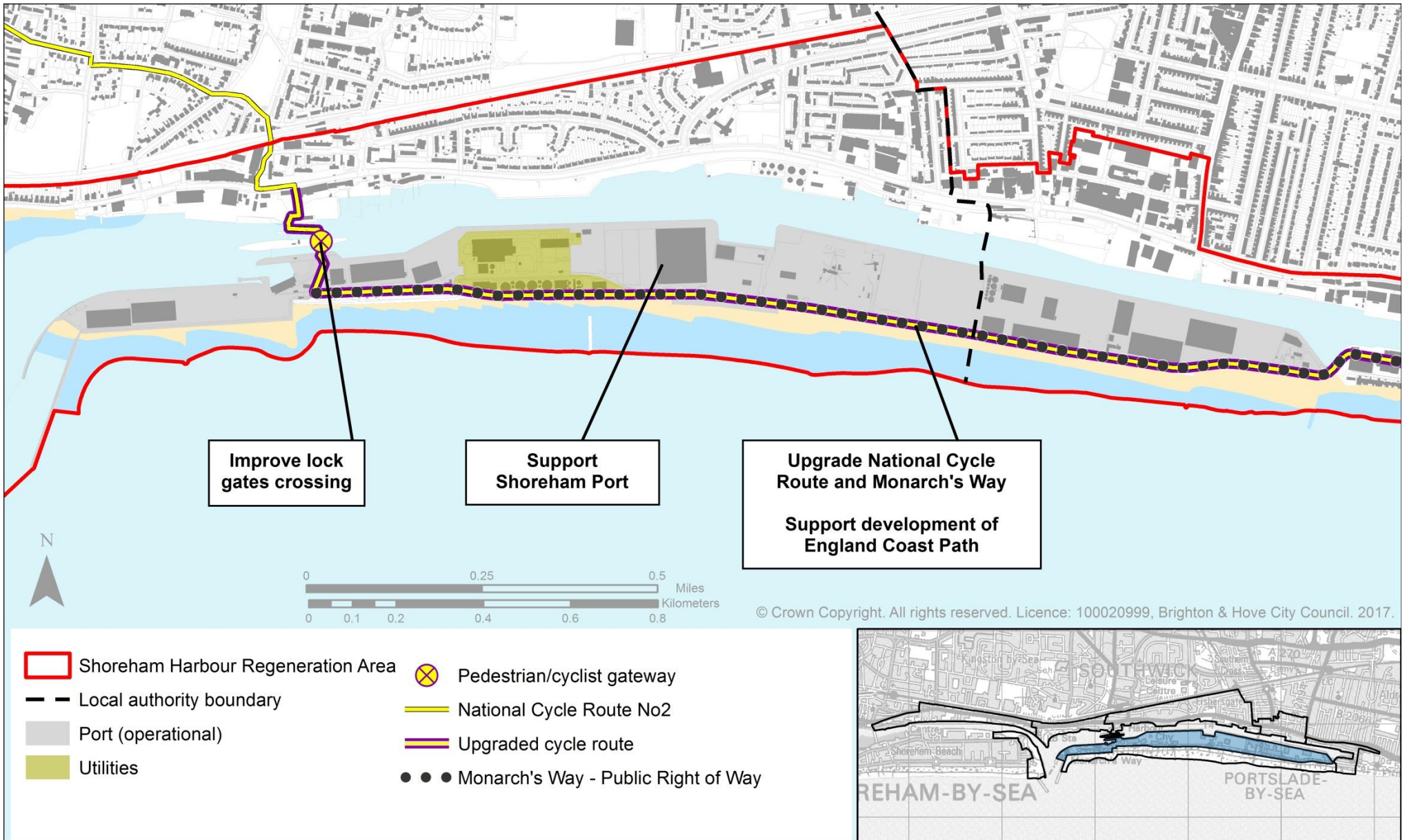
CHARACTER AREA PROPOSALS



SOUTH QUAYSIDE



Map 6 – CA1: South Quayside



4 Character area proposals

4.1 Character Area 1: South Quayside

Area priorities

- **To support Shoreham Port Authority in improving operational efficiency, developing new trade and exploring opportunities for sustainable energy generation, in line with the adopted Port Masterplan.**
- **To accommodate the relocation of existing port operators from elsewhere within the port.**
- **To accommodate the future capacity requirements for Shoreham Wastewater Treatment Works.**
- **To improve Basin Road South as a popular recreational route for walking and cycling, providing access to the beaches.**
- **With the exception of the existing and planned power stations, and the wastewater treatment works, non-port related operations will not be permitted in this area.**

About the area

- 4.1.1 CA1 - South Quayside is the main operational area of Shoreham Port. It is a long, narrow area between Basin Road South and the waterfront. The area stretches from the mouth of the harbour along the southern side of the Eastern Arm of the River Adur, and the Canal as far as the eastern ship turning head.
- 4.1.2 The full length of South Quayside is 2,370 metres. Within the Canal, there are 11 berths totalling 1,575 metres in length. In the Eastern Arm of the River Adur, the Outer Layby terminal extends further with two berths of 257 metres. There is a significant concentration of port trades and quayside activity.
- 4.1.3 In the quayside area, cargo handling and ship unloading are carried out using mobile cranes and lift trucks. Plant installations used by operators include a major aggregates grading and handling plant, a ready-mix concrete plant and gantry cranes at a steel stockyard.

- 4.1.4 Visiting fishing trawlers and other vessels often moor up alongside the power station. There are a number of security gate entry points to the port area, and the area north of Basin Road South is a secure area with no public access.
- 4.1.5 The regeneration strategy for the harbour is dependent on consolidating port-related activities within the Eastern Arm and Canal. South Quayside will be safeguarded for port operational uses. As well as improving operating efficiencies for the port, it will enable waterfront land to be redeveloped for alternative uses along the Western Harbour Arm.
- 4.1.6 South Quayside is sufficiently removed from residential areas that it can accommodate activities and uses that otherwise might harm residential amenity through noise and disturbance. Major facilities likely to remain for the timespan of the plan period include Shoreham Power Station and Shoreham Wastewater Treatment Works.



Wind turbines at Outer Layby



Solar panels on warehouse roofs

Utilities

- 4.1.7 Shoreham Power Station is a combined cycle gas turbine station. Its capacity is 420MW. The power station is owned and operated by Scottish Power. Cooling water discharges to an outflow at Southwick Beach.
- 4.1.8 Energy studies and consultation with local environmental groups have highlighted the potential of using the waste heat from the plant to supply local customers. The physical separation of the power station from potential customers, such as residential areas on the north side of the harbour, would require significant investment in directional drilling to feed pipes under the Canal.
- 4.1.9 Without adaption, the current configuration of the station does not enable provision of heat at a sufficient grade that could be utilised in a district network. Furthermore, a back-up power source would be required as the station is not in continuous use.

- 4.1.10 In 2016, Shoreham Port Authority installed two 100 kW wind turbines on Basin Road South. The turbines will generate, on average, 555,000 kWh electricity per year to power the nearby port pump house. The Port Masterplan proposes additional turbines further east, as shown on Map 6.
- 4.1.11 Shoreham Port Authority has worked in partnership with Brighton Energy Co-operative to install solar panels on many of the port buildings.
- 4.1.12 At present, Shoreham Wastewater Treatment Works (owned by Southern Water) has sufficient capacity to accommodate the levels of new development being proposed through this plan and the local plans for Adur and Brighton & Hove.

Transport and connections

- 4.1.13 Heavy goods vehicles serving the port, as well as the public, access this area via the main port entrance at the junction of Wharf Road and Kingsway (A259). Basin Road South runs the length of the southern side of the port along the seafront to Carat's Café and the adjacent public car park.
- 4.1.14 To the western end of the quayside and forming the crossing over to the north side of the harbour, the area around the lock gates is a key functional part of the port. Shoreham Port Authority has reclaimed a small area of land here by the pump house to accommodate an engineering function.
- 4.1.15 As outlined in Character Area 4, the lock gate crossing is a public right of way and part of the National Cycle Route (NCN2). Running parallel with the cycle route along Basin Road South is the Monarch's Way which is part of a long distance national walking trail. The route is popular with locals and cyclists and has the potential to be made more of a focal point with better signage, interpretation and way-finding.

- 4.1.16 Proposed improvements to both Southwick Waterfront and to the beach areas are likely to increase public usage of this area and it will be important to maintain appropriate buffers between the operational port areas and public spaces.

Policy CA1: South Quayside

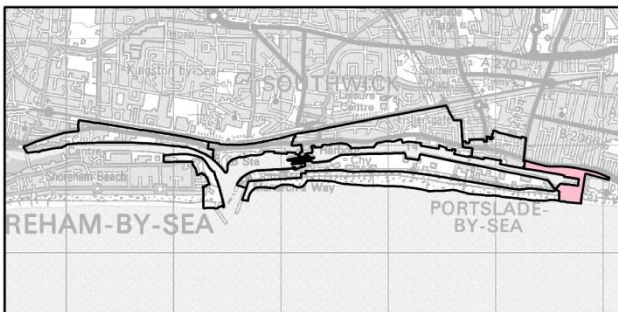
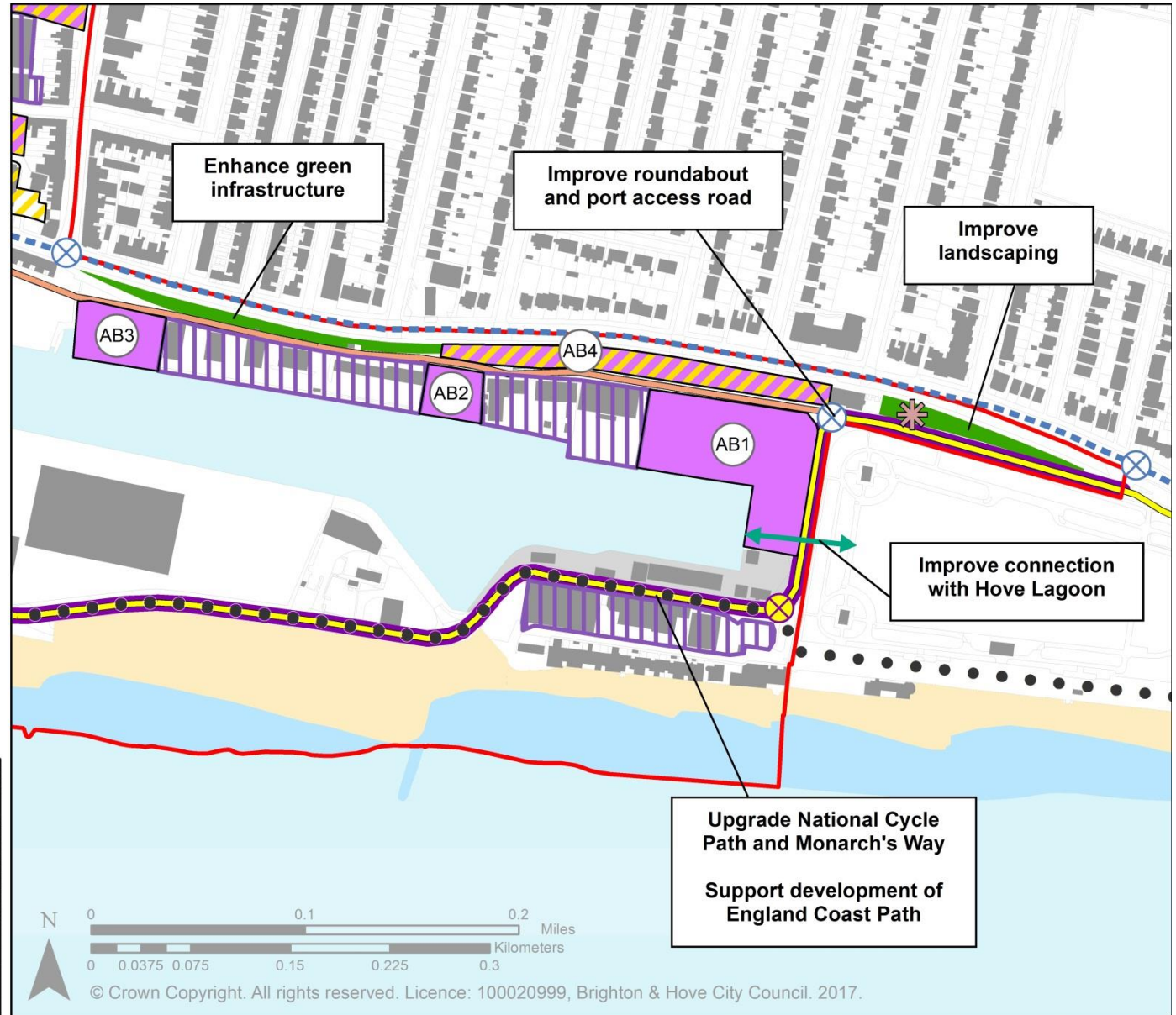
1. **South Quayside is safeguarded for future commercial port activity and for the relocation of existing port operators from elsewhere in the harbour. With the exception of the existing power stations, and waste water treatment plant, non-port operations are not permitted in this area.**
2. **South Quayside will be promoted as a hub for renewable energy generation, including appropriately located solar and wind generation.**
3. **Wastewater treatment infrastructure will be safeguarded to serve future population changes.**
4. **The partnership will seek improvements to the lock gate crossing for the benefit of pedestrians and cyclists. These must not detract from its primary port operational function.**
5. **The partnership will seek Improvements to Basin Road South, National Cycle Route (NCN2) and Monarch's Way public right of way including signage, interpretation, boundaries, surfacing, way finding and access to the beaches.**

ALDRINGTON BASIN



Map 7 - CA2: Aldrington Basin

- Shoreham Harbour Regeneration Area
- Allocation
- Residential (proposed)
- Employment (proposed/protected)
- Protected employment
- Port (operational)
- Green corridor
- Priority corridor (transport/public realm)
- New/upgraded port access road (proposed)
- Monarchs Way - Public Right of Way
- National Cycle Route No2
- Upgraded cycle route
- X Pedestrian/cyclist gateway
- X Junction improvements
- ✳ Public art opportunity (indicative)



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4.2 Character Area 2: Aldrington Basin

Area priorities

- **To designate Aldrington Basin as an allocation for new mixed use development. To designate a strategic employment/mixed-use area (Allocations AB1 to AB4).**
- **To accommodate a mix of new and improved port operational facilities as well as compatible non-port employment generating floor-space (use classes B1, B2 and B8).**
- **To accommodate appropriately located mixed-use development (use classes A1, A2, A3, B1 and C3).**
- **To secure improvements to legibility, permeability and connectivity through high quality building design, townscape and public realm; respecting and complementing the character of surrounding areas.**
- **To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces.**
- **To ensure that all development takes into account the findings and recommendations of current Strategic Flood Risk Assessment and the Shoreham Harbour Flood Risk Management Guide SPD (2015) or subsequent update.**
- **To ensure that new development proposals take account of noise and air quality impacts and that improvements are sought wherever possible.**
- **To enhance biodiversity by creating and improving habitats and improved green infrastructure links, including a green corridor along the A259.**
- **To support the delivery of the England Coast Path through the Aldrington Basin area.**

About the area

- 4.2.1 CA2 – Aldrington Basin forms the eastern gateway to the harbour with the main port entrance at the junction of Wharf Road and Kingsway (A259). The basin is situated immediately adjacent to Hove Lagoon. It marks the end of the Hove seafront promenade and a transition to the industrial character of Shoreham Harbour.
- 4.2.2 The northern part of the area is formed of a steep slope from Basin Road North, up to Kingsway (A259). Overlooking the basin, to the north of Kingsway, is the West Hove residential area comprised of mostly two storey housing built in the 1920s and 1930s.
- 4.2.3 Since the mid-1800s, Aldrington Basin has been predominantly occupied by industrial and port-related uses. Over time, a number of physical interventions such as land reclamation, the addition of landing stages and wharves and the arrival of the Western Esplanade residential dwellings at the beginning of the twentieth century, have shaped its current character.

4.2.4 This area contains a mixture of employment uses ranging from offices, retail outlets, a restaurant and pub at Kingsway level through to light industrial, storage and marine-related uses down in the basin itself. Some of the sites are owned and leased by Shoreham Port Authority including Hove Enterprise Centre, Brighton & Newhaven Fish Sales, and Quayside offices. The remaining sites are in private ownership.

4.2.5 This area also includes Ferry Wharf, a disused minerals wharf, which is also a safeguarded waste site. If proposals for development come forward for this site then policies for re-provision of wharf capacity and waste management capacity will apply.

4.2.6 The steep slope down to the basin from Kingsway means the location is able to accommodate land uses and activities that may otherwise harm residential amenity due to noise, smell, dust or other disturbance. Maritime House and Hove Enterprise Centre contribute towards meeting the local demand for affordable, flexible workshop and office space and have high occupation rates.

4.2.7 A key consideration for development in the basin is that the eastern end of the Canal acts as the main turning head for ships. Remodelling of this area may be a long term opportunity. This would require significant investment.



Harbour entrance at Wharf Road



View east towards Western Esplanade

Transport and connections

4.2.8 Although the access route from the A259 in to the basin works relatively well, it creates a tight turning circle for commercial vehicles. The transport strategy includes junction improvements to each of the main accesses in to the port from the highway, including:

- Wellington Road (A259) – Church Road (A293) – Basin Road North
- Kingsway/Wellington Road (A259) – Boundary Road/Station Road (B2194) – Basin Road North

4.2.9 Shoreham Port Authority intends to upgrade and extend the route on the north side of the canal from the existing mini-roundabout linking to an improved Wellington Road (A259)-Church Road (A293) junction. This is to make the route more suitable for HGV traffic and to lead port-traffic more directly on to the advisory route.

4.2.10 Refer to the Shoreham Harbour Transport Strategy for details of the package of measures proposed to support the development of this allocation.

	Improve Basin Road South cycle route and Monarch's Way		Improve connections with Hove Lagoon and Hove seafront		
4.2.11	Basin Road South runs parallel to South Quayside provides vehicular access to the main operational port areas. It also forms part of the National Cycle Network (NCN2) which runs along Wharf Road and Basin Road South before crossing the lock gates. NCN2 will eventually connect many of the urban areas along the south coast. Despite the poor condition of this route for cycling and walking, the poor quality of the public facilities and generally dated appearance, it remains a popular route and the beaches are frequented by local families, swimmers, surfers and artists particularly during the summer months.	4.2.13	Hove seafront promenade ends at Hove Lagoon. This area is very popular for walking, cycling and general recreation and there are a range of water-sports offered at Hove Lagoon. The Hove Deep Sea Anglers Club is adjacent.	4.2.16	New signage and improved visual and physical access from Aldrington Basin to Hove Lagoon would help to soften the boundaries of the basin and could be achieved through relatively minor interventions in formal landscape and site layout of Hove Lagoon. This connection could be achieved through the development of pathways and crossings to achieve direct, safe access.
		4.2.14	Beyond this point is a row of secluded 1920s residential properties on Western Esplanade overlooking private beaches. This, combined with the industrial character of the harbour, acts as a barrier for wayfinding between Hove Lagoon and seafront and Portslade and Southwick beaches to the west.	4.2.17	Natural England will deliver the England Coast Path, a new National Trail around the coast of England. Although the final route has not yet been decided, it is expected that this will pass through CA2 – Aldrington Basin between Portslade Beach and Hove seafront promenade.
4.2.12	The road is also a public right of way which forms the end of the historic Monarch's Way route, a long distance footpath (990km) that approximates the escape route taken by King Charles II in 1651 after being defeated in the Battle of Worcester. There is considerable potential to improve the quality of this route.	4.2.15	The transport strategy includes proposals to improve the cycling and walking routes through this area. Where sites and groups of sites come forward, opportunities to create direct public or semi-public access to the waterfront should be explored.		

Environment

4.2.18 Kingsway (A259), Wharf Road and Basin Road North fall within the Brighton & Hove Air Quality Management Area (AQMA) designated in 2013.

4.2.19 The area is crossed by several underground water mains and sewers (the latter conveying wastewater to the nearby waste water treatment works). This infrastructure needs to be protected and new development needs to ensure its operation remains unaffected.

Flood risk and sustainable drainage

4.2.20 Existing ground levels across the area vary from a minimum of 3.5m Above Ordnance Datum (AOD) to greater than 10m AOD. A large portion of the site is at a level of less than 4.5m AOD.

4.2.21 Due to its elevated position, sites along the A259 Kingsway are not at a significant risk of flooding. For sites between the A259 Kingsway and the coast, there is a risk of tidal flooding. The Brighton & Hove Strategic Flood Risk Assessment (JBA: 2012) identifies most of the Aldrington Basin area as Flood Zone 2 and 3a with some small areas of Flood Zone 3b for tidal flooding. The estimated maximum flood depth for this area for the 1:200 year tidal event is 0.50m, with some areas estimated to flood to a depth of just 0.20m.

4.2.22 The risk associated with this form of flooding increases significantly when sea level rise associated with climate change is factored in. In this scenario, maximum estimated flood depths increase to about 1.4m with increased flood velocities. Development in this location will need to take this flood risk constraint into consideration.

4.2.23 Developers should include SuDS and building level resistant and resilience measures as part of proposals, ensuring development is safe for its intended lifetime. The approach set out in the following publications (or subsequent replacement documents):

- [Adur & Worthing Councils](#) and/or [Brighton & Hove Council's SFRAs](#)
- *Water. People. Places: A guide for master planning sustainable drainage into developments*
- [CIRIA SuDS Manual](#)

4.2.24 Refer to the *Shoreham Harbour Flood Risk Management Guide SPD (2015)* for full details of requirements in relation to protection from flooding.

Green infrastructure

- 4.2.25 The embankments sloping up from Wharf Road and Basin Road North to Kingsway (A259) form part of the proposed green corridor through the regeneration area. The partnership will promote green infrastructure improvements in these areas through the emerging Shoreham Harbour Green Infrastructure Strategy. Development in this area will be expected to take these aspirations into consideration.
- 4.2.26 The Wharf Road embankment, adjacent to Hove Lagoon, is a prominent location at the main eastern gateway to the harbour. The partnership will seek landscape and ecological improvements such as planting of native hedgerows, plug planting of suitable species and the enhancement of the existing butterfly bank. Appropriate public art will also be encouraged.
- 4.2.27 The Basin Road North embankment extends east from the Boundary Road/Station Road junction. The partnership will seek improvements such as planting of native hedgerows and plug planting of suitable species.



Wharf Road embankment and Hove Lagoon from Kingsway



Basin Road North embankment

Development opportunities

- 4.2.28 The release of sites for redevelopment in and around the basin requires careful management given the close proximity of port operations and residential areas at Western Esplanade and to the north of Kingsway.
- 4.2.29 The partnership will work with businesses and service providers to identify their needs and overcome barriers to growth in order to improve the basin as a modern thriving local business cluster. As shown on Map 7, key proposals for this area are set out below.

Strategic employment area

4.2.30

Employment generating uses (use classes B1, B2 and B8) will remain the predominant land use within Aldrington Basin. The partnership will work with land owners to promote the redevelopment of sites to deliver better quality, modern accommodation. Key opportunity sites are as follows:

- North Basin Quay (Site AB1 - see Map 7) is situated at the eastern end of the Canal; bounded by Basin Road North, Basin Road South and opposite Hove Lagoon. Redevelopment for high quality, modern employment floor-space will be encouraged. In order to improve the connection between Hove Lagoon and the harbour an element of ancillary leisure, retail and food and drink uses fronting open space will be supported.
- Aldrington Marina (Site AB2 - see Map 7) is on the southern side of Basin Road North, between Maritime House and Hove Enterprise Centre. Development for high quality, modern employment floor-space will be encouraged.

4.2.31

The following sites are protected:

- Ferry Wharf (site AB3 on Map 7) is safeguarded for the import of aggregates and other minerals unless similar wharf capacity can be re-provided on an alternative suitable site. If development proposals come forward then policies for re-provision of wharf capacity will apply. Future development at Ferry Wharf could provide modern employment floor space that is compatible with port related uses.
- The Shoreham Port Authority-owned Hove Enterprise Centre and Maritime House are successful operations supplying flexible workspace and will be protected for employment generating uses throughout the plan period.
- The other plots south of Basin Road North (site AB2) may also be appropriate for redevelopment for modern, good quality employment space. These will be protected for employment and port related uses.
- Port operational areas will be safeguarded for commercial port operations and related uses.

Mixed-use development

4.2.32

New mixed-use development is promoted on plots between Basin Road North and Kingsway (site AB4 on Map 7). Proposals must demonstrate that they are compatible with existing employment uses at the basin level.

4.2.33

Plots between The Gather Inn to the east and Ocean Sports Board Riders to the west could be redeveloped for a mix of uses with employment floor-space (use class B1) on lower storeys fronting Basin Road North and mixed-employment (use classes A2, B1, and ancillary A1) fronting Kingsway and residential apartments (use class C3) on upper storeys.

Development form and typology

4.2.34

The following principles for development form are proposed:

- For new employment floor-space at the basin level, flexible employment uses are proposed arranged as two to three storey buildings on under-used plots.
- Mixed employment and residential uses with a dual frontage onto Kingsway (mixed commercial activities with residential accommodation on upper storeys) and Basin Road North (employment uses).
- Buildings in the basin itself should be simple and flexible with a contemporary appearance and character in keeping with the aesthetic of the harbour.
- New buildings should be of a modern design which complements the existing historic character.

Policy CA2: Aldrington Basin

1. **Aldrington Basin is designated as a strategic employment/mixed use area.**
2. **The partnership will work with developers and stakeholders to deliver:**
 - a. **a minimum of 90 new dwellings (use class C3)**
 - b. **a minimum of 4,500m² employment floor-space (use classes B1, B2 and B8)**
 - c. **ancillary leisure, retail and food and drink floor-space**
3. **Site allocations at Aldrington Basin (shown on Map 7) are:**
 - a. **AB1 – North Basin Quay: Allocated for port related and compatible employment floor-space (use classes B1, B2 and B8). Between Hove Lagoon and the Canal an area of open space fronted by ancillary leisure, retail and food and drink uses will be supported in order to improve the connection between Hove Lagoon and the harbour.**
 - b. **AB2 – Aldrington Marina: Allocated for new employment floor-space (use classes B1, B2 and B8)**
 - c. **AB3 – Ferry Wharf: Allocated for port related and compatible employment floor-space (use classes B1, B2 and B8).**
 - d. **AB4 – Kingsway/Basin Road North: Allocated for mixed use redevelopment (use classes B1 and B2 at Basin Road North level, use classes A2, B1 and ancillary A1 at Kingsway level, and use class C3 on upper storeys).**
4. **Port operational areas are safeguarded for commercial port operations and related activities.**
5. **Hove Enterprise Centre and Maritime House are protected for employment generating uses (use classes B1, B2 and B8). The council will support proposals for the upgrade and refurbishment of these premises. The council will resist proposals for change of use to other types of floor-space.**

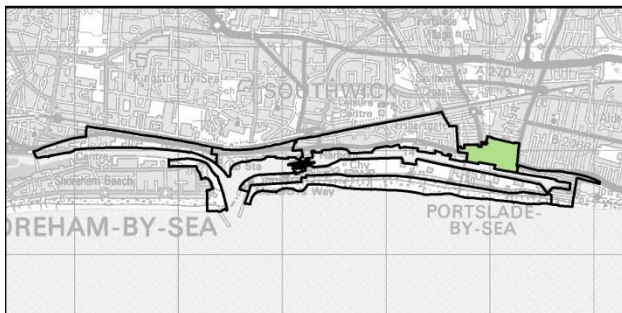
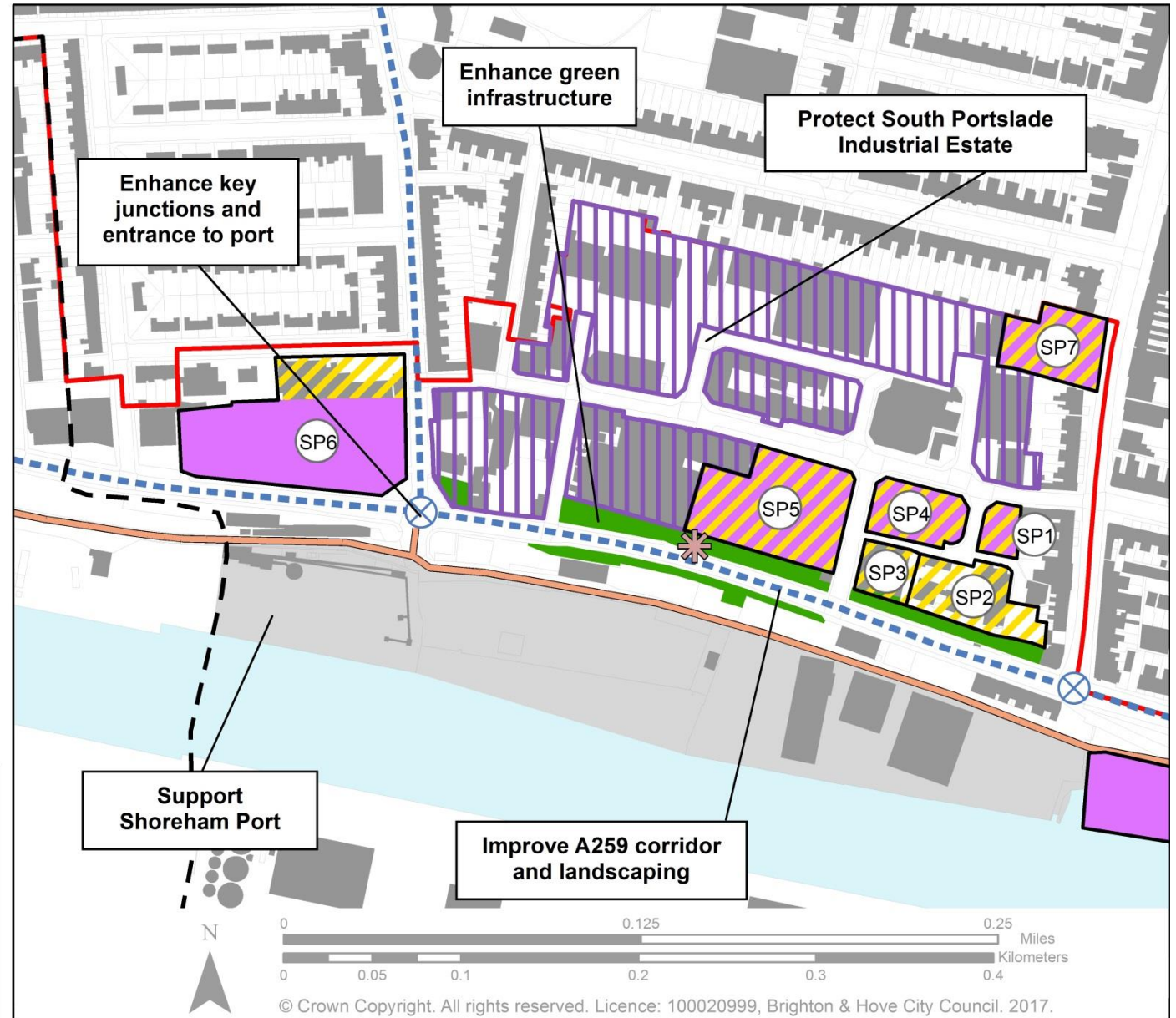
6. For sites AB1, AB2, AB3:
 - a. Building heights of two to three storeys are generally considered acceptable.
 - b. If taller buildings are proposed, care needs to be taken to consider sunlight impacts on other sites.
7. For site AB4:
 - a. Building heights should be justified with regard to analysis of the local urban design context, orientation, sunlight and daylight impacts, and apply high quality design principles.
 - b. Development should maintain a sense of openness and promote views through to the harbour wherever possible. The scale of development should provide a positive impact on the street environment along Kingsway.
 - c. Development should provide an attractive character along the A259 and contribute towards the street scene.
8. Where appropriate, proposals will be expected to enhance townscape around key linkages and junctions, in particular Kingsway (A259) – Wharf Road junction and Wharf Road – Basin Road North – Basin Road South junction.
9. The partnership will work with developers and stakeholders to support and identify mechanisms for implementing ecological and landscaping improvements to embankments between Kingsway (A259) and Wharf Road/Basin Road North as part of the green corridor alongside the A259.
10. Where open space requirements cannot be met on site, development will be required to contribute towards existing open spaces, such as Hove Lagoon, Portslade Beach, Wish Park and/or Vale Park.
11. The partnership will work with developers and stakeholders to deliver the package of transport measures for Aldrington Basin as set out in the Shoreham Harbour Transport Strategy. Critical measures include:
 - Improvements to the following junctions:
 - Wellington Road (A259) – Church Road (A293) – Basin Road North
 - Kingsway/Wellington Road (A259) – Boundary Road/Station Road (B2194) – Basin Road North
 - Upgrade and extension of Basin Road North.
 - The following cycling infrastructure improvements:
 - Improvements to the cycling facilities along the A259
 - Improvements to NCN2 to create a safe and continuous route along Wharf Road and Basin Road South
 - Improvements to pedestrian and cycle crossing points.
 - Improvements to bus stops.

NORTH QUAYSIDE AND SOUTH PORTSLADE



Map 8 – CA3: North Quayside and South Portslade

- Shoreham Harbour Regeneration Area
- Local authority boundary
- Allocation
- Residential (proposed)
- Employment (proposed/protected)
- Protected employment
- Green corridor
- Port (operational)
- Priority corridor (transport/public realm)
- New/upgraded port access road (proposed)
- X Junction improvements
- ✱ Public art opportunity (indicative)



4.3 Character Area 3 – North Quayside and South Portslade

Area Priorities

- **To designate South Portslade as an allocation for new mixed use development. To designate a strategic employment/mixed-use area (Allocations SP 1 to SP7).**
- **To accommodate a mix of new and improved employment generating floor-space (use classes B1, B2 and B8).**
- **To accommodate appropriately located mixed use development (B1, and C3).**
- **To revise the boundary of South Portslade Industrial Estate and protect for employment generating uses.**
- **To safeguard and develop North Quayside as a new and improved port operational area accommodating new and relocated port uses with limited land reclamation and a new access road (within the port boundary) in line with the Port Masterplan.**
- **To secure improvements to legibility, permeability and connectivity through high quality building design, townscape and public realm; respecting and complementing the character of surrounding areas.**
- **To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces.**
- **To improve connections and townscape around key linkages including Boundary Road/Station Road (B2194) district retailing centre, Church Road (A293) and along Wellington Road (A259).**
- **To ensure that all development takes in to account the findings and recommendations of the current Strategic Flood Risk Assessment and Flood Risk Management Guide SPD (2015).**
- **To ensure that new development proposals take account of noise and air quality impacts and that improvements are sought wherever possible.**
- **To enhance biodiversity by creating and improving habitats and improved green infrastructure links, including a green corridor along the A259.**

About the area

- 4.3.1 The North Quayside area of the port and South Portslade are home to a diverse mix of mostly industrial premises nestled within a residential neighbourhood. Land uses on the south-side of the A259 are predominantly port-related, industrial and aggregate uses including the safeguarded Britannia Wharf.
- 4.3.2 South Portslade Industrial Estate is defined predominantly by employment generating uses. This includes car garages, offices and product fabrication.
- 4.3.3 To the north and west of the industrial estate, the area is abutted by residential properties, in some cases on the same street (such as Church Road (A293) and St. Peter's Road).
- 4.3.4 To the east is the district retailing centre of Boundary Road/Station Road (B2194), leading to Portslade Station.
- 4.3.5 There are several community uses such as the City Coast Church and Community Centre, St Peter's School and the Brighton & Hove City Council-owned Belgrave Day Centre.

Transport and connections

- 4.3.6 Refer to the *Shoreham Harbour Transport Strategy* for details of the package of measures proposed to support the development of this allocation.
- 4.3.7 The southern edge of the industrial estate is defined by the stark environment of Wellington Road (A259). Although benefitting from views to the sea over the working harbour, the A259 suffers from weak frontages and buildings backing on to its northern side, poor quality public realm and a lack of frontage to the south. The townscape environment, particularly along Wellington Road is run down and unsightly which has a detrimental impact on the perception of this part of the harbour.
- 4.3.8 The industrial estate's internal road network is not well connected to its surroundings and is bound to the north and west by rows of terraced housing. There are two main north-south access roads, Boundary Road/Station Road (B2194) and Trafalgar Road/Church Road (A293). These are well used by HGVs and link the harbour to the A270 and A27.

Improving key junctions

- 4.3.9 The Wellington Road (A259) – Church Road (A293) junction is particularly impacted by air quality issues, relating in particular to heavy goods vehicles. This limits the types of uses that are suitable to be situated in close proximity.
- 4.3.10 There is currently a narrow one-way port access road (Basin Road North) on to Wellington Road (A259) at the junction with Boundary Road/Station Road (B2194). Shoreham Port Authority intends to upgrade and extend this road to the junction with Church Road (A293) to form a more accessible route through the operational port.
- 4.3.11 These routes are key gateways into the harbour area and the Transport Strategy promotes improvements to both the Wellington Road (A259) – Church Road (A293) – Basin Road North junction as well as the Wellington Road/Kingsway (A259) – Boundary Road/Station Road (B2194) – Basin Road North junction.

Improving connections and streetscape

- 4.3.12 Opportunities exist to enhance the permeability of South Portslade Industrial Estate in order to repair and reconnect sites to adjacent neighbourhoods and key routes. Improvements to cycle routes and pedestrian crossings as well as improved connections with stations are proposed.
- 4.3.13 During the plan period, opportunities may exist to create new and improved north-south connections. Beyond the plan period, further opportunities may exist to unlock and extend routes (pedestrian or vehicular) such as Ellen Street and West Street.
- 4.3.14 Linkages to existing recreation and open space assets such as Hove Lagoon, Vale Park, Wish Park and Portslade and Southwick Beaches will also be promoted.

Flood risk and sustainable drainage

- 4.3.15 South Portslade is situated outside of the area that is at risk of tidal and fluvial flooding. However the Brighton & Hove Strategic Flood Risk Assessment (SFRA, 2012) identifies some parts of the area as being at risk of surface water flooding in both the 1 in 30 and 1 in 200 year events. This is particularly the case around the junction of Church Road and Wellington Road as this is a localised area of lower lying land.
- 4.3.16 Surface water flooding can result in pollution to water and development in this location will need to take this flood risk constraint into consideration. Sustainable drainage systems (SuDS) have been identified for areas to the north of the allocation.
- 4.3.17 Surface water run-off and SuDS are assessed by the Lead Local Flood Authority. These improvements will benefit development in this location. Developments should therefore contribute towards improvements to limit the surface water flooding. Refer to the *Urban Sustainable Drainage System Feasibility Study* (2015, Brighton & Hove City Council) for further details.
- 4.3.18 Refer to the *Shoreham Harbour Flood Risk Management Guide SPD* (2015) or subsequent update for full details of requirements in relation to protection from flooding.
- Green infrastructure**
- 4.3.19 The grassed frontages on the northern side of Wellington Road (A259) and the steep embankment between Wellington Road (A259) and Basin Road North form part of the proposed green corridor through the regeneration area.
- 4.3.20 The partnership will promote green infrastructure improvements in these areas through the emerging Shoreham Harbour Green Infrastructure Strategy. Development in this area will be expected to take these aspirations into consideration.
- 4.3.21 The grassed frontages to Wellington Road (A259) have the potential to provide multifunctional amenity space for adjacent development sites. The partnership will seek landscape and ecological improvements such as the creation of wildflower meadows, plug planting of suitable species, planting of native hedgerows.
- 4.3.22 Adjacent development should incorporate green walls and roofs. The sites also have potential for sustainable drainage (SuDS) features such as rain gardens or swales. Appropriate public art will also be encouraged.
- 4.3.23 The Basin Road North embankment could be improved to provide a more attractive southern edge to Wellington Road (A259).
- 4.3.24 Vale Park is situated just outside the regeneration area. The partnership will seek improvements to enhance the ecology and amenity of this public open space.
- 4.3.25 The *Shoreham Harbour Green Infrastructure Strategy* will set out full details of requirements in relation to green infrastructure and biodiversity.



Wellington Road frontage

Development opportunities

4.3.26 North Quayside will remain safeguarded for port-related operational uses as part of the consolidation of port activities.

Allocation: South Portslade

4.3.27 Much of South Portslade Industrial Estate will be protected for employment generating uses. This protection will be extended to include sites to the west of Church Road (A293). A number of sites will be released to accommodate mixed use development including both employment generating and residential floor-space. Key proposals are shown in further detail in Map 8.

4.3.28 Although Brighton & Hove City Council owns some of the land within the estate, the majority of sites within the estate are privately owned. This may provide the opportunity for the partnership to coordinate a comprehensive redevelopment approach. Key planning considerations for the renewal of this area include impact on employment floor-space supply, impact on existing businesses and the compatibility of introducing new residential uses within the existing employment uses to the north and port operational uses to the south.

Managed release of sites for mixed-use redevelopment opportunities

4.3.29 Due to the proximity of a concentration of well-established predominantly industrial uses, the release of sites within the estate for redevelopment requires careful management. The core of the industrial estate will remain protected for employment uses and extended to include sites to the west of Church Road (A293).

4.3.30 A limited number of carefully selected plots around the periphery are promoted for redevelopment. These sites have been selected either where they are vacant and redundant from their existing use, where their location makes them peripheral to the employment area core or where redevelopment would provide wider regeneration benefits. Locations where redevelopment opportunities are promoted are as follows:

- Sites SP1, SP2, SP3 and SP4 (see Map 8) are bounded by Camden Street, North Street and Wellington Road (A259). With the exception of the existing shops and amenities on North Street and Boundary Road / Station Road, much of this block could be comprehensively redeveloped for a mixed use scheme, in particular focussing on improving the frontage visible from the A259.
 - Prestwich House (site SP1) is suitable for mixed use redevelopment comprising employment uses (use classes B1) on lower storeys and residential (use class C3) on upper storeys.
 - The former Belgrave Day Centre (site SP2) and Wellington House (site SP3) could be redeveloped to accommodate residential development (use class C3).
 - Regency House (site SP4) remains suitable for employment uses (use classes B1 or B2) compatible with the adjacent residential use. If redeveloped the site could accommodate a mix of uses including employment (use class B1) on lower storeys and residential uses (use class C3) on upper storeys.

- The Former Flexer Sacks (site SP5 on Map 8) is suitable for mixed use redevelopment comprising employment uses (use class B1) on lower storeys and residential (use class C3) on upper storeys. Leisure and assembly uses (use class D) may be permitted provided they are compatible with residential and employment uses in the vicinity.
- Site SP6 is bounded by Church Road, Wellington Road and St Peters Road (see Map 8). The northern portion of the site fronting onto St Peters Road is suitable for residential development (use class C3). The southern portion of the site is allocated for new employment development (use classes B1, B2, and B3) provided it is compatible with adjacent residential development.
- Station Road (site SP7 on Map 8) is suitable for mixed use redevelopment comprising active commercial and retail uses at ground floor (use classes A1, A2, A3 and B1) and residential (use class C3) on upper storeys and to the rear of the site.
 - The depth of the site would allow the creation of a small number of mews / terraced houses off the main street.

4.3.31

Residential uses

New residential developments will provide much needed new homes and help contribute to the creation of a softer edge to the fringes of the port operational and employment areas. They will also help to deliver public realm and infrastructure improvements through contributions arising from planning obligations.

4.3.32

At South Portslade, a mix of apartments, terraced town houses and mews housing would be appropriate, with the majority of residential dwellings likely to be arranged as flatted accommodation, for example, apartments arranged to complete urban blocks or forming new perimeter blocks. A number of sites in South Portslade are proposed as apartment blocks of varying heights overlooking Wellington Road and the port to the south.

4.3.33

Opportunities exist to create a two to three storey mews housing typology on the northern portion of site SP6 and to the rear of Station Road on site SP7.

4.3.34

Redefining the core employment area boundary

The South Portslade Industrial Estate is protected for employment generating uses and an extended core employment area is proposed. The original boundary was based on the Employment Area designation in the adopted Brighton & Hove Local Plan (2005). The area is extended to include sites to the west of Church Road (A293).

4.3.35

North Street remains the core spine of the employment area fronted by modern employment floor-space. Opportunities will be sought by the partnership to support and promote the provision of modern employment floor-space and improve the business environment within the redefined core employment area.

4.3.36

Supporting community assets

There are several valued community assets within the area including City Coast Church and Community Centre, St Peters Primary School. New developments in the area should take into account the proximity to these activities, seek to enhance the quality of their environment wherever possible and mitigate potential impacts.

Policy CA3: South Portslade and North Quayside

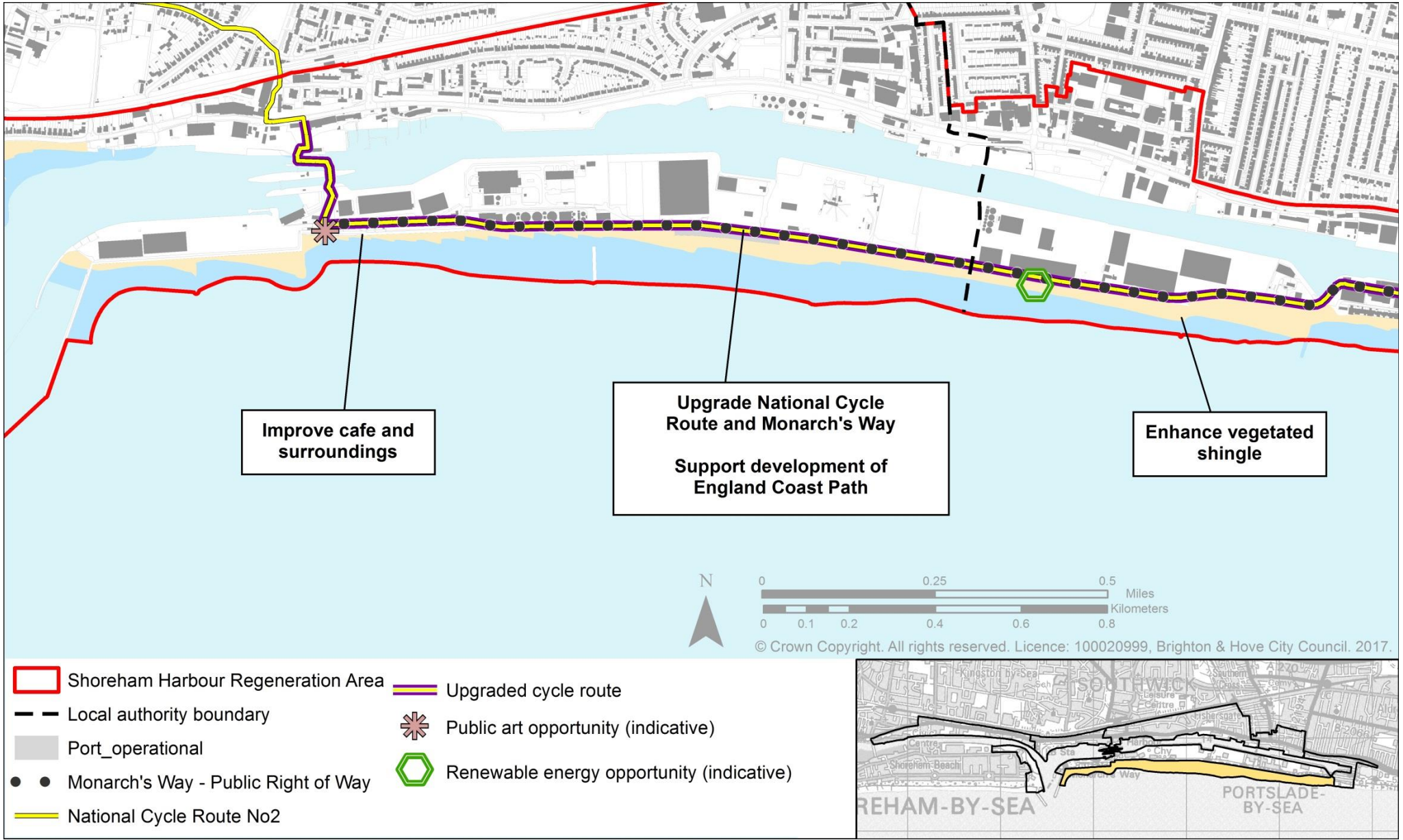
1. North Quayside is safeguarded for future commercial port operations and related activities.
2. South Portslade is designated as a strategic employment/mixed use area.
3. The partnership will work with developers and stakeholders to deliver:
 - a. a minimum of 210 new residential dwellings (use class C3).
 - b. a minimum of 3,000m² employment floor-space (use classes B1, B2 and B8).
 - c. ancillary leisure uses.
4. Site allocations at South Portslade (shown on Map 8) are:
 - a. SP1 – Prestwich House (and adjoining): Allocated for mixed use redevelopment (use class B1 on lower storeys and use class C3 on upper storeys).
 - b. SP2 – Former Belgrave Centre (and adjoining): Allocated for residential development (use class C3).
 - c. SP3 – Wellington House: Allocated for residential development (use class C3).
 - d. SP4 – Regency House: Allocated for mixed use development (use class B1 on lower storeys and use class C3 on upper storeys).
 - e. SP5 – Former Flexer Sacks: Allocated for mixed use redevelopment (use class B1 on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity.
 - f. SP6 – Church Road/Wellington Road/ St Peter’s Road: The southern portion of the site is allocated for new employment development (use classes B1, B2 and B8). Employment uses must be compatible with adjacent residential development. As part of a comprehensive redevelopment, residential development is acceptable on the northern portion of the site, fronting onto St Peter’s Road.
 - g. SP7 – Station Road: Allocated for mixed use redevelopment (use classes A1, A2, A3 and B1 fronting Station Road and use class C3 to the rear and on upper storeys)
5. South Portslade Industrial Estate (as shown on Map 8) is protected for employment generating uses (use classes B1, B2 and B8). The council will support proposals for the upgrade and refurbishment of these premises. The council will resist proposals for change of use to other types of floor-space.
6. For sites SP1, SP2, SP3, SP4, SP5, and the southern portion of site SP6:
 - a. Building heights up to six storeys are generally considered acceptable.
 - b. New buildings should be set back from Wellington Road to allow the enhancement and extension of the proposed green corridor.
7. For site SP7, and the northern portion of site SP6:
 - a. Building heights up to three storeys are generally considered acceptable.

8. **Comprehensive redevelopment may offer potential for greater building heights, subject to consultations through the planning application process, detailed design considerations and meeting the principles of the emerging Urban Design Framework.**
9. **Where appropriate, proposals will be expected to enhance townscape around key linkages and junctions, in particular Boundary Road/Station Road (B2193) – Wellington Road (A259) junction and Church Road (A293) – Wellington Road (A259) junction.**
10. **The partnership will work with developers and stakeholders to support and identify mechanisms for implementing ecological and landscaping improvements to the Wellington Road frontage as part of the green corridor alongside the A259.**
11. **New developments fronting Wellington Road should be set back beyond the proposed green corridor. Given the proximity to both the road and port operational uses this will prevent a canyoning effect and ensure that residents are protected from noise and air quality impacts.**
12. **Where open space requirements cannot be met on site, development will be required to contribute towards the creation of the proposed green corridor along the A259, and/or existing open spaces, such as Vale Park, Hove Lagoon and/or Portslade Beach.**
13. **The partnership will work with developers and stakeholders to deliver the package of transport measures for North Quayside and South Portslade as set out in the Shoreham Harbour Transport Strategy. Critical measures include:**
 - **Improvements to the following junctions:**
 - **Wellington Road (A259) – Church Road (A293) – Basin Road North**
 - **Kingsway/Wellington Road (A259) – Boundary Road/Station Road (B2194) – Basin Road North**
 - **Improvements to the cycling facilities along the A259. Improvements to pedestrian and cycle crossing points.**

PORTSLADE AND SOUTHWICK BEACHES



Map 9 – CA4: Portslade and Southwick Beaches



4.4 Character Area 4 – Portslade and Southwick Beaches

Area priorities

- **To seek improvements to the quality, access, appearance and maintenance of the public right of way, beach promenade, public areas and beach environment.**
- **To support the delivery of the England Coast Path along the beaches.**
- **To protect and enhance important habitats and species, such as coastal vegetated shingle as part of a green corridor along the beaches.**

About the area

- 4.4.1 Basin Road South runs parallel to South Quayside and provides vehicular access to the main operational port areas. It forms part of the national cycle network (NCN2) which runs along Wharf Road and Basin Road South before crossing the lock gates. NCN2 will eventually connect many of the urban areas along the south coast. Basin Road South also forms part of Monarch's Way walking trail which runs along the road to Hove Lagoon before continuing along the seafront promenade.
- 4.4.2 The England Coast Path currently being developed by Natural England is likely to follow this route. The partnership will work with Natural England to secure improvements to the route through this area.
- 4.4.3 There is potential to improve this access route, whilst maintaining the security of the adjacent port operational areas.
- 4.4.4 At the eastern end of Portslade beach is Basin Road South LWS; designated for coastal vegetated shingle. This site is part of the operational port and remains in active use. Vegetated shingle covers less than half of the site and is not considered to be an outstanding example of its type. However it is the largest example of this habitat within Brighton & Hove.
- 4.4.5 There are further areas of coastal vegetated shingle spread out along the coastal frontage. These are relatively isolated from each other. There is therefore potential to connect these habitats to create a continuous corridor as part of an enhanced green infrastructure network. There is potential for raising public awareness through better demarcating of habitats and interpretive signage.
- 4.4.6 Despite the industrial feel of this route, it remains popular and the beaches are frequented by local families, swimmers, surfers and artists, particularly during the summer months. There is also a café and public car park. The Adur District Council-owned beach huts adjacent to the café have recently been refurbished (2010) and remain oversubscribed. There may be an opportunity to increase the number of beach huts.

Policy CA4: Portslade & Southwick Beaches

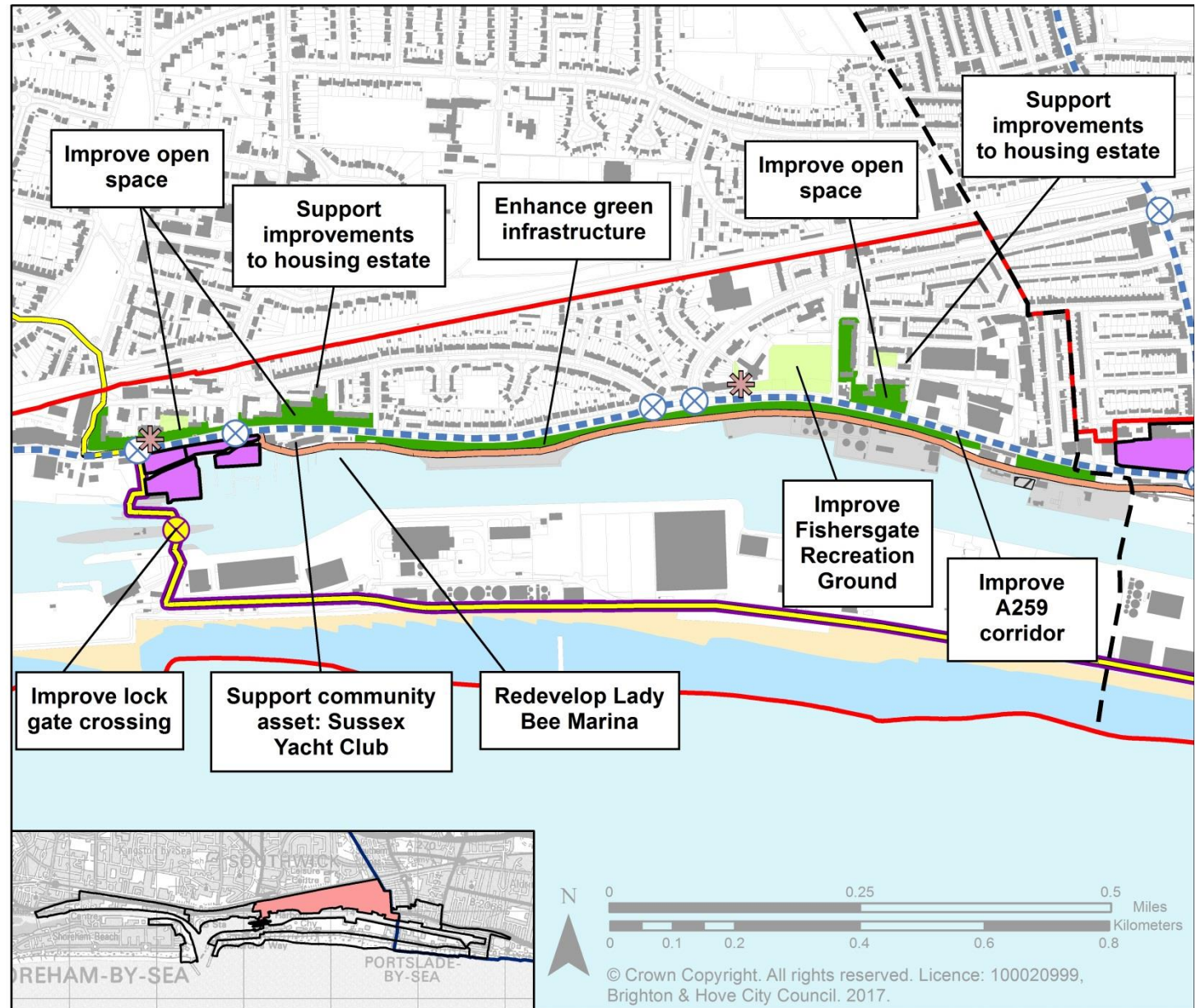
- 1. The beach areas and adjacent public spaces will be safeguarded for the protection of coastal processes, marine habitats and the enjoyment of local communities and visitors.**
- 2. The partnership will promote and deliver the enhancement and creation of vegetated shingle habitats to create a continuous corridor along the beaches. Compensatory habitat creation and safeguarding will be required for any loss or disturbance to existing habitats.**
- 3. The partnership will promote improvements to the seafront café and immediate surrounding area.**
- 4. The partnership will promote opportunities to improve the quality of the National Cycle Route No. 2 and Public Right Of Way corridor in accordance with the Transport Strategy.**
- 5. The partnership will work with Natural England to support the delivery of the England Coast path through the Portslade and Southwick Beaches area.**
- 6. The partnership will promote opportunities to improve the quality of public access areas connected to the beaches including:**
 - Work with local community to identify suitable locations for the incorporation of public art.**
 - Explore potential for increasing beach huts and converting some to artist's studios.**
 - Explore opportunities for environmental improvements to the car park entrance and boundaries including landscaping, fencing, signage, lighting and an enhanced entrance.**

FISHERSGATE AND SOUTHWICK



Map 10 – CA5: Fishersgate and Southwick

- Shoreham Harbour Regeneration Area
- Local authority boundary
- Allocation
- Employment (proposed/protected)
- Green corridor
- Port (operational)
- Open space (existing)
- Canal infill (proposed)
- Priority corridor (transport/public realm)
- New/upgraded port access road (proposed)
- National Cycle Route No2
- Upgraded cycle route
- X Pedestrian/cyclist gateway
- X Junction improvements
- ✱ Public art opportunity (indicative)



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4.5 Character Area 5 – Fishersgate and Southwick

Area priorities

- **To designate Southwick Waterfront as an allocation for new mixed use development.**
- **To support the comprehensive redevelopment of Southwick Waterfront to accommodate a mix of new and improved employment generating uses (use classes B1, B2 and B8).**
- **To safeguard and develop port operational areas to accommodate new and relocated port uses with limited land reclamation and a new access road (within the port boundary) in line with the Port Masterplan.**
- **To support the comprehensive reconfiguration of Lady Bee Marina.**
- **To address deprivation through partnership working with Adur Homes, Action Eastbrook Partnership and local service providers.**
- **To improve sustainable transport links with surrounding communities.**
- **To support improvements to local housing estates and community facilities, including enhancing Fishersgate recreation ground.**
- **To enhance biodiversity by creating and improving habitats and improved green infrastructure links, including landscape enhancements to social housing estates.**
- **To support the delivery of the England Coast Path through the Southwick Waterfront area.**

About the area

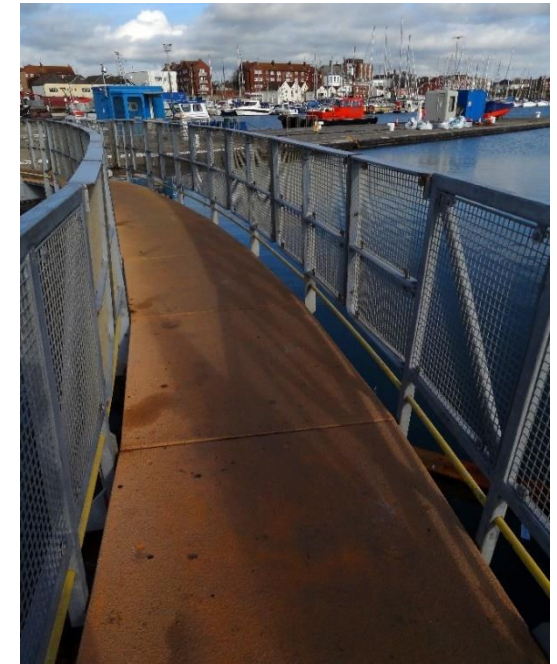
- 4.5.1 The Fishersgate and Southwick area comprises a mix of residential, community, open space, recreational, port and employment uses. Within the residential community there are pockets of deprivation which is the focus for the work of the Action Eastbrook Partnership.
- 4.5.2 The area extends from the district boundary to the lock gates over the Canal.
- 4.5.3 The eastern end of this character area comprises the Fishersgate neighbourhood, between the railway line to the north and the busy A259 to the south. There is a footbridge over the railway line at Fishersgate station. The residential areas located here are in very close proximity to the industrial activities of the port including the fuel storage facility as well as a nearby industrial estate and electricity substation.

4.5.4 There are a number of community assets including two community centres, a recreation ground with children's play area, Shoreham Academy's Gateway Centre, and a children and family centre. Fishersgate has been identified as a focus area requiring better facilities for youth services. Currently there is no dedicated youth centre close by, although there are a number of community facilities which could offer or do offer a youth service provision.

4.5.5 The area is a densely populated urban area with a high proportion of flats. The housing is predominantly terraced with some semi-detached houses and two Adur Homes-owned estates with multi-storey flatted developments reaching up to six storeys high. The surrounding public landscaped space is fairly sparse but serves as a green buffer between housing and the road.

4.5.6 The Mill Road Industrial Estate, located to the east of the Fishersgate area, comprises a mix of retail units, manufacturing warehouses, office space and storage (including self-storage) warehouses. In the west of this character area is the Grange Industrial Estate which comprises a mix of retail units, manufacturing units, printing companies and distributing warehouses.

4.5.7 Southwick Waterfront, adjacent to the lock gates, has been identified as an allocation for new employment floor-space. The lock gates carry the National Cycle Route (NCN2) across the harbour and are an important pedestrian route to South Quayside and Southwick Beach. Many of the buildings and public realm in this area is of poor quality. However it is adjacent to the popular Lady Bee Marina and Southwick Riverside Conservation Area, which includes the Grade II listed Sussex Yacht Club boat store.



Lock gate and Southwick Waterfront



Lady Bee Marina and Southwick Riverside Conservation Area

Transport and connections		Flood risk and sustainable drainage			
4.5.8	Refer to the Shoreham Harbour Transport Strategy for details of the package of measures proposed to support the development of Allocation Southwick Waterfront and the wider character area.	4.5.12	Most of Fishersgate and Southwick are situated outside of the area at risk of tidal and fluvial flooding for present day flood risk. The estimated flood depth for this site during a 1 in 200-year tidal flood event has been shown to be relatively low (up to 0.4m). The 2115 prediction factoring in climate change however indicates that flood depths could increase to between 1m and 1.6m and much of the site becomes at risk of flooding.	4.5.16	The Brighton Marina to River Adur Strategy identifies improvements to flood defence infrastructure in this locality. Improvements will help protect areas identified for development and because no residential development is identified for this allocation, it is considered appropriate that building level resilient and resistant measures will be sufficient.
4.5.9	Southwick town centre is located north of the railway line, outside the regeneration area. There are two access points linking the centre of Southwick with the Southwick Waterfront area. Pedestrian and cycle connections linking Fishersgate with surrounding areas are poor. The A259 is the main east-west route.	4.5.13	At the Southwick Waterfront allocation, existing land levels vary from 3.6m AOD (Above Ordnance Datum) to in excess of 8m AOD. The majority of the site is at a level of between 4.0m and 5.0m AOD. Only the northern section of the site exceeds 5.0m AOD.	4.5.17	Surface water flooding is also a risk to the site as it can result in pollution to water. Development in this location will need to take this flood risk constraint into consideration.
4.5.10	The transport strategy proposes a range of measures for this area including junction improvements to the A259/Lady Bee Marina junction; A259 bus priority measures; improvements to the NCN2 cycle route across the lock gates; an A259 cycle facility linking and improved cycle and pedestrian crossing points and public realm.	4.5.14	Parts of the waterfront fall within Tidal Flood Zones 2 and 3. The estimated maximum flood depth for this area for the 1:200 year tidal event is 0.40m.	4.5.18	Developers should include SuDS and building level resistant and resilience measures as part of proposals, ensuring development is safe for its intended lifetime. The approach is set out in the following publications (or subsequent replacement documents): <ul style="list-style-type: none"> • <u>Adur & Worthing Councils and/or Brighton & Hove Council's SFRAs</u> • <u>Water. People. Places: A guide for master planning sustainable drainage into developments</u> • <u>CIRIA SuDS Manual</u>
4.5.11	Natural England will deliver the England Coast Path, a new National Trail around the coast of England. Although the final route has not yet been decided, it is expected that this will pass through CA5 – Fishersgate and Southwick, crossing over the lock gates.	4.5.15	The risk associated with this form of flooding increases significantly when sea level rise associated with climate change is factored in. In this scenario, maximum estimated flood depths increase to about 1.4m with increased flood velocities. Development in this location will need to take this flood risk constraint into consideration.	4.5.19	Refer to the <i>Shoreham Harbour Flood Risk Management Guide SPD</i> (2015) for full details of requirements in relation to protection from flooding.

Green infrastructure

- 4.5.20 East of Lady Bee Marina the North Canal Bank slopes steeply from the canal up to the A259. This undeveloped grassland provides an important green infrastructure role as a linear wildlife corridor, and is an important habitat for common lizards and slow worms.
- 4.5.21 The partnership will support Shoreham Port Authority to manage and enhance this area. Potential interventions include landscape and ecological improvements such as planting of native hedgerows, plug planting of suitable species and improved sustainable transport links.
- 4.5.22 To the north of Fishersgate Terrace/Albion Street (A259) the social housing estates are set amongst areas of grassed space. These spaces have significant enhancement potential to provide both amenity space to residents and ecological benefits. Two pocket parks have already been created at Coates Court, Southwick and Laylands Court, Fishersgate. The partnership will continue to work with Adur Homes and Action Eastbrook Partnership to improve these areas

- 4.5.23 The grassed areas around the housing estates, the North Canal Bank and Fishersgate Recreation Ground form key elements of the proposed green corridor through the regeneration area.
- 4.5.24 The *Shoreham Harbour Green Infrastructure Strategy* will set out detailed proposals for these areas.



North Canal Bank



Fishersgate Recreation Ground



Frontage to housing estate

Development opportunities

4.5.25 For the foreseeable future the waterfront area adjacent to Fishersgate will remain safeguarded for port-operational uses. As port uses change over time it will be important to take account of the effect on nearby residential areas.

Allocation: Southwick Waterfront

4.5.26 Southwick Waterfront has been identified for a minimum of 4,000m² new employment floor-space and provision of small scale business units (use classes B1 and B2). It is acknowledged that a lower level of development may be achieved if some buildings are refurbished, rather than redeveloped. Residential development is not appropriate due to the proximity of port operations.

4.5.27 A public right of way, and part of the national cycle route (NCN2) run through the area, crossing over the lock gates. Public realm in this area is poor. This could be improved as part of new development and the delivery of the England Coast Path.

Lady Bee Marina and Riverside Conservation Area

4.5.28 Lady Bee Marina currently contains an eclectic assortment of interesting buildings, many dating from the 19th and early 20th centuries. The marina has a quaint, maritime charm and includes a chandlery and pub/restaurant. It has 120 pontoons for private boats and is a popular spot for anglers and dog walkers.

4.5.29 Parts of Lady Bee Marina fall within the Riverside Conservation Area including the Grade II listed Royal Sussex Yacht Club. The Riverside Conservation Area also includes several residential dwellings, a pub and the former Southwick Town Hall now used for offices.

4.5.30 The Port Masterplan describes this location as lacking design quality and integrity with spatial constraints causing car parking to be marginalised and squeezed into any available space. It identifies the area as having significant potential for enhancement to improve the leisure offer within the port.

4.5.31 There is a flat area of green space to the east of the marina, accessed on foot via a narrow path or steps down the steep retaining north canal bank from the A259. This is commonly used for dog walking and angling however suffers from littering. The Port Masterplan identifies this area as having potential for improvements including a canal-side walkway, a new service road, car park, dry boat store and new base for local youth groups. This location could act as a buffer between the more industrialised North Quayside area and a new revitalised marina.

Policy CA5: Fishersgate and Southwick

1. Southwick Waterfront is designated as a strategic employment area (Allocation Southwick Waterfront).
2. The partnership will work with, developers and stakeholders to deliver a minimum of 4,000m² new employment floor-space. The partnership will support the redevelopment of sites to deliver high quality, modern employment floor-space.
3. The partnership will work with developers and stakeholders to deliver the reconfiguration of Lady Bee Marina. This will include:
 - Improved marina facilities, expanded berthing capacity and waterside leisure provision, including a new slipway, utilising canal edge water space to the east.
 - Complimentary waterside facilities.
4. Port operational areas, including the dry dock, are safeguarded for future commercial port operations and related activities.
5. Ongoing protection will be provided for the functioning of the dry dock ensuring that land uses in the immediate vicinity do not compromise its ongoing efficient use.
6. Development should respect and connect with surrounding areas. Where appropriate, proposals will be expected to enhance townscape around key linkages and junctions, in particular pedestrian and cycle routes from Southwick station and Southwick Green across the lock gates to the beaches, and an improved alignment of the Nautilus House access road serving Allocation Southwick Waterfront and the dry dock.
7. The partnership will support Adur Homes, Action Eastbrook Partnership and local service providers to deliver improvements and harness benefits arising for harbour-side communities. Emerging priorities include:
 - Enhancing Fishersgate Recreation ground.
 - Supporting and enhancing local community facilities.
 - Supporting improvements to housing estates.
 - Promoting opportunities to support communities in improving green infrastructure to provide amenity to residents and enhance biodiversity.
8. The partnership will support and identify mechanisms for implementing ecological and landscaping improvements to the frontage of housing estates to Fishersgate Terrace/Albion Street (A259), Fishersgate Recreation Ground and the North Canal Bank as part of the green corridor along the A259.
9. The partnership will work with developers and stakeholders to deliver the package of transport measures for Fishersgate & Southwick as set out in the *Shoreham Harbour Transport Strategy*. Critical measures include:
 - Improvements to the following junctions:
 - Albion Street (A259)-Riverside junction serving Lady Bee Marina.
 - Improvements to the Albion Street (A259) junction serving Southwick Waterfront.
 - Improvements to cycling facilities along the A259.
 - Improvement to the pedestrian and cycle route across the lock gates.
 - Improved pedestrian and cycle crossing points.
 - Bus stop improvements.
10. The partnership will support the delivery of the Southwick Waterfront access road, with limited canal infill where required, to create space for an access road and waterside footway / cycle path.

HARBOUR MOUTH



Map 11 – CA6: Harbour Mouth

- Shoreham Harbour Regeneration Area
- Port (operational)
- Canal infill (proposed)
- Albion Street Lorry Park
- Shoreham Fort
- Kingston Beach Village Green
- Priority corridor (transport/public realm)
- Waterfront route (indicative)
- National Cycle Route No2
- Upgraded cycle route
- ⊗ Pedestrian/cyclist gateway
- ⊗ Junction improvements
- ✱ Public art opportunity (indicative)



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4.6 Character Area 6 – Harbour Mouth

Area priorities

- **To support the conservation of Shoreham Fort.**
- **To enhance connections between Shoreham town centre, Shoreham Beach and Shoreham Fort through environmental and landscaping improvements.**
- **To support the redevelopment of Shoreham Rowing Club and enhance the public realm environment of Kingston Beach.**
- **To explore options for the future use of the Albion Street lorry park.**
- **To support Adur Homes in exploring options for redevelopment of housing sites.**
- **To support the delivery of the Shoreham Heat Network.**

About the area

- 4.6.1 CA6 – Harbour Mouth is split across either side of the River Adur at the mouth of the river. This is the entrance to the harbour. The southern section is also within the area covered by the emerging Shoreham Beach Neighbourhood Plan.
- 4.6.2 The remains of Shoreham Fort, a Scheduled Monument, are on Shoreham Beach. The fort was completed in 1857 and is one of the celebrated south coastal defences built under the Victorian Prime Minister Lord Palmerston. It is of national historical importance and was a vital part of the south coast defence system.
- 4.6.3 A local charity, the Friends of Shoreham Fort supported by Shoreham Port Authority, have taken responsibility for conserving the fort. This area is a popular destination for walkers. It is well used by anglers and home to the National Coastwatch Institute look-out tower.
- 4.6.4 In recent years there have been various plans for the fort including local interest for incorporating an educational facility and improving the public toilet block.

- 4.6.5 The Environment Agency plan to improve the layout, surfacing and public realm of the car park area at the Fort through the Shoreham Adur Tidal Walls scheme. The fort will benefit from this improvement. In addition, an upgrade including improved signage, benches, and potentially a café/visitor centre facility would further improve the area.
- 4.6.6 To the west of the fort is Shoreham Beach, a residential community almost entirely surrounded by water, connected to the town centre by Norfolk Bridge and the Adur Ferry Bridge. The beach area has a fascinating history. It was originally empty scrub created by a shingle bank that developed over centuries through longshore drift.
- 4.6.7 The beach itself is designated as a Local Nature Reserve (LNR) and Local Wildlife Site (LWS). The designating feature of the LNR is its rare and beautiful flowering vegetated shingle that has adapted over time to the harsh conditions.
- 4.6.8 On the riverside of Shoreham Beach is Silver Sands, a small sandy beach between Sussex Wharf and Soldier's Point, which sees the flowering of wild Geranium and Childing Pink, a nationally rare and protected plant species.
- 4.6.9 Directly opposite the harbour mouth is Kingston Beach, designated with Village

- Green status to safeguard it as a public space. The beach is home to Shoreham Rowing Club as well as the new RNLI lifeboat building, a maritime themed, low carbon building of significant architectural merit.
- 4.6.10 Kingston Beach is also home to the Grade II listed Kingston Buci Lighthouse, a distinctive local landmark. There is a wealth of local history that could be better interpreted in this location through imaginative signage. There is significant potential to improve the landscaping and street furniture to make it more accessible and appealing as a local amenity area.
- 4.6.11 Directly opposite Kingston Beach is a row of terraced housing, including several Adur Homes-owned properties.
- 4.6.12 To the east of these properties on the south-side of the A259 is the port operational area; whilst on the north-side of the A259 are a number of dwellings, Albion Street Lorry Park, and a range of light industrial and employment generating uses.

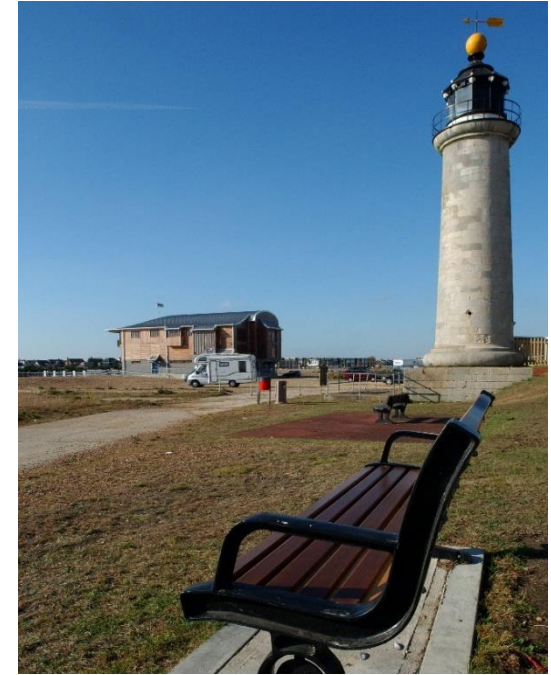
Development opportunities

- 4.6.13 The existing port operational area will be retained for port use. There are significant opportunities to improve the amenity value of Shoreham Fort and Kingston Beach for the benefit of local residents and visitors.
- 4.6.14 The Albion Street lorry park is no longer required in this area. The partnership is exploring alternative uses for the site, including relocation of businesses from elsewhere in the regeneration area.
- 4.6.15 Adur Homes is exploring opportunities to redevelop a number of older properties on the northern side of Albion Street. The partnership will support the redevelopment of these sites.
- 4.6.16 The proposed waterfront route along the Western Harbour Arm will end at Kingston Beach. The partnership is exploring options to integrate this route with the village green and connect to the proposed A259 cycle route.

The Shoreham Heat Network Partnership is progressing the delivery of a district heating network. The Shoreham Harbour District Energy Feasibility Study (2018) proposes a network served by marine source heat pumps and gas CHP. The study identifies the Middle Pier at the mouth of the harbour as a potential abstraction point for marine source heat pumps, and a discharge point to the west of the lifeboat station.



Shoreham Fort and Shoreham Beach



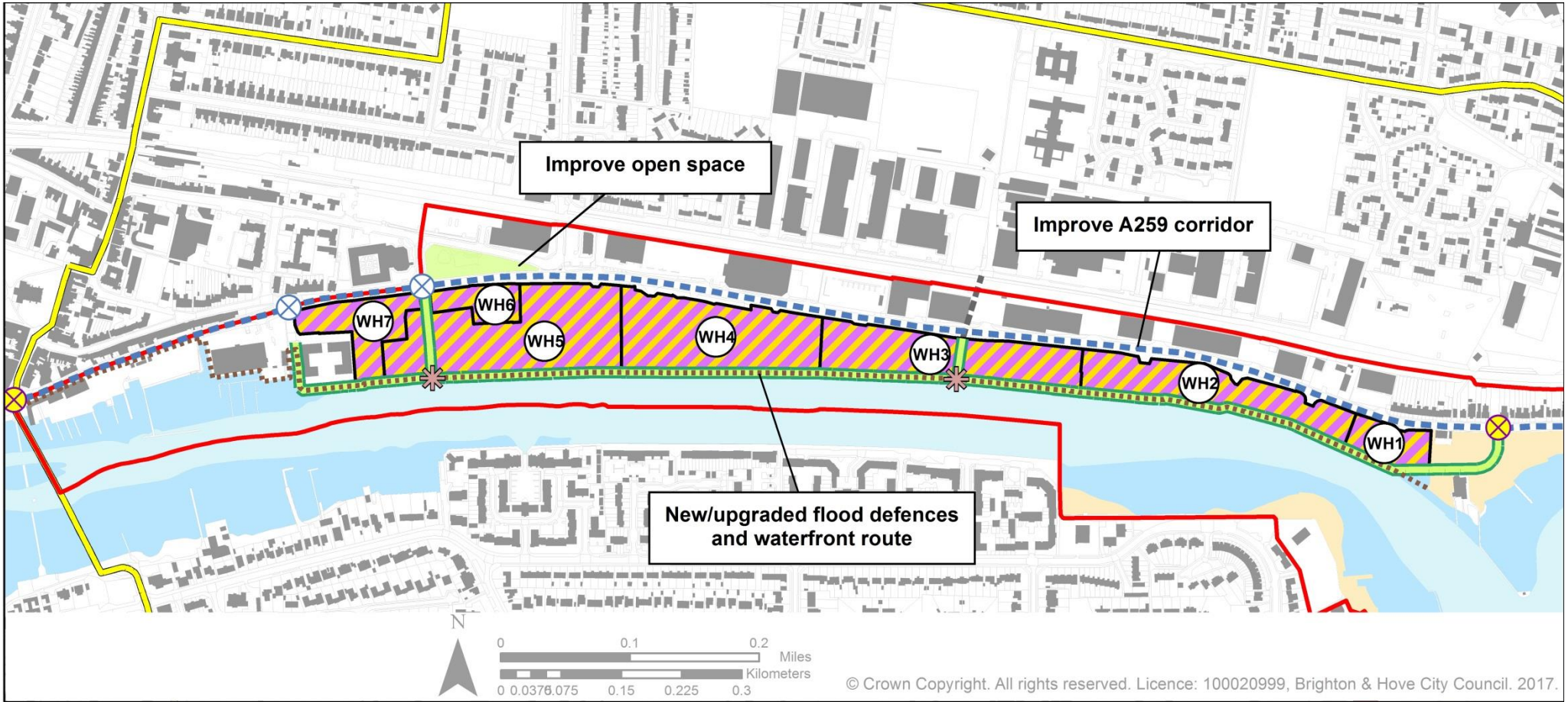
Kingston Buci Lighthouse and Shoreham Lifeboat Station

Policy CA6: Harbour Mouth

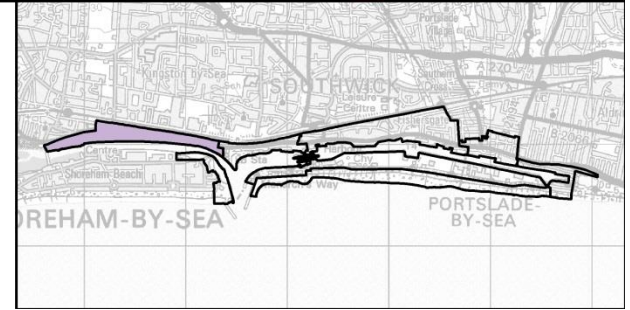
- 1. The existing port operational areas will be safeguarded for future commercial port activity.**
- 2. The partnership will work with the community and stakeholders to support the conservation of Shoreham Fort and enhancement of the surrounding area including:**
 - Explore potential to provide visitor centre / café.**
 - Improved car parking configuration and delineation of bays, including disabled parking.**
 - Explore potential to improve public toilet block.**
 - Improve sense of arrival and entrance on to site, ensuring disabled access as well as improved access between the car park and Shoreham Beach.**
 - Upgrade of street furniture such as benches, signage, bins and lighting.**
 - Improved way-finding connections to new footbridge.**
- 3. The partnership will ensure that the Shoreham Beach Local Nature Reserve is protected. In particular the most sensitive sections of the beach in terms of ground nesting birds and vegetated shingle.**
- 4. The partnership will work with the community and stakeholders to improve Kingston Beach including:**
 - Redevelopment of Shoreham Rowing Club.**
 - Upgrade of public open space areas in accordance with the Shoreham Harbour Streetscene Guidance and Shoreham Harbour Green Infrastructure Strategy.**
 - Improve delineation/ formalisation of parking area.**
 - Promote opportunities for interpretation of marine environment and biodiversity.**
- 5. The partnership will promote appropriate streetscape planting along Albion Street and Brighton Road (A259) to extend the green corridor.**
- 6. The partnership will support Adur Homes to maximise the use of its housing sites, including potential redevelopment.**
- 7. The partnership will explore options for the alternative uses for Albion Street lorry park.**
- 8. The partnership will explore options to deliver the eastern entry to the proposed Western Harbour Arm waterfront route.**
- 9. The councils will support the development of infrastructure to deliver the Shoreham Heat Network.**

WESTERN HARBOUR ARM





- Shoreham Harbour Regeneration Area
- Allocation
- Residential (proposed)
- Employment (proposed)
- Open space (existing)
- New/upgraded flood defences (proposed)
- Priority corridor (transport/public realm)
- Waterfront route (indicative)
- National Cycle Route No2
- Potential pedestrian cyclist bridge
- X Pedestrian/cyclist gateway
- X Junction improvements
- ✱ Public art opportunity (indicative)



4.7 Character Area 7 – Western Harbour Arm

Area priorities

- **To designate Western Harbour Arm Waterfront as an allocation for new mixed use development.**
- **To facilitate the comprehensive development of the Western Harbour Arm Waterfront to become an exemplar sustainable mixed-use area (use classes B1 and C3).**
- **To improve legibility, permeability and connectivity through high quality building design, townscape and public realm, ensuring to respect and complement the character of surrounding areas.**
- **To maximise intensification and redevelopment opportunities of existing lower grade, vacant and under-used spaces.**
- **To facilitate the strategic relocation of industrial uses to elsewhere in the harbour or local area to free up waterfront opportunity sites.**
- **To improve access arrangements to create better linkages with Shoreham town centre and surrounding areas.**
- **To improve connections around key linkages including Shoreham High Street/Norfolk Bridge (A259) – Old Shoreham Road (A283), Brighton Road (A259) – New Road – Surry Street, and Brighton Road (A259) – Ham Road.**
- **To deliver a comprehensive flood defence solution integrated with a publicly accessible waterfront route including pedestrian / cycle way and facilities for boat users.**
- **To ensure that new development proposals mitigate noise and air quality impacts.**
- **To enhance the area’s natural biodiversity by incorporating multi-functional green space, creating and improving habitats and improved green infrastructure links.**
- **To support the delivery of the England Coast Path through the Western Harbour Arm area.**
- **To support the delivery of the Shoreham Heat Network.**

About the area

4.7.1

CA7 – Western Harbour Arm is on the northern bank of the River Adur between the Harbour Mouth and the historic centre of Shoreham-by-Sea. The area is highly constrained by Brighton Road (A259) and the railway. The Western Harbour Arm is the principal approach to Shoreham-by-Sea from the east. To the north of the railway line, the area is abutted by residential neighbourhoods and a large industrial estate.

4.7.2

Shoreham-by-Sea town centre, a few minutes’ walk to the west has a peaceful, coastal charm consisting of predominantly two storey terraced cottages on streets leading off from the primary shopping area. There are open views across the River Adur to the south as well as river glimpses between buildings where remnant slipways and hards remain. There is a marked contrast moving east out of the town and along Brighton Road (A259) where there are only limited views of the waterfront and public access to it.

4.7.3 Along the Western Harbour Arm there are a range of different employment uses. The waterfront sites are predominantly large industrial and open storage premises including fuel storage, plastics manufacturing, aggregates handling and metal recycling. The majority of the sites are privately owned.

4.7.4 Closer to Shoreham-by-Sea town centre is The Ham, an open space which includes a popular skate park. There is a car show room and some office and workshop units such as the Riverside Business Centre and Ham Business Centre.

4.7.5 On the northern side of the A259 are mainly 'big box' retail warehouses, a supermarket and the local municipal waste facility.

4.7.6 A number of the premises along Brighton Road (A259) are coming to the end of their useful life and are no longer ideally suited for modern business needs: either requiring significant investment on-site, or relocation to a better facility elsewhere.

4.7.7 The river wall and flood defence infrastructure is in need of upgrade and repair and some of the land stands vacant and underused.

Transport and connections

4.7.8 The Brighton Road (A259) road frontage is harsh and unattractive due to the industrial uses that prevent views across the water. The road is a very popular route with cyclists despite the lack of a formal cycle lane, poor surfacing and heavy use by heavy goods vehicles.

4.7.9 Natural England will deliver the England Coast Path, a new National Trail around the coast of England. Although the final route has not yet been decided, it is expected that this will pass through CA7: Western Harbour Arm between Kingston Beach and Adur Ferry Bridge.

Environmental considerations

4.7.10 The Western Harbour Arm is subject to a number of environmental constraints which need to be taken into account when planning for the area. These include:

- Proximity to the Adur Estuary, a Site of Special Scientific Interest (SSSI).
- Proximity to Shoreham Beach, a Local Nature Reserve (LNR) and Local Wildlife Site (LWS).
- Shoreham-by-Sea Air Quality Management Area (AQMA) that covers the town centre and the western part of the Western Harbour Arm.
- A municipal waste site.
- A metal recycling facility. It is proposed that this be relocated.
- A Health and Safety Executive (HSE) Consultation Zone which determines the distance for different types of development from a 'major hazard' based on the current gas storage use. It is proposed that this be relocated.
- The presence of contaminated land.
- The presence of underground water mains and sewers. This infrastructure needs to be protected and new development needs to ensure its operation remains unaffected.

Historic Assets

- 4.7.11 The Western Harbour Arm is partly within the Shoreham-by-Sea Conservation Area. The conservation area includes 47 listed buildings; including the Grade I listed St Mary de Haura Church. The church is clearly visible from Shoreham Beach, the South Downs and much of the wider area and it will be important for any new development at the harbour to respect views of the church and its setting.
- 4.7.12 Also visible from the Western Harbour Arm are the Kingston Buci Lighthouse (Grade II listed) and Shoreham Fort, a Scheduled Monument.
- 4.7.13 There is a wealth of local maritime history that could be better interpreted in this location and there is significant potential to improve the landscaping and setting of the river. This will make the area more attractive and accessible.

Flood risk and sustainable drainage

- 4.7.14 The Western Harbour Arm is adjacent to the lower reaches of the River Adur where it flows into the English Channel. Given this low lying location, there are a number of potential sources of flooding which will be a key consideration in planning for the future of this area.
- 4.7.15 Sites along the Western Harbour Arm are vulnerable to surface water, fluvial, and, most significantly, tidal flooding, meaning that any new residential development would need to be lifted up above likely flood levels. Development will need to be protected through flood defence provision and will need to be safe for the intended building lifetime taking into account climate change and sea level rise.
- 4.7.16 The Adur and Worthing Councils' Strategic Flood Risk Assessment (SFRA) identifies a number of sites in this area as Tidal Flood Zone 2, 3a and Non-functional Flood Zone 3b. This latter category recognises that some sites have the same risk of flooding as Flood Zone 3a but do not have a significant storage or conveyance potential which materially impacts flood risk elsewhere. Some sites also fall within Fluvial Flood Zones 2, 3a and 3b.

- 4.7.17 The partnership has worked closely with the Environment Agency to develop a comprehensive vision for an upgraded flood defence network to protect a redeveloped Western Harbour Arm. The Shoreham Harbour Flood Risk Management Guide SPD (2015) and Technical Annex details about the recommended approach for this stretch.
- 4.7.18 Comprehensive 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.
- 4.7.19 It is essential that the new flood defence network is integrated with a high quality public realm environment that promotes a positive inter-relationship with the river. Flood defences can often physically divide one area from another therefore an important ambition for the Western Harbour Arm is to promote permeability through the entire site.

- 4.7.20 Developers should include SuDS and building level resistance and resilience measures as part of proposals, ensuring development is safe for its intended lifetime. The approach is set out in the following publications (or subsequent replacement documents):
- Adur & Worthing Councils and/or Brighton & Hove Council's SFRAs
 - Water. People. Places: A guide for master planning sustainable drainage into developments
 - CIRIA SuDS Manual
- 4.7.21 Refer to the *Shoreham Harbour Flood Risk Management Guide SPD* (2015) for full details of requirements in relation to protection from flooding.

Green infrastructure

- 4.7.22 The Western Harbour Arm is dominated by industrial land-uses and generally has a low diversity of terrestrial habitats.
- 4.7.23 The River Adur to the south includes areas of coastal saltmarsh and intertidal mudflat. These habitats form part of the wider network of intertidal habitats in the River Adur Estuary; however these are of limited extent and quality.
- 4.7.24 The Western Harbour Arm is adjacent to the Adur Estuary SSSI and falls within its Impact Risk Zone. Consultation with Natural England will be required in order to avoid harmful impacts on the SSI. Environmental Impact Assessment may also be required.
- 4.7.25 The creation of a new species rich native hedgerow along the southern boundary of The Ham would provide wildlife value but also act as a buffer to noise and pollution from Brighton Road (A259).
- 4.7.26 The Western Harbour Arm Waterfront is the largest of the allocations in this plan. As such, it has significant potential to provide green infrastructure enhancements and a net gain in biodiversity.

- 4.7.27 SuDS should be incorporated into design proposals as an integrated system during masterplanning of individual sites. This could include rain water harvesting, green walls and roofs, rain gardens, vegetated swales and porous surface materials.
- 4.7.28 Appropriate planting alongside Brighton Road could extend the proposed green corridor from Kingston Beach as far as The Ham and Shoreham town centre.
- 4.7.29 The proposed waterfront route for pedestrians and cyclists and onsite amenity open space also present significant opportunities for green infrastructure enhancement. Appropriate planting could include areas of vegetated shingle along the route, and on connections through to Brighton Road.
- 4.7.30 Where mitigation measures to prevent impact to intertidal habitat are not feasible, any impact or any loss of intertidal habitat as a result of new development or associated flood defence improvements will require the creation of compensatory habitat. Habitat creation and enhancements to new and existing flood defences and revetments/piling such as timber baulking should be incorporated to increase the biodiversity of the river edge.

- 4.7.31 Buildings should be designed to accommodate green walls (or planting) and green roofs (preferably bio-solar). These could compensate for any loss of habitats at ground level, as well as provide additional areas of vegetated shingle.
- 4.7.32 New residential development will generate the need for new open space provision. Some of this will be required on site. However, improvements to existing open spaces will be considered where appropriate.
- 4.7.33 The Shoreham Harbour Green Infrastructure Strategy will set out full details of requirements in relation to green infrastructure and biodiversity.

Development opportunities

- 4.7.34 Many of the business occupiers currently situated on the waterfront do not specifically need a portside location and are not dependent on access to the harbour for their operations.
- 4.7.35 The existing businesses provide a significant amount of employment floor-space and jobs. A key consideration for this area is the importance of working with the harbour businesses to retain them either in the port itself or within the local area in suitable, modern accommodation.
- 4.7.36 Shoreham Port Authority remains responsible for ensuring the river remains navigable and is periodically dredged to a level suitable for existing uses.
- 4.7.37 It is proposed that existing port-related uses in the Western Harbour Arm are relocated within the commercial port area in the Eastern Arm of the River Adur or the Canal. Marine-related uses that contribute to the character of the harbour could potentially remain.

- 4.7.38 There is currently development pressure for change along this strip as land owners seek to maximise the value of their land recognising that the location has long been earmarked for redevelopment as a new waterside community.
- 4.7.39 The Western Harbour Arm Waterfront allocation is made up of several sites, some of which are in multiple ownerships:
- WH1: 5 Brighton Road. This site has been purchased by a housing developer. The council is currently engaged in pre-application discussions.
 - WH2: Kingston Wharf (including Kingston Railway Wharf). This site has been purchased by a housing developer. The council is currently engaged in pre-application discussions for a mixed use development.
 - WH3: Egypt Wharf. This site is expected to come forward towards the end of the plan period.
 - WH4: Lennard's Wharf, Fisherman's Wharf and New Wharf. This site is expected to come forward towards the end of the plan period.

- WH5 – Free Wharf. Adur District Council has granted full planning permission for a development comprising 540 dwellings and over 2,700m2 commercial floor-space.
- WH6 – 37 – 41 Brighton Road and Ham Business Centre. This site is expected to come forward towards the middle of the plan period.
- WH7 – 63 – 77 Brighton Road. This site is expected to come forward towards the middle of the plan period.

4.7.40

Development of 132 residential units and ancillary retail space at 79 – 81 Brighton Road is nearing completion.

Residential development

4.7.41

Western Harbour Arm Waterfront is a prime riverside site that could offer a vibrant mix of new uses. Development of a minimum of 1,100 new residential dwellings (use class C3) will be instrumental in delivering the sustainable transformation, enabling the creation of an attractive new setting and creating a greater sense of vibrancy along the waterfront.

4.7.42

Sites to the north of Brighton Road (A259) are outside the allocation. These sites are not considered likely to come forward within the plan period. This does not preclude appropriate mixed use development on these sites if opportunities arise within the plan period. This would support a comprehensive approach taking in both sides of the road.

Employment-generating floorspace

4.7.43

Adur District Council will require development within the Western Harbour Arm Waterfront allocation to include new employment generating floor-space as part of mixed use schemes. This should be predominantly high quality office space (use class B1a). Proposals will be encouraged to provide a range of commercial spaces in smaller format units.

4.7.44

Through the Greater Brighton City Deal, the wider Shoreham Harbour area is being promoted as a hub for environmental technology and digital media technology-related businesses. Major development proposals will be expected to incorporate floor-space designed to be suitable for such uses where appropriate.

4.7.45

Employment floor-space should be of modern, high quality design with an emphasis on providing studio style or office-based flexible workspace that could accommodate a comparatively higher number of jobs per unit of floor-space than the former industrial uses.

4.7.46 Smaller scale (preferably marine-related) leisure facilities will also be supported. These activities will play a major role in adding diversity and interest to the waterfront, and helping to generate footfall.

4.7.47 The partnership will continue to liaise with landowners and businesses to understand their ambitions and ensure that the process of land use change is managed sensitively. For example, it is understood that some operators are already considering alternative sites outside of the Western Harbour Arm for relocation purposes. However, other businesses have no immediate desire to relocate, and as such may not come forward for redevelopment until the latter part of the plan period. This plan seeks to maintain sufficient flexibility to enable a phased redevelopment approach.

4.7.48 The release of sites for redevelopment to alternative uses along the Western Harbour Arm is a long term process which requires careful management and will rely on working in collaboration with landowners and businesses.

Ancillary retail uses

4.7.49 Shops, cafes and restaurants that are ancillary to new mixed-use developments have an important role to play in realising the vision for regeneration of the Western Harbour Arm. Although residential dwellings and employment generating floor-space will be the primary land use, ancillary retail development will help to bring life to the waterfront and strengthen the overall offer of Shoreham-by-Sea, complementing the town centre.

New waterfront route and open spaces

4.7.50 New developments will be expected to incorporate areas of public open space which will help to increase the accessibility and visibility of the waterfront, attract visitors to spend time in the area, provide new space for community activities and events and enhance the local environment.

4.7.51 As set out in the Shoreham Harbour Transport Strategy, development of a new, publicly accessible waterfront route for pedestrians and cyclists is proposed. The route would increase access to the waterfront by opening up previously restricted vistas and connecting Shoreham town centre and Adur Ferry Bridge with Kingston Beach and beyond framed by the attractive harbour setting.

4.7.52 The waterfront route will provide the new residential and commercial properties in the Western Harbour Arm with an attractive outlook over the harbour. The route must be well lit with appropriate signage and landscaping.

- 4.7.53 To accommodate the route, development must be set back from the waterfront. A setback is likely to be required for the purpose of flood risk management. Prior consent of the Environment Agency is required for any works within 16m of the tidal River Adur.
- 4.7.54 The waterfront route will not be complete when the England Coast Path is created through the area. This means that the trail will initially have to follow a different route. It is proposed that once the waterfront route is in place, it is adopted as part of the coast path.

Waterfront leisure facilities

- 4.7.55 Despite popular demand, the harbour is currently lacking in good quality, modern waterfront facilities for boat-users and for local residents and visitors to enjoy. It is proposed to increase the number of berths in the harbour for both visitors and residents through the incorporation of new publicly accessible quays or floating docks/pontoons linked to new developments and open spaces. This will significantly improve the facilities on offer for the boating community and attract visitors into the area, supporting the local economy. All new features would be subject to the appropriate environmental approvals processes with the relevant statutory bodies.

Improved connections and streetscape

- 4.7.56 As shown in Map 12, a series of new north-south connections from the waterfront route to Brighton Road (A259) are proposed. The exact form and function of these will depend on a number of factors. In some cases, these links may be pedestrian or cyclist only, whilst others will enable site access or direct connections to the waterfront.
- 4.7.57 The incremental introduction of mixed use development to the south of the road will be a trigger for the gradual enhancement of the A259 corridor to ensure that conditions for pedestrians and cyclists are improved.
- 4.7.58 There is considerable scope for highways interventions such as public realm and streetscape improvements and improved crossing facilities. Landscaping treatments will also be important for creating setbacks between new developments and the A259 corridor to prevent noise and air quality impacts.

Social and Community Infrastructure

4.7.59 Contributions towards improving local community facilities, or in some instances, provision of new facilities, will be required to support the increased population resulting from development of the Western Harbour Arm. Full details are contained within the *Infrastructure Delivery Plan (IDP)* that accompanies the *Adur Local Plan (2016)*. Refer also to Policy SH10 in Section 5. Social and community infrastructure requirements include:

Childcare / Early Years Provision

4.7.60 Additional childcare places will be required through financial contributions for expanding local provision delivered by private, voluntary and independent childcare providers.

Health and Medical Services

4.7.61 Health infrastructure providers have identified the need to replace the existing Shoreham Health Centre in Pond Road. The present 1960s building is of a poor quality and expensive to maintain being unsuitable for modern healthcare delivery. New development on the Western Harbour Arm will be expected to contribute towards improvements.

4.7.62

Education

The project partners are working together to address the need for suitable education provision in the Shoreham area, arising from growth. Existing primary schools are nearing capacity with planned improvements, and opportunities for further expansion are limited. Work is being undertaken to ensure any feasible opportunities to increase capacity at existing schools in the area can be brought forward during the plan period or if other sites can be identified. If not, innovative solutions to address need will be considered by all authorities.

Library Provision

4.7.63

The library offer will need to be improved or expanded to facilitate the development at the Western Harbour Arm. Infrastructure providers are considering the potential for a new library facility at Pond Road in Shoreham as part of a comprehensive redevelopment of the site including the provision of new healthcare facilities.

4.7.64

Facilities for Young People and Teenagers

Mixed-use developments will be expected to incorporate features and facilities that attract young families such as play areas and leisure uses. There may be opportunities to improve the existing skate park at The Ham as part of new developments in the vicinity.

Emergency Services

4.7.65

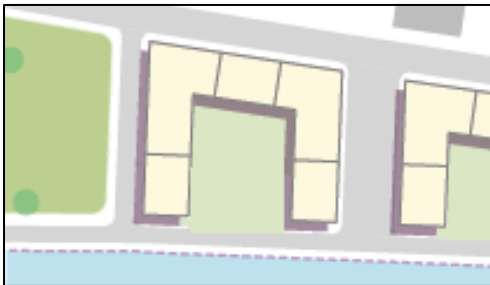
Contributions towards emergency services, including the police and the fire and rescue services will be required as a result of development at the Western Harbour Arm. Sussex Police has identified the need for improved accommodation and equipment in the Shoreham area. The West Sussex Fire and Rescue Service has identified the potential need for new or improved facilities.

Development form and typology

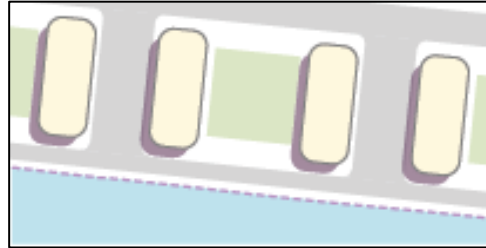
4.7.66

It is important to avoid a single development form being repeated across the whole allocation. Buildings should be oriented to maximise views across the river. However, the exact form is partly dependent on the depth of the site and the mix of uses. The following potential typologies are recommended:

- It is proposed that deeper sites (WH4, WH5) are arranged as horseshoes of flatted development. Employment floorspace on lower storeys will provide a frontage to Brighton Road (A259). The residential layout will maximise views across the river.



- It is proposed that narrower sites (WH2, WH3) are arranged as pairs of north-south blocks. Employment floor-space will be provided on lower storeys. This will also maximise views across the river.



4.7.67

Mixed employment space should be incorporated into development across allocation Western Harbour Arm Waterfront. Sites should be designed in an urban format with parking at lower levels and trading areas above.

4.7.68

Site WH1, at the eastern end of the Western Harbour Arm Waterfront, has the dual function of forming a strong edge to Kingston Beach, helping to define the space, and to mark the gateway to the Western Harbour Arm. A key consideration here is the potential navigational impact of residential development. Discussions will be required with Shoreham Port Authority at an early point in the design process to ensure navigational issues are addressed.

4.7.69

The Western Harbour Arm Waterfront will be a high density neighbourhood. In general, buildings should be developed up to 5 storeys on the Brighton Road (A259) and River Adur frontages. Within deeper sites, heights could step up away from these frontages.

4.7.70

The *Western Harbour Tall Buildings Capacity Study (2017)* has identified a number of significant views that should be protected, and heritage assets that should be considered as part of development proposals:

- Kingston Buci lighthouse is Grade 2 listed and is a prominent landmark signalling the entrance to the harbour, and to the town of Shoreham-by-Sea from the west. Development of over 3 storeys at sites WH1 and WH2 has the potential to impact the setting of the lighthouse. This must be considered when preparing development proposals.
- There are several views from Shoreham Beach to the South Downs. Development of sites WH2, WH3, WH4 and WH5 should ensure that views are retained.

- St Mary de Haura church is the most prominent landmark in the town centre. Most development sites are not close enough to significantly impact the prominence of the church. However developers should consider the potential impact on views of the church.
- 4.7.71 Significantly taller buildings could create issues, such as traffic congestion, infrastructure provision and creation of a microclimate through trapping of air pollutants. Towards the centre of the allocation (western part of site WH3, site WH4 and eastern part of site WH5), there may be scope for taller buildings provided that it can be demonstrated that these issues have been addressed, and the proposal is of exceptional design quality.
- 4.7.72 The findings from the Objectively Assessed Need for Housing: Adur District study undertaken in 2015 identifies a limited demand for dwellings with four or more bedrooms. The focus of provision of market housing in Adur should be on two and three bedroom housing both for younger households and older households wishing to downsize. The provision of smaller dwellings should be focussed in and around town centres and Shoreham Harbour.
- 4.7.73 For Shoreham Harbour specifically, there is an opportunity to provide a mix of properties, including one, two and three bed homes as part of a higher density development. The majority of dwellings delivered at Shoreham Harbour will be flatted development. Some sites may be able to accommodate up to ten per cent of dwellings as terraced housing. At the Western Harbour Arm Waterfront there is an opportunity to provide a mix of properties, including one, two and three bedroom homes as part of a high density development. Across the allocation as a whole, the following mix is considered suitable:
- 35% - 1 bed
 - 60% - 2 bed
 - 5% - 3 bed
- 4.7.74 The Western Harbour Arm allocation is identified in the Shoreham Harbour District Energy Feasibility Study (2018) for the planned Shoreham Heat Network. This aims to provide low carbon, affordable warmth to residents and businesses. The district heating project is being developed by the Shoreham Heat Network Partnership, comprised of Shoreham Harbour Regeneration Partnership, Adur District Council, West Sussex County Council and Shoreham Port Authority.
- 4.7.75 New development in and around the Western Harbour Arm will be required to connect to the proposed network once complete. Development coming forward before the heat network is delivered is required to be connection ready, and to connect once the network is in place. Planning conditions and obligations will be applied to other development in order to futureproof connection at a later date.

Policy CA7: Western Harbour Arm

- 1. Western Harbour Arm Waterfront is designated as a mixed use area (Allocation Western Harbour Arm Waterfront).**
- 2. The partnership will work with developers and stakeholders to secure a comprehensive redevelopment of the Western Harbour Arm Waterfront. This will deliver a minimum of 1,100 new homes (use class C3) and a minimum of 12,000m² new employment generating floor-space (predominantly use class B1a) on the southern side of Brighton Road (A259) within the plan period. Smaller scale retail outlets, food and drink, and marine-related leisure facilities are also encouraged.**
- 3. Proposals for sites WH1 and WH2 will be required to demonstrate that potential implications for the navigational safety of vessels entering and leaving Shoreham Port have been addressed in agreement with statutory bodies, including Shoreham Port Authority. In particular, development proposals must demonstrate that artificial lighting originating from proposed development will not impact the visibility of navigation lights in the harbour mouth.**
- 4. The councils will support the development of the Shoreham Heat Network. Until the network is constructed, development will be required to incorporate the necessary infrastructure for connection to future networks. When the network is constructed, development will be required to connect.**
- 5. Development proposals for sites to the south of Brighton Road (A259) should not unduly prejudice the potential future development of sites to the north of Brighton Road (A259) and vice versa.**
- 6. New developments should incorporate active uses along the waterfront. This may include the provision of parks, squares, play areas and active frontages such as cafes, shops and workspace.**
- 7. New development should achieve residential densities of a minimum of 100 dwellings per hectare consisting of predominantly flatted development. A mix of dwelling sizes should be delivered.**
- 8. Building heights of up to five storeys are generally considered acceptable on the Brighton Road and River Adur frontages. Away from these frontages, greater storey heights may be acceptable within deeper sites. At sites WH1 and WH2, the setting of Kingston Buci lighthouse must be considered if development over 3 storeys is proposed. At sites WH2, WH3, WH4 and WH5 views from the coast at Shoreham Beach to the South Downs must be retained.**

9. **Taller buildings may be considered in the centre of the allocation (western portion of site WH3, site WH4 and eastern portion of site WH5). Proposals will be required to demonstrate an appropriate response and high quality design in relation to the following elements:**
- **Scale and height**
 - **Architectural detailing**
 - **Materials**
 - **Public realm and open space**
 - **Public transport accessibility**
 - **Views into and out of the area, including assessment of glimpse views, local views and long views in relation to the waterfront, local landmarks, the South Downs National Park, conservation areas, and historic assets.**
 - **Microclimate impacts including wind, daylight and sunlight effects, air pollution and urban heat island effects.**
10. **Development should respect and connect with surrounding areas, in particular protecting and enhancing the views from Shoreham Beach, protecting views of St Mary de Haura Church, Kingston Buci lighthouse and better connecting with Shoreham town centre's historic core.**
11. **Where appropriate, proposals will be expected to enhance townscape around key linkages and junctions, in particular Shoreham High Street/Norfolk Bridge (A259) – Old Shoreham Road (A283), Brighton Road (A259) – New Road – Surry Street, and Brighton Road (A259) – Ham Road.**
12. **A setback from the waterfront is safeguarded to enable the delivery of a waterfront pedestrian and cycle route between Shoreham-by-Sea town centre and Kingston Beach. Developments should be sufficiently set back from the riverside (at least 8m from harbour wall to building) to incorporate the new waterfront route. The setback may also be required for flood defence maintenance requirements. Set back distance should be discussed and agreed with the Environment Agency.**
13. **Developments should be set back sufficiently from the A259 corridor in agreement with the highways and planning authorities, to provide space for a high-quality segregated cycle route which provides stepped separation from road vehicles and pedestrian facilities, to deliver green infrastructure improvements, and to prevent a canyoning effect to ensure that residents are protected from noise and air quality impacts.**
14. **Prior consent is required for any works in, under or over the River Adur Tidal, a classified 'main river' under the jurisdiction of the Environment Agency, and subject to its byelaws, or within 16 metres of the landward toe.**
15. **The partnership will support and identify mechanisms for implementation of ecological and landscaping improvements along the waterfront route and alongside Brighton Road (A259) to extend the green corridor.**
16. **The new waterfront route must incorporate sustainable drainage features, such as permeable surfacing and incorporating suitable trees and vegetation.**

17. Where open space requirements cannot be met on site, development will be expected to contribute towards the creation of the proposed green corridor along the A259, and/or existing open spaces, such as The Ham and Kingston Beach.

18. Major waterfront development schemes will be expected to actively respond to the marine/estuarine environment in terms of their design and layout and incorporate features that improve open access to the waterfront and facilities for boat users such as additional moorings, floating pontoons/docks and slipways. Access to existing public hard must remain.

19. Management agreements should be included as part of the planning application for sites of compensatory habitat to ensure the long term integrity for wildlife benefit.

20. The partnership will work with developers and stakeholders to deliver the package of transport measures for the Western Harbour Arm as set out in the Shoreham Harbour Transport Strategy. Critical measures include:

- **New waterfront route for pedestrians and cyclists between Shoreham Town Centre and Kingston Beach.**
- **Improvements to the following junctions:**
 - **Brighton Road/Norfolk Bridge (A259) – Old Shoreham Road (A283)**
 - **Brighton Road (A259)/Surry Street**
 - **Brighton Road (A259)/South Street (A2025)**
- **Improvements to the cycling facilities along the A259.**
- **Improved pedestrian and cycle crossing points.**
- **Bus stop improvements.**

DELIVERY AND IMPLEMENTATION



5 Delivery and implementation

- 5.1.1 The following section sets out how the proposals in this plan will be delivered on the ground and how progress will be monitored over time. The plans will need to remain flexible and adjustable as opportunities emerge over time.
- 5.1.2 The regeneration plans are being driven by the Shoreham Harbour Regeneration Partnership. Members of the Partnership signed up to a renewed joint commitment to deliver renewal plans for the harbour via a Memorandum of Understanding signed in 2011. Partnership work is organised around an agreed governance structure that sets out day-to-day project management and operating protocols.
- 5.1.3 Progress on project work is overseen by a Project Board of senior officers and key stakeholders that meets every quarter. In turn, the Project Board reports back to a Leaders' Board comprising the leaders of each council and the Chief Executive of the Shoreham Port Authority. Key decisions are taken through the relevant committees of each authority.
- 5.1.4 Since 2009, significant technical work has been undertaken by the local authorities to determine the appropriate scale and land use mix to plan for at the harbour. Given the changes in the wider economy and government approach during the recent period, it is critical that the plans are not held back by reliance on a large injection of upfront public funding which may be difficult to access.
- 5.1.5 The current plans aim to provide a pragmatic balance between the aspirations and ambitions for a new waterfront community and the commercial realities of bringing forward complex, brownfield sites under current market conditions.
- 5.1.6 The role of the partnership is to provide a dedicated resource to work with developers and investors to facilitate bringing forward packages of catalyst sites and local area improvement projects.
- 5.1.7 Recent work has been focussed on gaining a better understanding of the barriers and costs that have contributed to the large viability gaps that have stalled previous iterations of harbour plans. This has highlighted potential solutions and alternative approaches to reduce costs, delays and risks that are now being taken forward by the partnership.
- 5.1.8 Examples of current areas of partnership work to support delivery include:
- Technical studies to identify infrastructure costs and delivery mechanisms including flood defence, transport and social infrastructure.
 - Supporting business relocation plans including identifying alternative sites in the local area that better meet business requirements.
 - Communications activities to maintain a positive two-way dialogue with land owners, developers and stakeholders; and promote joint working for mutual benefit.
 - Proactively seeking ways to reduce viability gaps and unlock stalled sites.

- Close working and ongoing dialogue with local charities and community groups with an active interest in the harbour area.
- Close working and engagement with key government agencies including Environment Agency, Highways England, Natural England and the Marine Management Organisation.

Delivery objectives and dependencies

5.1.9 The objectives for plan delivery are as follows:

- To ensure that the JAAP proposals and policies are realistic, viable and deliverable within the plan period (to 2032).
- To maintain appropriate governance structures and adequate resources to ensure responsibility for implementation.
- To commit to partnership working to identify delivery solutions and to source external funding where required.
- To maximise investor confidence and reduce risk for developers, partners and stakeholders.

5.1.10 The successful delivery of the JAAP is dependent on a number of factors including:

- Delivery of the allocation proposals.

- Funding and timely delivery of infrastructure, including flood defences, highway works and social infrastructure.
- Ability to resource working with local community groups and managing the local area improvement projects.
- The members of the partnership and key stakeholders continuing to provide on-going commitment to Shoreham Harbour as a strategic development priority.

Delivering site allocation proposals

5.1.11 Bringing forward the major development opportunities will require the formation of land owner and developer partnerships. Some of the key sites are owned by members of the Partnership, particularly the Port Authority which will enable greater control over the nature of proposals coming forward.

5.1.12 Landowner and stakeholder partnerships and potentially joint venture companies will carry forward proposals on the basis of development agreements, within the framework set out in this plan and other supplementary site briefs.

5.1.13 Land assembly and anticipated release of development sites through the proactive work of the regeneration partnership will help to kick start progress during the first five years. It is not intended to utilise compulsory purchase powers (CPO) in implementing site allocations in multiple ownership and/or occupation, as the JAAP places an onus on developers to negotiate any land acquisition with support from the Partnership. However, an approach that takes a CPO route to deliver a scheme may be required if negotiation proves unsuccessful. This will be carried out in accordance with Circular 06/2004.

Infrastructure requirements

- 5.1.14 Development at Shoreham Harbour will generate the need for additional and improved infrastructure to support the needs of an increased population. Essential infrastructure covers a range of items including social infrastructure (e.g. health facilities, libraries, educational establishments etc.); physical infrastructure (e.g. highways, flood defences, utility provision etc.) and green infrastructure (e.g. allotments, natural open spaces etc.).
- 5.1.15 Infrastructure Delivery Plans (IDPs) have been drafted for Adur and Brighton & Hove. These are live documents that set out the infrastructure priorities associated with the implementation of the Adur Local Plan and Brighton & Hove City Plan and include requirements for Shoreham Harbour. The IDPs clarify which organisation/s are responsible for delivering the infrastructure, how it will be funded and when it is required.
- 5.1.16 Private sector funding through planning obligations linked to individual development proposals will be an important mechanism for securing delivery of infrastructure.
- 5.1.17 The authorities are currently exploring the use of the Community Infrastructure Levy (CIL). Work is on-going to identify which types of developments are applicable for CIL as well as suitable rates and how this might impact on the use of traditional contribution mechanisms such as Section 106 Agreements.
- 5.1.18 Local plan policies and Supplementary Planning Guidance set out the approach to planning obligations that will be applied which can be summarised as follows:
- On-site obligations required as part of the development including access roads and junctions for development and local public open space.
 - Community infrastructure standard charges including towards public realm improvements, highways improvements and community facilities that may be required or impacted as a result of the development.
 - Strategic infrastructure standard charge covering major capacity enhancing projects including transport network and flood alleviation.
- 5.1.19 For strategic level infrastructure technical work has been carried out to scope out the critical priorities and costs for the harbour. For example, the *Shoreham Harbour Flood Risk Management Guide* has now been adopted as supplementary planning guidance. This sets out the parameters for provision of harbour-side flood defences. A *Shoreham Harbour Transport Strategy* has prepared by WSCC which establishes the priority transport works that are required to support the proposals. Both of these documents will be used as part of planning negotiations to provide greater clarity to developers over contributions.
- 5.1.20 The following items of infrastructure are typically likely to be requirements for major developments within the allocated sites:
- Contributions to public transport and highway network improvements.
 - Upgraded flood defences integrated with public waterfront walking / cycle route (where appropriate – particularly Western Harbour Arm Waterfront sites).
 - Contributions to social infrastructure.
 - Contributions to green infrastructure.
 - Remediation of contaminated areas.
 - On-site renewable energy systems / low carbon technologies.

Securing funding

5.1.21 The work of the Partnership is currently supported by a limited amount of public funding that was awarded by central government prior to 2010. This funding is used to support staff resources, undertake technical studies and provide match funding for future funding bids.

5.1.22 The main current sources of funding include:

- Growth Points Programme funding
- Eco-town funding
- Homes and Communities Agency contributions
- Environment Agency contributions
- Local authority and Shoreham Port Authority contributions

5.1.23 This plan will offer greater certainty for stakeholders to be able to work together to target sources of external funding. Potential sources being currently explored include:

- City Deal
- Coastal Communities Fund
- Coast to Capital Local Economic Partnership (LEP) – Single Growth Pot
- Sustainable Transport Fund
- Heritage Lottery Funding
- EU funding

Monitoring of progress

5.1.24 The local authorities undertake ongoing monitoring of their Local Development Frameworks of which this JAAP is a part. The monitoring framework is set out in a separate Appendix. It includes key monitoring indicators and triggers for potential intervention.

5.1.25 Progress on the delivery of the plan will be reported in the Authority Monitoring Report (AMR) for Adur District Council and Brighton & Hove City Council. This will include the housing trajectory for Shoreham Harbour Regeneration Area.

Policy SH10: Infrastructure Requirements

- 1. Developers will be required to provide or contribute to the provision of infrastructure made necessary by the development.**
- 2. Infrastructure must be provided at the appropriate time, prior to any part of the development becoming operational or being occupied. Infrastructure needs are identified in each local authority's Infrastructure Delivery Plan (IDP).**
- 3. Direct agreements with utility providers may be required to provide infrastructure, such as sewerage infrastructure.**
- 4. In accordance with each local authority's planning contributions guidance, infrastructure contributions will be sought via Section 106 Planning Obligations where they meet the statutory tests, and potentially through a future Community Infrastructure Levy.**

Shoreham Harbour Regeneration

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**SHOREHAM
HARBOUR
REGENERATION**

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ADUR DISTRICT
COUNCIL



Brighton & Hove
City Council



west
sussex
county
council



shoreham port

Main Modifications to the Submission Shoreham Harbour Joint Area Action Plan

The schedule below sets out the Main Modifications to the Submission Shoreham Harbour Joint Area Action Plan.

Modification No:	Reference: (Paragraph, policy or map number)	Amendment: (Amendments are shown in bold text . Deleted text shown as struck through and additional text <u>shown as underlined</u>). Amendments made after the consultation on Main Modifications are shown in red text .
01	1.1.3	The plan builds on and complements the Adur Local Plan (2017) and the Brighton & Hove City Plan Part One (2016). Planning applications within the regeneration area must comply with the strategy and policies in the JAAP, as well as the relevant local plans, <u>unless material considerations indicate otherwise</u> .
02	2.1 Vision – 2 nd paragraph	The redevelopment of key areas of the harbour will provide benefits for the local community, <u>natural environment</u> and economy through increased investment, improved leisure opportunities, enhanced public realm and the delivery of critical infrastructure that will help respond positively to climate change.
03	2.2.19	Local planning authorities should plan for recreational and leisure facilities and services to meet the needs of <u>existing communities and</u> new development. Planning plays an important role in promoting healthy and active lifestyles. This includes the provision of open space, sports and recreation facilities.
04	Policy SH1 (4 – 7) and 3.1.14 – 3.1.20	<p>Policy SH1: Climate change, energy and sustainable building</p> <p>4. Developers should demonstrate how they can contribute <u>towards the regeneration partnership's Shoreham Port Authority's</u> objective of becoming a hub for renewable energy generation.</p> <p>5. <u>The councils will support proposals for low and zero carbon energy generation, including solar photovoltaics. All new development will be expected to incorporate low and zero carbon decentralised energy opportunities</u></p> <p><u>Decentralised energy, District heating and cooling networks</u></p> <p>6. <u>All new development will be expected to incorporate low and zero carbon decentralised energy generation, including heating and cooling. The councils will support the development of heating and cooling networks and associated infrastructure. All development proposals must demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy as set out in Table 1.</u></p> <p>7. Where no heat network is in place, development <u>proposals</u> must <u>be designed to</u> be connection ready, <u>and will be expected to demonstrate that all buildings adhere to the technical specifications below: All buildings must adhere to the following technical specifications:</u></p> <ul style="list-style-type: none"> • Buildings must use a centralised communal wet heating system rather than individual gas boilers or electric heating. • Buildings must allow adequate plant room space to allow for connection at a later date. (the exact requirement to be agreed with the councils and their representatives). • <u>Plant rooms must be situated to consider potential future pipe routes.</u> The developer must identify and safeguard a pipe route to allow connection between the building and the highway or identified network route where available. • The developer must not in any other way compromise or prevent the potential connection. <p><u>Shoreham Heat Network</u></p> <p><u>87.</u> Development <u>within the proposed Shoreham Heat Network area¹ in areas identified in the Shoreham Harbour Heat Network Study (2016), or subsequent update,</u> will be <u>required expected</u> to connect to district heating networks where they exist, or incorporate the necessary infrastructure for connection to future networks.</p>

¹ As identified in the Shoreham Harbour District Energy Feasibility Study (2018) or subsequent update.

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		<p><i>Subsequent policy clauses are renumbered to reflect additional clause.</i></p> <p><i>Consequent modification to supporting text to reflect modification to policy:</i></p> <p>Heating and cooling networks Potential for district heat network</p> <p>3.1.14 Heating and hot water for buildings account for 40% of UK energy use and 20% of greenhouse gas emissions. The Climate Change Committee estimates that district heating can meet 20% of domestic heating and hot water needs by 2030. The Climate Change Act 2008 obliges the UK to cut 80% emissions by 2050. The Clean Growth Strategy (2017) includes policies to roll out low carbon heating, and phase out the installation of high carbon fossil fuel heating.</p> <p>3.1.1514 In accordance with Policies As set out in Policy DA8 and CP8 of the Brighton & Hove City Plan Part One, and Policies 8 and 19 of the Adur Local Plan, the city councils are is proactively encouraging opportunities that arise to incorporate waste heat or other heat sources into the heat networks for the area. The Brighton & Hove Energy Study (2013) identified the potential for district heating networks in and around Shoreham Harbour within a long list of priority areas.</p> <p>3.1.1615 All new development that takes place within the long list of priority areas will be encouraged to consider will be expected to incorporate low and zero carbon decentralised energy generation possibilities and will be required to either connect where a suitable heating/cooling network is in place (or would be at the time of construction), or design systems to be compatible with a future connection to a network. All development proposals must demonstrate that the heating and cooling systems have been selected in accordance with the heating and cooling hierarchy as set in Table 1:</p> <p>Table 1: Heating and cooling hierarchy</p> <table border="1" data-bbox="543 1176 1676 1654"> <thead> <tr> <th colspan="2">System</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Connection to existing heating/cooling network</td> </tr> <tr> <td>2.</td> <td>Site-wide heating/cooling network</td> </tr> <tr> <td>3.</td> <td>Building-wide heating/cooling network</td> </tr> <tr> <td>4.</td> <td>Individual heating/cooling systems</td> </tr> <tr> <th colspan="2">Technology</th> </tr> <tr> <td>1.</td> <td>Renewable/waste energy sources (such as biomass, heat pumps, solar thermal)</td> </tr> <tr> <td>2.</td> <td>Low carbon technologies (such as gas-CHP)</td> </tr> <tr> <td>3.</td> <td>Conventional systems (such as gas or direct electric)</td> </tr> </tbody> </table> <p>3.1.17 In order to safeguard future connection to heating/cooling networks, individual heating/cooling systems will not normally be permitted, unless it can be demonstrated that it is not feasible and/or viable to provide a centralised communal wet heating system.</p> <p>3.1.18 The councils will require the submission of a feasibility assessment to provide a rationale for the chosen heating/cooling system This should incorporate a high level assessment of the potential to extend the heating/cooling network beyond the development area in future. Development must adhere to the guidelines set out in Chapter 3 – Design – of the CIBSE Heat Networks Code of Practice for the UK.</p> <p>3.1.19 Within the proposed Shoreham Heat Network Area, buildings must allow adequate plant room space for future connection and for future</p>	System		1.	Connection to existing heating/cooling network	2.	Site-wide heating/cooling network	3.	Building-wide heating/cooling network	4.	Individual heating/cooling systems	Technology		1.	Renewable/waste energy sources (such as biomass, heat pumps, solar thermal)	2.	Low carbon technologies (such as gas-CHP)	3.	Conventional systems (such as gas or direct electric)
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		<p style="text-align: center;">building/network interface equipment (such as heat exchangers). Indicative requirements are set out in Table 2:</p> <p>Table 2: Indicative space requirements for heat exchange substation equipment within building plant rooms²</p> <table border="1" data-bbox="543 478 1679 743"> <thead> <tr> <th data-bbox="543 478 926 590">Heating capacity (kW) (space heating and ventilation)</th> <th data-bbox="926 478 1308 590">Approximate building size (m³)</th> <th data-bbox="1308 478 1679 590">Space required by the heating equipment (m²)</th> </tr> </thead> <tbody> <tr> <td data-bbox="543 590 926 632">30</td> <td data-bbox="926 590 1308 632">1,000 – 1,500</td> <td data-bbox="1308 590 1679 632"><u>2</u></td> </tr> <tr> <td data-bbox="543 632 926 674">200</td> <td data-bbox="926 632 1308 674">10,000 – 15,000</td> <td data-bbox="1308 632 1679 674"><u>4</u></td> </tr> <tr> <td data-bbox="543 674 926 716">400</td> <td data-bbox="926 674 1308 716">20,000 – 30,000</td> <td data-bbox="1308 674 1679 716"><u>5</u></td> </tr> <tr> <td data-bbox="543 716 926 743">800</td> <td data-bbox="926 716 1308 743">40,000 – 60,000</td> <td data-bbox="1308 716 1679 743"><u>6</u></td> </tr> </tbody> </table> <p>3.1.20 Heat in buildings must operate at an appropriate temperature for future connection to a heat network. The targeted difference between flow and return temperatures on the primary heat network shall be no greater than 30°C for supply to new buildings.</p> <p>3.1.21 Plant rooms must be situated to consider potential future pipe routes. Pipe runs from the plant room to the highway or proposed heat network main route must be protected and remain accessible for future installation.</p> <p>3.1.16 As part of the South Quayside Character Area proposals (within Section 4 of this document), there is potential to work with the existing Shoreham Power Station to deliver a district heating network to provide waste heat to local consumers</p> <p>3.1.2217 In the event that a developer considers compliance with the heating/cooling hierarchy to be unviable, proposals should be submitted with a viability assessment, to justify departure from the hierarchy. Viability assessments must:</p> <ul style="list-style-type: none"> • <u>Be compliant with the CIBSE Heat Networks Code of Practice for the UK</u> • <u>Be completed by a suitably qualified individual³</u> • <u>Include baseline energy consumption and carbon emissions calculations for regulated and non-regulated energy use</u> • <u>Compare the economies of a heat network solution⁴ against individual heating scenario⁵</u> • <u>Provide a breakdown of the cost estimates and assumptions used for the assessment</u> • <u>Include linear heat density calculations for the site</u> • <u>Present Internal Rate of Return (IRR), capital expenditure, cost and carbon savings as outputs.</u> <p><u>Shoreham Heat Network</u></p> <p>3.1.23 Shoreham Harbour Regeneration Partnership, Adur District Council, West Sussex County Council and Shoreham Port Authority have formed the Shoreham Heat Network Partnership. The Heat Network Delivery Unit (HNDU) has provided part funding to explore the potential for heat networks in and around Shoreham Harbour. The <i>Shoreham Harbour Heat Network Study</i> (2016) mapped heat demands and identified potentially viable scenarios for network development. The <i>Shoreham Harbour District Energy Feasibility Study</i> (2018) proposes a 2km network serving the allocated sites at the Western Harbour Arm, the site of the former Adur Civic Centre and a number of existing buildings in Shoreham-by-Sea town centre.</p>	Heating capacity (kW) (space heating and ventilation)	Approximate building size (m ³)	Space required by the heating equipment (m ²)	30	1,000 – 1,500	<u>2</u>	200	10,000 – 15,000	<u>4</u>	400	20,000 – 30,000	<u>5</u>	800	40,000 – 60,000	<u>6</u>
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³ For example a CIBSE Heat Network Code of Practice Qualified Consultant

⁴ This includes the cost of a communal boiler system, heat meters, heat interface units and plate heat exchanger.

⁵ Such as individual gas boilers alongside an equivalent level of microrenewables that would be required to meet energy efficiency requirements.

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		<p>3.1.24 <u>The study finds that a network served by marine source heat pumps and gas CHP technologies would provide affordable, low carbon heat and the combination of technologies provides a more robust, lower risk solution than a single heat source. Engagement with Shoreham Port Authority has identified the potential for abstraction and discharge points in the mouth of the River Adur, subject to appropriate environmental permits.</u></p> <p>3.1.2518 <u>The heat network partnership is carrying out a detailed feasibility study and preparing the business case for detailed project development of the Shoreham Heat Network. All new development in and around the Western Harbour Arm development is required to connect to the proposed network once complete. Development coming forward before the heat network is delivered is required to be connection ready, and to connect once the network is in place. The council will secure the connection of the approved schemes through planning conditions and/or Section 106 agreements.</u></p> <p>The partnership has commissioned a further study to carry out detailed feasibility and business model options appraisals of the potential network. This study will be complete in early 2018. If feasible and deliverable, the network may be run by the local authorities or be an independent delivery body or Energy Service Company (ESCo).</p> <p>3.1.19 <u>Development should demonstrate that the heating and cooling systems have been selected in accordance with the following heating and cooling hierarchy</u></p> <ul style="list-style-type: none"> • Connection to existing combined heat and power (CHP) distribution networks • Site wide renewable CHP • Site wide gas-fired CHP • Site wide renewable community heating/cooling • Site wide gas-fired community heating/cooling • Individual building renewable heating • Individual building heating, with the exception of electric heating <p>3.1.20 <u>All CHP must be of a scale and operated to maximise the potential for carbon reduction. All buildings must adhere to the guidelines set out in Chapter 3 – Design – of the CIBSE Heat Networks Code of Practice for the UK.</u></p>
05	3.3.4	<p>3.3.6 <u>Some existing employment areas are protected within the relevant character area policies. The councils will monitor conversions of employment space to residential development through the monitoring framework set out in the Appendix. If necessary, in response to the identified monitoring indicator trigger, the councils will consider seeking to remove permitted development rights in accordance with Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.</u></p>
06	2.2 Objective 4: Housing and community	<p>To contribute to meeting the housing needs of Adur and Brighton & Hove address shortfalls in local housing provision through delivering new homes of a range of sizes, tenures and types, including affordable and family homes as well as associated supporting community infrastructure.</p>
07	3.6.6 – 3.6.7	<p>3.6.6 The NPPF highlights the need to direct development away from areas at highest risk of flooding⁶. Development Plans should apply a sequential, risk-based approach to the location of development to minimise risk from flooding and take account of the impacts of climate change. The proposals in this plan have been assessed through the Sequential and Exceptions Tests carried out in preparation of the Brighton & Hove City Plan Part One (2016) and the Adur Local Plan (2017). Therefore, a sequential test will not be required for proposed development within the allocations, unless the proposal departs significantly from the terms of the allocation. (thereby avoiding the risk in the first instance), but where development is necessary, ensuring it will be safe without increasing the risk of flooding elsewhere.</p>

⁶ Paragraph 158, NPPF (2018)

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		<p>3.6.7 <u>Proposed development outside the allocations in this plan and within flood zone 2 or 3 will require a sequential test to be carried out as part of the site-specific flood risk assessment⁷. To support the regeneration of the area, applicants will be expected to search for alternative sites at a lower risk of flooding within the character area the site is situated in (as identified in this plan). Where necessary, having regard to the potential vulnerability of the site and the development proposed, an exceptions test will also be required.</u></p> <p>3.6.87 Refer to p Policies in Part 4 3 of this plan which identify the site-specific flood defence and mitigation measures required within the character areas. Development in the Western Harbour Arm in particular will be required to deliver significant flood risk mitigation infrastructure. Responsibility for the delivery and maintenance of flood defences will belong to the landowner.</p>
8	Policy SH6 (1)	<p>1. The partnership will support the delivery of measures to mitigate flood risk and coastal erosion in the regeneration area. Development proposals in the regeneration area must comply with the principles and approach to flood risk management set out in the <i>Shoreham Harbour Flood Risk Management Guide</i> (2015), or subsequent updated guidance and must take account of the most up to date flood risk management evidence and policy in consultation with the relevant authorities, including the Environment Agency. Where development creates new or alters flood flow routes, the site specific Flood Risk Assessment must assess the potential flood hazard posed by them to ensure that flood risk is not increased elsewhere.</p>
9		<p>6. Where undefended land levels are below the 1 in 200-year tidal flood event for 2115, land raising 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 to this height to meet the required standard of protection.</p> <p><i>Consequent modification to supporting text:</i></p> <p>4.7.18 Comprehensive land raising 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.</p>
10	Policy SH6 (15) (12)	<p>12 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.</p>
11	Policy SH7 (4) and (7)	<p>4. All development applications must be accompanied by up to date ecological information to ensure no net loss and seek to provide a net gain to biodiversity, in particular to Habitats of Principal Importance (formerly known as BAP habitats). The indirect impacts of development, such as recreational disturbance, on designated nature conservation sites and other significant habitats must be considered. Appropriate mitigation must be identified, along with the means for its delivery and maintenance.</p> <p><i>Clauses 5 and 6 are unchanged.</i></p> <p>7. Where impacts on biodiversity cannot be avoided or mitigated, compensatory actions measures will be required, taking account of an up-to-date ecological survey. Like-for-like compensatory habitat should be provided at or close to the site, subject to agreement with the relevant authorities, including Natural England and the Environment Agency.</p>

⁷ Subject to the criteria in the PPG

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		<p><i>Consequent changes to supporting text:</i></p> <p>3.7.2 New development within the regeneration area harbour is expected to be outstanding from an environmental perspective and all opportunities to promote biodiversity need to be considered. The councils will require the submission of an Ecological Impact Assessment (EcIA) carried out in accordance with British Standards (BS42020:2013 Biodiversity – Code of practice for planning and development) and CIEEM guidance, or subsequent updates. Ecological impacts should be assessed and recommendations for appropriate mitigation, compensation and enhancement made. Negative impacts should be avoided wherever possible. It is possible to significantly reduce negative impacts of development on the ecology of an area through mitigation measures. Any potential wildlife habitats that will be lost or negatively impacted as a result of development will need to be compensated for and enhanced wherever possible.</p> <p>3.7.3 There is potential for development at the Western Harbour Arm to lead to loss of, or harmful impact to, intertidal habitats in the River Adur. Adur District Council is currently working with partners including Sussex Wildlife Trust and the Environment Agency to develop a strategy to address this issue, and identify suitable locations for compensatory habitat creation. Nevertheless, developers will be required to demonstrate that impacts cannot be avoided before mitigation and/or compensatory measures are considered.</p> <p><i>Renumber subsequent paragraphs</i></p>
12	Policy SH7 (13)	<p>Air quality impacts should be considered at an early stage in the design process to ensure that creating new exposure to poor air quality is avoided. Development proposals must be accompanied by an assessment of the air quality impacts for existing and future occupants. This assessment must have regard to the cumulative impacts of committed and planned development on air quality.</p>
13	Policy SH8 (1)	<p>New development proposals will be required to contribute to the provision of provide high quality, multifunctional public open space / green infrastructure to meet the needs it generates onsite. The type and quantity of open space will be determined by the scale and type of development, having regard to the identified needs of the area, local standards and the <i>Shoreham Harbour Green Infrastructure Strategy</i>. Development will be expected to optimise the amount of onsite provision. Where it is not possible to meet all or part of the open space requirements on site, subject to agreement of the council(s), an appropriate alternative provision, such as enhanced public realm, and/or contribution towards off site provision will be required.</p>
14	Policy SH9 (3-5)	<p>3. Development proposals should improve the quality, accessibility, security and legibility of public streets and spaces. The public realm elements of the development proposals must be designed in accordance with the <i>Shoreham Harbour Streetscape Guide (2012)</i>. The design of spaces between and around buildings must consider all of the following key design aspects:</p> <ul style="list-style-type: none"> • purpose and function • access and linkages • uses and activities • comfort, image and sociability. <p>4. Having regard to the indicative opportunities for public art identified within Map 4, major development will be expected to incorporate an integral public art element(s) contribution will be sought for the provision of public art, in accordance with the scale of development proposed and in agreement with the council.</p> <p>5. All development will be expected to embrace principles of good urban design with reference to the following characteristics proposals must demonstrate a high standard of design that enhances the visual quality of the environment and makes a positive contribution to creating places that are safe, inclusive and accessible; and which promote health and wellbeing. In particular, proposals for development will be expected to consider all of the following key design aspects:</p>

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		<ul style="list-style-type: none"> • High standards of quality building materials, architectural design and detailing. • Suitable scale and massing in relation to housing type and local context, including <u>landscape</u>, townscape character and historic environment. • Appropriate internal and external space standards in accordance with the nationally described space standards. • Buildings should provide strong enclosure to public spaces and streets, and should maintain a clear distinction between public, semi-private and private space. • High standards of private amenity space for all residential development, including private balconies, terraces, gardens and shared courtyards as appropriate • Careful consideration of the impact of new development on access to daylight and sunlight for both existing and new residents. <p>6. <u>All new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.</u></p> <p>7. <u>Development proposals must demonstrate that the effects of the development on the amenity of proposed future and existing users, residents and occupiers would not be unacceptable. When designing new development, applicants will be required to consider the effect of their proposal upon all of the following:</u></p> <ul style="list-style-type: none"> • <u>visual privacy and overlooking</u> • <u>outlook</u> • <u>overshadowing</u> • <u>sunlight and daylight</u> • <u>artificial lighting</u> • <u>disturbance from noise, odour, vibration, air pollution.</u> <p><i>Consequent change to supporting text (new paragraphs):</i></p> <p>Public realm</p> <p>3.9.4 <u>Buildings within a development should be arranged to create well defined spaces, each with a clear purpose and function. The spaces within a development should not consist simply of the land left over once the footprints of buildings and the positions of roads and accesses have been established. Defining the nature and use of the spaces early in the design process can help inform the siting and design of buildings, hard and soft landscape and, if applicable, distribution of uses that will enclose these spaces.</u></p> <p>3.9.5 <u>A successful place is easy to get to, visible and easy to move through. Physical elements can enhance access and links and add interest and help create a safer environment. The ability to see a public space from a distance, parking arrangements and convenient public transport can also contribute to better access.</u></p> <p>3.9.6 <u>Successful public places typically offer a variety of uses and activities in and/or around it that suits its users. The right mix and spatial clustering of uses can be critical to attracting a range of people and animating a space. All new development should present an interesting and attractive frontage particularly at street level for pedestrians.</u></p> <p>3.9.7 <u>A successful place can encourage all sorts of people to meet and interact, creating a stronger attachment to their community and to the sense of place that fosters these types of social activities. In general, comfort and sociability relate to people's sense of safety, cleanliness and overall character of a place. The presence and quality of hard and soft landscaping and the nature of vehicular traffic will also influence these perceptions. Substantial traffic and associated perceptions about danger, noise and air quality may make movement through spaces difficult and deter people from lingering in them.</u></p> <p>Public art</p>

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		<p><u>3.9.8 Public art can play an important role in creating and enhancing local distinctiveness. It provides an opportunity to involve local communities in place making, and to offer work opportunities to artists, including from the local area. Where appropriate, the partnership and councils will expect to be involved in the selection process. Public art can include architectural details, public realm elements, landscaping schemes, sculpture, water features, street furniture and lighting effects. It should be directly related to its setting, and therefore be an integral element of a proposal.</u></p> <p><u>Design principles</u></p> <p><u>3.9.9 Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible, and promote health and well-being⁸. Good design is critical to ensuring development functions well, is visually attractive, and is sympathetic to local character, in order to create attractive, welcoming and distinctive places to live, work and visit⁹.</u></p> <p><u>3.9.10 The selection of external materials and finishes is often a critical factor in determining how well a new development relates visually to its surroundings. By adopting the local palette of materials, and the ways in which these are combined and detailed, new development can reinforce local distinctiveness.</u></p> <p><u>3.9.11 Scale and massing of buildings is a major factor in determining the visual character of an area. The aim should be to create a sense of harmony and visual continuity between new and old. Elements of any building that are visible from a highway are of particular importance.</u></p> <p><u>3.9.12 Internal and external space standards and layout are an important aspect of good quality homes. The councils will expect development proposals to meet the nationally described space standards, which cover minimum gross internal floor, ceiling heights and storage space requirements.</u></p> <p><u>Outside space</u></p> <p><u>3.9.13 An element of useable private outdoor amenity space should be provided for the occupants of new residential development. Private amenity space can make an important contribution in improving the health, well-being and general quality of life of the area's residents and has the potential to support and enhance local biodiversity. The provision of space for seating, play, drying and storage space is part of securing good design and a good standard of residential development in the regeneration area.</u></p> <p><u>3.9.14 Appropriate forms of provision include gardens, balconies, patios, roof terraces and shared amenity spaces in flatted forms of development. Factors such as access to the amenity space, its orientation, scope for privacy, size and usability will be key considerations.</u></p> <p><u>Amenity</u></p> <p><u>3.9.15 As development at Shoreham Harbour is expected to be high density, proposals for new development need to consider their impact upon neighbours as well as future users, residents and occupiers. Most potential negative impact can be addressed through design and mitigation measures if these are considered early in the design stage of a development.</u></p> <p><u>3.9.16 New buildings should be carefully designed to avoid overlooking. The most sensitive areas are: living rooms; bedrooms; kitchens. Public spaces and communal areas will benefit from a degree of overlooking due to the increased level of surveillance it can provide.</u></p> <p><u>3.9.17 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. New development should ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. Particular care should be given to development that adjoins properties with a single aspect.</u></p>

⁸ Paragraph 127 NPPF (2018)

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		<p>3.9.18 New development should take reasonable steps to avoid overshadowing windows to habitable rooms or open spaces and gardens. This may be particularly difficult in the denser areas of the area. However, it is important in these areas to prevent overshadowing of amenity space and open spaces given the limited amount of open spaces and the existing amount of overshadowing.</p> <p>3.9.19 Sunlight and daylight will be affected by the location of the proposed development and its proximity to, and position in relation to, nearby windows. The councils will assess whether acceptable levels of daylight and sunlight are available to habitable spaces. Reports will be required for both minor and major applications where a proposal has the potential to materially reduce daylight and sunlight levels.</p> <p><i>Subsequent paragraphs renumbered</i></p>
15	Policy CA3 (4)(f)	SP6 – Church Road/Wellington Road/ St Peter’s Road: The southern portion of the site is allocated for new employment development (use classes B1, B2 and B83). Employment uses must be compatible with adjacent residential development. As part of a comprehensive redevelopment, residential development is acceptable on the northern portion of the site, fronting onto St Peter’s Road.
16	Policy CA4 (2)	The partnership will promote and deliver the enhancement and creation of vegetated shingle habitats to create a continuous corridor along the beaches. Compensatory habitat creation and safeguarding will be required for any loss or disturbance to existing habitats.
17	4.6.1 – 4.6.4	<p>Area Priorities</p> <ul style="list-style-type: none"> • To support the conservation of Shoreham Fort. • To enhance connections between Shoreham town centre, Shoreham Beach and Shoreham Fort through environmental and landscaping improvements. • To support the redevelopment of Shoreham Rowing Club and enhance the public realm environment of Kingston Beach. • To explore options for the future use of the Albion Street lorry park. • To support Adur Homes in exploring options for redevelopment of housing sites. • To support the delivery of the Shoreham Heat Network <p>4.6.1 CA6 – Harbour Mouth is split across either side of the River Adur at the mouth of the river. This is the entrance to the harbour. The southern section is also within the area covered by the emerging Shoreham Beach Neighbourhood Plan.</p> <p>4.6.2 On Shoreham Beach is the The remains of Shoreham Fort, a Scheduled Monument, are on Shoreham Beach. The fort was completed in 1857 and is one of the celebrated south coastal defences built under the Victorian Prime Minister Lord Palmerston. It is of national historical importance and was a vital part of the south coast defence system.</p> <p>4.6.3 A local charity, the Friends of Shoreham Fort supported by Shoreham Port Authority, have taken responsibility for conserving the fort. This area is a popular destination for walkers. It is well used by anglers and home to the National Coastwatch Institute look-out tower.</p> <p>4.6.4 In recent years there have been various plans for the fort including local interest for incorporating an educational facility and improving the public toilet block.</p>
18	CA6 (9) – new clause	<p>9. The councils will support the development of infrastructure to deliver the Shoreham Heat Network.</p> <p><i>Consequent change to supporting text (new paragraph)</i></p> <p>4.6.17 The Shoreham Heat Network Partnership is progressing the delivery of a district heating network. The Shoreham Harbour District Energy Feasibility Study (2018) proposes a network served by marine source heat pumps and gas CHP. The study identifies the Middle Pier at the mouth of the harbour as a potential abstraction point for marine source heat pumps, and a discharge point to the west of the lifeboat station.</p>
19	CA7 new clauses	<p>Insert new clauses after (2):</p> <p>3. Proposals for sites WH1 and WH2 will be required to demonstrate that potential implications for the navigational safety of vessels entering and leaving Shoreham Port have been addressed in agreement with statutory bodies, including Shoreham Port Authority. In particular, development proposals must demonstrate that artificial lighting originating from proposed development will not impact the visibility of navigation lights in the</p>

Modification No:	Reference: (Paragraph, policy or map number)	Amendment: (Amendments are shown in bold text . Deleted text shown as struck through and additional text <u>shown as underlined</u>). Amendments made after the consultation on Main Modifications are shown in red text .
		<p><u>harbour mouth.</u></p> <p>4. The councils will support the development of the Shoreham Heat Network. Until the network is constructed, development will be required to incorporate the necessary infrastructure for connection to future networks. When the network is constructed, development will be required to connect.</p> <p><i>Renumber subsequent clauses accordingly</i></p> <p><i>Add new area priority:</i></p> <ul style="list-style-type: none"> <u>To support the delivery of the Shoreham Heat Network</u> <p><i>Consequent changes to supporting text (new paragraphs)</i></p> <p><u>Shoreham Heat Network</u></p> <p><u>4.7.74 The Western Harbour Arm allocation is identified in the Shoreham Harbour District Energy Feasibility Study (2018) for the planned Shoreham Heat Network. This aims to provide low carbon, affordable warmth to residents and businesses. The district heating project is being developed by the Shoreham Heat Network Partnership, comprised of Shoreham Harbour Regeneration Partnership, Adur District Council, West Sussex County Council and Shoreham Port Authority.</u></p> <p><u>4.7.75 New development in and around the Western Harbour Arm development will be required to connect to the proposed network once complete. Development coming forward before the heat network is delivered is required to be connection ready, and to connect once the network is in place. Planning conditions and obligations will be applied to other development in order to futureproof connection at a later date.</u></p>
20	CA7 (134)	Developments should be set back sufficiently from the A259 corridor <u>in agreement with the highways and planning authorities, to provide space for a high-quality segregated cycle route which provides stepped separation from road vehicles and pedestrian facilities, to deliver green infrastructure improvements, and to prevent a canyoning effect and to ensure that residents are protected from noise and air quality impacts.</u>
21	Policy SH10 (3)	Direct agreements with utility providers may be required to provide <u>infrastructure, such as sewerage infrastructure.</u>
22	5.1.20	The following items of infrastructure are typically likely to be requirements for major developments within the allocated sites: <ul style="list-style-type: none"> • Contributions to public transport and highway network improvements • Upgraded flood defences integrated with public waterfront walking / cycle route (where appropriate – particularly Western Harbour Arm Waterfront sites) • Contributions to social infrastructure • <u>Contributions to green infrastructure</u> • Remediation of contaminated areas • On-site renewable energy systems / low carbon technologies
23	5.1.25	The local authorities undertake ongoing monitoring of their Local Development Frameworks of which this JAAP is a part. <u>The monitoring framework is set out in the Appendix. It includes key monitoring indicators and triggers for potential intervention.</u> Progress on the delivery of the <u>plan will be reported in key opportunity development sites will be contained with</u> the Authority Monitoring Report (AMR) for <u>Adur District Council and Brighton & Hove City Council each respective council. This will include the housing trajectory for Shoreham Harbour Regeneration Area.</u>

SA objective	Relevant policy	Target	Indicator	Partners / Source of information	Trigger	Actions required (if target is not being achieved)
Objective 1: Climate change, energy and sustainable buildings						
1, 2, 10,	SH1	All development proposals to be accompanied by a Sustainability Statement (ADC) or Sustainability Checklist (BHCC)	1. Number and percentage of approved proposals accompanied by a Sustainability Statement/Checklist	Development Management	Development approved without a Sustainability Statement/Checklist	<ul style="list-style-type: none"> Engage with developers at an early stage to ensure the requirement for Sustainability Statement/Checklist is understood. Review of validation processes to ensure proposals are not accepted without a Sustainability Statement/Checklist.
1, 10, 22	SH1	Increase the energy efficiency of buildings in the Shoreham Harbour Regeneration Area	2. Number and percentage of approved and/or completed developments meeting minimum standards for energy efficiency	Development Management: Sustainability Statement/Checklist	Development approved and/or completed that does not meet minimum standards for energy efficiency.	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that the principles of energy efficiency are integrated. Review of development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.
			3. Number and percentage of approved and/or completed developments achieving zero-carbon status	Development Management: Sustainability Statement/Checklist	No development approved and/or completed that achieves zero-carbon status.	
1, 10	SH1	Increase the generation of renewable/low carbon energy within the Shoreham Harbour Regeneration Area	4. Number and percentage of approved and/or completed developments incorporating renewable/low carbon energy generation	Development Management: Sustainability Statement/Checklist	Development approved and/or completed that does not incorporate renewable/low carbon energy generation.	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that the requirement for renewable/low energy generation is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice. Identify sources of funding to support delivery of renewable/low carbon energy generation.
			5. Type and capacity (kW) (predicted) of approved and/or completed renewable/low carbon energy development/installations	Development Management: Sustainability Statement/Checklist	No increase in capacity of renewable/low carbon energy development/installations	
1, 10, 11	SH1	Increase the delivery of heating/cooling networks supplied by renewable/waste energy sources.	6. Number and percentage of approved and/or completed developments that include: <ol style="list-style-type: none"> Connection to existing heating/cooling network Site-wide heating/ cooling network Building-wide heating/ cooling network Individual heating/ cooling system 	Development Management: Sustainability Statement/Checklist	Development approved and/or completed with individual heating/ cooling systems installed.	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that the requirement for compliance with the heating hierarchy is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice. Identify sources of funding to support delivery of heating/cooling networks.
			7. Number and type of approved and/or completed development supplied by: <ol style="list-style-type: none"> Renewable/waste energy sources Low carbon technologies Conventional systems 	Development Management: Sustainability Statement/Checklist	Development approved and/or completed with conventional heating/ cooling systems installed.	

SA objective	Relevant policy	Target	Indicator	Partners / Source of information	Trigger	Actions required (if target is not being achieved)
			8. Type and capacity (kW) (predicted) of heating/ cooling from renewable/waste/low carbon sources.	Development Management: Sustainability Statement/Checklist	No increase in capacity of renewable/waste/low carbon sources.	
2, 10	SH1	Increase water efficiency of buildings in the Shoreham Harbour Regeneration Area	9. Number and percentage of approved and/or completed residential developments where internal water use does not exceed 110 litres per head per day.	Development Management: Sustainability Statement/Checklist	Residential development approved where internal water use exceeds 110 litres per head per day	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that the principles of water efficiency are integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.
			10. Number and percentage of approved and/or completed non-domestic developments achieving BREEAM 'excellent' standard.	Development Management: Sustainability Statement/Checklist	Non-residential development approved that does not meet BREEAM 'excellent' standard	
2, 9, 10	SH1	Increase recycling, harvesting and/or conservation of water	11. Number and percentage of approved and/or completed developments that incorporate measures to recycle, harvest and/or conserve water, by type.	Development Management: Sustainability Statement/Checklist	No development approved that incorporates measures to recycle, harvest and/or conserve water	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that the potential to recycle, harvest and conserve water is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice. Identify sources of funding to support delivery of measures to reduce, harvest and conserve water.
Objective 2: Shoreham Port						
3, 17	SH2, CA1, CA2, CA3, CA5, CA6, CA7	Consolidate Shoreham Port operations in the Eastern Arm and Canal	12. Number and type of port-related operations relocated to the Eastern Arm and Canal	Development Management; Shoreham Port Authority	Port-related operations are not relocated to the Eastern Arm and Canal	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with operators and Shoreham Port Authority to identify suitable sites for relocation. Identify sources of funding to assist with relocation, and development of port-related operations in the Eastern Arm and Canal
			13. Number and type of new port related development in the Eastern Arm and Canal	Development Management; Shoreham Port Authority	Port-related development in the Eastern Arm and Canal is not delivered	
Objective 3: Economy and employment						
3, 17, 21	SH3, CA2, CA3, CA5, CA6, CA7	Deliver a minimum of 23,500m ² employment generating floorspace: <ul style="list-style-type: none"> 16,000m² in Adur 7,500m² in Brighton & Hove 	14. Total amount of approved and/or completed development of employment floorspace by type	Development Management; Developers; Economic Development; WSCC	Delivery of employment floorspace is insufficient to meet minimum target over the plan period	<ul style="list-style-type: none"> Identify reasons for lack of implementation Engage with site owners to identify barriers to sites coming forward Engage with Economic Development to identify current and projected demand for employment floorspace. Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of employment floorspace. Seek further employment sites to allocate through policy review.

Objective	Relevant policy	Target	Indicator	Partners / Source of information	Trigger	Actions required (if target is not being achieved)
	SH3, CA2, CA3, CA5, CA6, CA7	Protect identified employment sites from conversion to residential dwellings	15. Total amount of employment floorspace converted by permitted development to residential dwellings by type 16. No of residential dwellings delivered through conversion of employment floorspace by permitted development.	Development Management; Developers; Economic Development	Trends demonstrate an increase in the amount of employment floorspace lost as a result of conversion to residential dwellings by permitted development	<ul style="list-style-type: none"> Review development management processes to ensure that existing protection in GPDO is applied. Consider removal of permitted development rights through an Article 4 Direction. Identify sources of funding to assist with retention of sites in employment generating uses.
3, 17, 19	SH3, CA2, CA3, CA7	Provide ancillary retail uses within the Shoreham Harbour Regeneration area to complement existing town/district centres	17. Total amount of approved and/or completed development of retail floorspace by type	Development Management); Developers; Economic Development; WSCC	Development approved and/or completed that includes retail with a net sales floorspace of 1,000m ² or more	<ul style="list-style-type: none"> Engage with Economic Development to identify current and projected demand for retail floorspace. Consider negotiation on individual sites to address viability issues. Review development management processes to ensure retail sequential and impact assessments are provided. Review development management processes to ensure applications are determined in accordance with policy.
Objective 4: Housing and community						
3, 14, 15, 16	SH4, CA2, CA3, CA6, CA7	Deliver a minimum of 1,400 new homes: <ul style="list-style-type: none"> 90 in CA2: Aldrington Basin 201 in CA3: South Portslade 1,100 in CA7: Western Harbour Arm Windfall sites 	18. Number, size and tenure of approved and/or completed residential development	Development Management; Developers; WSCC	Delivery of residential development is insufficient to meet minimum target over the plan period (identified in the housing trajectory)	<ul style="list-style-type: none"> Identify reasons for lack of implementation Engage with site owners to identify barriers to bringing sites forward Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of residential development. Seek further housing sites to allocate through policy review.
3, 11, 14, 15, 16,	SH4, CA2, CA3, CA6, CA7	Deliver affordable housing according to local policy	19. Number, size and tenure of approved and/or completed affordable homes, and as a percentage of all homes built	Development Management; Developers; Registered Providers; Housing departments	Delivery of affordable housing does not comply with local policy requirements	<ul style="list-style-type: none"> Identify reasons for lack of implementation Engage with site owners to identify barriers to bringing sites forward Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of affordable housing Seek further housing sites to allocate through policy review.
3, 11, 14, 16, 17, 19, 21	SH4, CA2, CA3, CA5, CA7, SH10	Deliver social and community infrastructure to support new development	20. Number and type of approved and/or completed D class floorspace and social/community facilities	Development Management; Developers; Commercial operators; Public and private sector partners	Insufficient delivery of social/community facilities	<ul style="list-style-type: none"> Identify reasons for lack of implementation Engage with public and private sector partners to identify demands for community/social facilities Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of community/social facilities Consider preparation of further supplementary guidance and/or case studies of best practice.

Objective 5: Sustainable travel						
7, 11, 13, 14, 19, 20	SH5, CA1, CA2, CA3, CA4, CA5, CA6, CA7, SH10	Deliver new/improved routes and facilities for pedestrians and cyclists, including: <ul style="list-style-type: none"> • New waterfront route from Shoreham –by-Sea town centre to Kingston Beach • New segregated cycle route along A259 from Shoreham-by-Sea town centre to Hove Lagoon • Improvements to NCN2/Monarch's Way/England Coast Path at Basin Road South and A259 • Improvements to crossing at Southwick Lock Gates • Extension of bike share scheme 	21. Number and type of approved and/or completed new/improved routes for pedestrians and cyclists	Development management; Developers; Highways; Shoreham Port Authority; Private and public sector partners	New/improved routes for pedestrians and cyclists are not delivered	<ul style="list-style-type: none"> • Identify reasons for lack of implementation • Engage with developers at an early stage in the design of new developments to ensure that the improved routes for pedestrians and cyclists are integrated. • Engage with public and private sector partners to identify demand for improvements • Engage with public transport operators to identify potential improvements • Review Shoreham Harbour Transport Strategy • Consider preparation of further supplementary guidance and/or case studies of best practice. • Consider negotiation on individual sites to address viability issues. • Identify sources of funding to assist with delivery of sustainable travel measures
		Deliver improved priority corridors and junction improvements, including: <ul style="list-style-type: none"> • A259 • A283 • A293 	22. Number and type of approved and/or completed improvements to priority corridors and junctions	Development Management; Highways	Improvements to priority corridors and junctions are not delivered.	
		Deliver improved access to port activities, including: <ul style="list-style-type: none"> • Southwick Waterfront access road • Basin Road North extension 	23. Improvements to port access approved and/or completed	Development Management; Highways; Shoreham Port Authority	Improvements to port access are not delivered	
		Deliver improvements and improve interchange with public transport network	24. Improvements to bus services delivered 25. Improvements to bus stops delivered 26. Bus priority measures delivered 27. Improvements to interchanges at railway stations delivered	Highways; Public transport operators	Improvements to public transport are not delivered	
Objective 6: Flood risk and sustainable drainage						
2, 3, 4, 9, 10, 18	SH6, CA1, CA2, CA3, CA4, CA5, CA6, CA7	Reduce flood risk	28. Number of planning permissions granted contrary to the advice of the Lead Local Flood Authority and/or the Environment Agency on flood defence grounds	Development Management; Lead Local Flood Authority; Environment Agency	Any such permissions are granted	<ul style="list-style-type: none"> • Identify reasons for approval of permission contrary to Lead Local Flood Authority and/or Environment Agency advise • Engage with developers at an early stage in the design of new developments to ensure that the Lead Local Flood Authority and Environment Agency are consulted. • Review development management processes to ensure applications are determined in accordance with policy. • Review Shoreham Harbour Flood Risk Management Guide • Consider preparation of further supplementary guidance and/or case studies of best practice.

3, 8, 9, 10, 11, 18, 20	SH6, CA1, CA2, CA3, CA4, CA5, CA6, CA7, SH10	Deliver new/upgraded flood defences, including: <ul style="list-style-type: none"> Sussex Yacht Club Western Harbour Arm Kingston Beach Lock Gates Canal 	29. New/upgraded flood defences delivered 30. Developer contributions to flood defences	Development Management; Developers; Environment Agency; Shoreham Port Authority	New/upgraded flood defences are not delivered.	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that the new/improved flood defences are integrated. Review development management processes to ensure applications are determined in accordance with policy. Engage with public and private sector partners to identify demand for improvements Engage with Environment Agency and Lead Local Flood Authorities to identify potential improvements Review Shoreham Harbour Flood Risk Management Guide Consider preparation of further supplementary guidance and/or case studies of best practice. Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of flood defence measures
2, 4, 6, 9, 10, 18,	SH1, SH6, SH7, CA1, CA2, CA3, CA4, CA5, CA6, CA7, SH10	Maximise the provision of sustainable drainage systems	31. Number and percentage of approved and/or completed developments that incorporate sustainable drainage systems.	Development Management; Lead Local Flood Authorities; Developers; Sustainability Statement/ Checklist	Development approved and/or completed that does not incorporate sustainable drainage systems.	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that sustainable drainage systems are integrated. Review development management processes to ensure applications are determined in accordance with policy.
Objective 7: Natural environment, biodiversity and green infrastructure						
4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 18, 19, 20, 22	SH1, SH7, SH8, CA2, CA3, CA4, CA5, CA6, CA7, SH10	Increased provision of green infrastructure All development to provide a net gain to biodiversity Protect and enhance designated and non-designated sites and habitats, including: <ul style="list-style-type: none"> Adur Estuary SSSI Shoreham Beach LNR/LWS Basin Road South LWS North Canal Bank Coastal vegetated shingle Intertidal mudflats 	32. Type and extent of green infrastructure improvements delivered 33. Number and percentage of planning permissions granted that deliver a net gain to biodiversity 34. Number of planning permissions granted contrary to officer/statutory consultee advice on the grounds of impact to habitats/species. 35. Type and extent of habitats lost 36. Type and extent of habitats created 37. Developer contributions to green infrastructure/ biodiversity 38. State or condition of designated sites	Development Management; Sustainability Statement/ Checklist; Environment Agency; Natural England Sussex Wildlife Trust Sussex Biodiversity Records Centre; Parks	No increase in provision of green infrastructure Development approved that does not provide a net gain in biodiversity. Loss of priority habitats No creation of new habitats. Decline in status or condition of designated sites.	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage in the design of new developments to ensure that green infrastructure and biodiversity gains are integrated. Review development management processes to ensure applications are determined in accordance with policy. Engage with public and private sector partners to identify demand and potential for improvements Review Shoreham Harbour Green Infrastructure Strategy Consider preparation of further supplementary guidance and/or case studies of best practice. Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of green infrastructure and biodiversity measures
7, 11	SH4, SH7, CA2, CA3, CA5, CA6, CA7	No increase in noise impacts due to development.	39. Number of planning permissions granted contrary to officer advice on the grounds of noise impact.	Development Management; Environmental Health	Application granted contrary to officer advice on the grounds of noise impact.	<ul style="list-style-type: none"> Identify reasons for lack of implementation Engage with developers at an early stage to ensure that avoidance and mitigation of noise impacts is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.

7, 10, 11	SH4, SH7, CA2, CA3, CA5, CA6, CA7	Improve air quality, especially within Air Quality Management Areas	40. Number of planning permissions granted contrary to officer advice where impact on air quality was an important factor 41. Air quality monitoring (including CO ₂ , NO ₂ and particulate concentrations). 42. Number and extent of Air Quality Management Areas identified in the vicinity of the Shoreham Harbour Regeneration Area.	Development Management; Environmental Health	Application granted contrary to officer advice on the grounds of air quality impact. A decline in air quality. Designation of new, or extension of existing, air quality management areas.	<ul style="list-style-type: none"> Identify reasons for decline in air quality. Engage with developers at an early stage to ensure that avoidance and mitigation of air pollution is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.
2, 4, 5, 9, 10, 11	SH7, CA2, CA3, CA5, CA6, CA7	Protect/improve water quality	43. Number of planning permissions granted contrary to the advice of the Environment Agency on water quality grounds. 44. Status of groundwater and waterbodies	Development Management; Environment Agency	Application granted contrary to the advice of the Environment Agency on water quality grounds. Decline in status of groundwater or waterbodies.	<ul style="list-style-type: none"> Identify reasons for lack of implementation Identify reasons for decline in status of groundwater and/or water bodies Engage with developers at an early stage to ensure that avoidance and mitigation of water quality impacts is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.
3, 4, 8, 9, 10, 11	SH7, CA2, CA3, CA5, CA6, CA7	Remediate contaminated sites	45. Number of approved and/or completed developments which incorporate remediation of contaminated land, and extent of remediated land	Development Management; Environment Agency; Sustainability Statement/ Checklist	Contaminated sites are not remediated	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage to ensure that remediation of contaminated land is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice. Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of remediation measures.
3, 8, 9, 10, 22	SH7, CA2, CA3, CA5, CA6, CA7	Reduce waste and increase recycling	46. Number and percentage of planning permissions granted that included a Site Waste Management Plan	Development Management; Sustainability Statement/ Checklist	Planning permissions granted without a Site Waste Management Plan	<ul style="list-style-type: none"> Identify reasons for lack of implementation Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.

Objective 8: Recreation and leisure						
3, 4, 5, 6, 7, 10, 11, 16, 19, 20	SH7, SH8, CA2, CA3, CA4, CA5, CA6, CA7	Increase provision of public open space	47. Amount of public open space lost to development 48. Amount of public open space created	Development Management; Parks	Loss of public open space to development. No provision of new public open space	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage to ensure that provision of open space is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice. Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of public open space.
3, 4, 5, 6, 7, 9, 10, 11, 16, 19, 20	SH7, SH8, CA2, CA3, CA4, CA5, CA6, CA7	Improve public access to waterfront	49. Number and type of improvements delivered	Development management	No improvement in access to waterfront	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage to ensure that public access to waterfront is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice. Consider negotiation on individual sites to address viability issues. Identify sources of funding to assist with delivery of public access to waterfront.
Objective 9: Place making and design quality						
5, 7, 10, 11, 12, 14, 16, 17, 19, 20	SH9, CA2, CA3, CA5, CA6, CA7	Deliver high standard of urban design, place making and amenity	50. Number and percentage of approved and/or completed developments subject to design review. 51. Number of planning appeals dismissed where urban design, place making and/or amenity are principal reason(s) for refusal. 52. Number of design awards nominated and won by developments in the Shoreham Harbour Regeneration Area	Development Management	Major development approved and/or completed that has not been subject to design review. Planning appeal upheld where urban design, place making and/or amenity are principal reason(s) for refusal	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Identify reasons for upholding of appeal. Engage with developers at an early stage to ensure that high quality place making and urban design are integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.
5, 11, 16, 19, 20	SH9, CA2, CA3, CA4, CA5, CA6, CA7	Deliver new public art	53. Number of public art schemes delivered as part of new development	Development Management	No new public art schemes delivered	<ul style="list-style-type: none"> Identify reasons for lack of implementation. Engage with developers at an early stage to ensure that provision of public art is integrated. Review development management processes to ensure applications are determined in accordance with policy. Consider preparation of further supplementary guidance and/or case studies of best practice.

Infrastructure						
2, 3, 4, 5, 6, 7, 13, 15, 16, 17, 18, 19, 21, 22	SH1, SH2, SH3, SH4, SH5, SH6, SH7, SH8, SH9, SH10, CA1, CA2, CA3, CA4, CA5, CA6, CA7	Deliver infrastructure made necessary by the development	54. Delivery of schemes identified in the Infrastructure Delivery Plans 55. Developer contributions to infrastructure	Development Management; Environment Agency; Environmental Health; Highways; Education; Lead Local Flood Authority;	Under delivery of schemes identified in the Infrastructure Delivery Plan	<ul style="list-style-type: none"> • Identify reasons for lack of implementation. • Engage with developers at an early stage to ensure that infrastructure requirements are integrated. • Review development management processes to ensure applications are determined in accordance with policy. • Consider preparation of further supplementary guidance and/or case studies of best practice. • Consider negotiation on individual sites to address viability issues. • Identify sources of funding to assist with delivery of public access to waterfront.

Shoreham Harbour Joint Area Action Plan

Councils Response to Representations on the Proposed Main Modifications

Consultee		Rep No	Comments	Councils' response
1	Hove Civic Society REP/JAAP/PM/01	1	In response to modification 4: In support. Welcomes introduction of references to the Shoreham Heat Network and the marine source heat pump and gas CHP technologies.	Comments noted and support welcomed
2	Sussex Police REP/JAAP/PM/02	1	Suggest making developers aware or requiring a specific standard of Secured by Design via a planning condition.	Comments noted. Councils suggest additional modification to supporting text.
3	Highways England REP/JAAP/PM/03	1	Satisfied that the JAAP's policies will not materially affect the safety, reliability and/or operation of the Strategic Road Network. Would like to be consulted on any future modifications which have the potential to impact upon the network.	Comments noted.
4	Environment Agency REP/JAAP/PM/04	1	In response to modification 2: In support. Supports the inclusion of the term 'natural environment' into the wording of the vision.	Comments noted and support welcomed.
		2	In response to modification 4: In support. Supports referencing 'subject to appropriate environmental permits' in the wording of this section.	Comments noted and support welcomed.
		3	In response to modification 7: In support. Support the addition of the new section '3.6.7' to clarify the requirement for sequential and exceptions tests. Also support modifications to section 3.6.8 which clarifies the position with regards the responsibility for delivery and	Comments noted and support welcomed.

		maintenance of flood defences in the Western Harbour Arm.	
	4	In response to modification 8: In support. Support the modifications to Policy SH6 (1) with regards to flood risk management evidence and policy, in consultation with relevant authorities such as the Environment Agency.	Comments noted and support welcomed
	5	<p>In response to modification 11. In support with amendment. Not considered to be sound due to it not being 'effective' or 'consistent with national policy'.</p> <p>Support modified wording to Policy SH7 (4) and to Policy SH7 (7) which ensure that the plan is effective at conserving and protecting biodiversity. It also ensures compliance with Paragraph 018 of the Planning Practice Guidance. Precise suggested wording is suggested in section 7 of their response to main modification 11 in rep form.</p> <p>Support the modifications in section 3.7.2. Suggest that 'EcIA' is added in brackets after 'Ecological Impact Assessment' to highlight that this is different from Environmental Impact Assessment (EIA).</p> <p>Proposed section 3.7.3 - support the addition of this wording referencing that Adur DC are developing a strategy to ensure protection of intertidal habitats in the Adur Estuary. Suggest that consideration is given as to whether the 'intertidal habitat strategy' should also be included as a clause in the main policy SH (7). Precise wording suggested is shown in section 7 in response to main modification 11 in the rep form.</p> <p>The main modifications wording was not written to be consistent with the <i>Guidance Note for Applicants within Adur DC That Have Developments That Have the Potential to Cause Significant (Harmful or Negative) Impacts to Intertidal Habitats</i>, as this document has been</p>	<p>Comments noted and support welcomed.</p> <p>Councils suggest additional modification to supporting text to include acronym (EcIA).</p> <p>Councils do not support additional modification to Policy SH7 at this stage and do not consider that the plan, as modified, is unsound.</p> <p>Adur District Council, the Environment Agency, Natural England and Sussex Wildlife Trust have jointly prepared a guidance note for development that has potential to impact on intertidal habitats. This clearly reiterates the council's commitment to the mitigation hierarchy (as set out in national policy).</p> <p>The councils recognise that there has been some loss and harmful impact to intertidal habitats as a result of development in Adur (not exclusively relating to the sites allocated in the JAAP). The council is working with these organisations and the South Downs National Park Authority to identify potential areas for habitat creation both within the Adur LPA</p>

			<p>adopted since their drafting. Suggest offering clarity to applicants by referencing the 'intertidal habitat strategy' as a clause in the policy (SH7) with wording that is consistent with the Guidance Note. Also suggest referring to <i>Intertidal Habitat Strategy</i> within this policy so that applicants are clear on which issues they need to consider.</p> <p>Suggest that partner names are removed from the wording because a formal partnership does not exist and they have no control over the production and delivery of the strategy.</p>	<p>area, and within the parts of Adur within the South Downs National Park.</p> <p>The councils have decided that the approach to protecting intertidal habitats will form part of the Green Infrastructure Strategy which is currently being prepared. This will be adopted as supplementary planning guidance, giving greater weight to the council's approach. The councils consider that this is both effective and consistent with national policy.</p> <p>Main modification 11 is not intended to suggest a formal partnership; rather, that the council has been working closely with these organisations. This has continued since the modification was agreed. At their request, the councils suggest an additional modification to remove reference to the Environment Agency and Sussex Wildlife Trust. Nevertheless, the councils expect to continue working closely with these organisations on these and other matters.</p>
5	Historic England REP/JAAP/PM/05	1	No comments to make.	Comments noted.
6	Sustrans REP/JAAP/PM/06	1	<p>In response to modification 3.9.5 & 3.9.7. Support with amendment. Legally compliant, however not sound (as not consistent with national policy).</p> <p>Little reference for developments to include facilities and access for</p>	<p>Comments noted and support welcomed.</p> <p>The specific paragraphs referred to in the representation relate to place-making and the quality of design of the public realm elements.</p>

		<p>people to cycle. References NPPF para.110 which states that development applications should first give priority to pedestrian and cycle movements.</p> <p>Suggest adding specific reference to requiring adequate cycle parking and access routes for people cycling. Could also include desirability of access to NCN2 and also reference to infrastructure proposed in the Local Cycling and Walking Infrastructure Plan (LCWIP).</p>	<p>As such they do not refer to facilities for walking and cycling. However, the councils consider that these are addressed elsewhere in the plan.</p> <p>Policy SH5(3) requires the layout and streetscape of allocations to be designed to give priority to pedestrians and cyclists.</p> <p>Policy SH4(4) requires development to contribute to the measures identified in the Shoreham Harbour Transport Strategy, including better cycling and pedestrian routes and facilities.</p> <p>Adur & Worthing Councils are currently developing an LCWIP. This will not cover the part of the regeneration area in Brighton & Hove. The Shoreham Harbour Transport Strategy identifies key walking and cycling routes and has been agreed by the project partners. The LCWIP will incorporate some of these proposals</p> <p>West Sussex County Council has recently completed a feasibility study for a high quality segregated cycle route along the A259 between Shoreham-by-Sea and the Brighton & Hove boundary. Brighton & Hove City Council is working on the connection between this, and the existing seafront cycle route from Hove Lagoon. It is anticipated that the</p>
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				<p>NCN2 cycle route would be rerouted to use this new cycle link, whilst retaining the current route as alternative provision. The councils have been working closely with Natural England on the route and delivery of the England Coast Path through the area.</p> <p>The councils consider that the plan is consistent with national policy. The councils suggest an additional modification to include reference to the emerging LCWIP.</p>
7	Natural England REP/JAAP/PM/07	1	In response to modification 2. Support. Welcomes insertion of 'natural environment' to the 'Vision'.	Comments noted and support welcomed.
		2	<p>In response to modification 11. Support with amendment. Legally compliant but not Sound (as it is not 'effective').</p> <p>Recommend amendments to wording of Policy SH7. Precise wording suggested in section 6 in rep form. Support modified wording in Policy SH7 with regards to 'like-for-like' compensatory habitat. Policy SH7 should be modified to bring it into line with the <i>Guidance note for applicants within Adur DC that have developments that have the potential to cause significant (harmful or negative) impacts to intertidal habitats</i>, by referencing the intertidal habitat strategy with wording consistent with guidance note.</p> <p>Suggests some wording to be added as a clause within Policy SH7. Precise wording is provided in section 7 of NE's response to modification 11.</p> <p>Support amendments to supporting text in para. 3.7.2.</p>	<p>Comments noted and support welcomed.</p> <p>See response to representation REP/JAAP/PM/04.</p>

			Support addition of supporting text in para. 3.7.3. The strategy referred to here should be added as a clause in Policy SH7.	
8	Sussex Wildlife Trust REP/JAAP/PM/08	1	In response to modification 2. Support.	Comments noted and support welcomed.
		2	In response to modification 16. Support.	Comments noted and support welcomed.
		3	In response to modification 22. Support.	Comments noted and support welcomed.
		4	<p>In response to modification 11. Support with amendment. Unsound because it is not 'positively prepared'.</p> <p>Support the proposed main modification made to clause (4) of policy SH7 to ensure it reflects section 165 of the NPPF (2012). Welcome the proposed main modification to clause (7) and the proposed like for like compensation.</p> <p>Suggest that main modification 11 does not entirely secure a commitment to a compensation strategy in the policy wording of SH7 clause (7). It is imperative that a consistent and practical strategy is drawn up to address matters where avoiding habitat loss is not possible. Suggest that to ensure the plan is positively prepared a commitment to the compensation strategy in policy wording would provide clarity and commitment to this approach.</p> <p>Support the modification made to section 3.7.2. and seek a minor change to the main mod proposed to ensure that Ecological Impact Assessment has its acronym EclA in brackets to ensure that there is no confusion with an Environmental Impact Assessment (EIA).</p> <p>Support 3.7.3 referencing the fact that Adur DC is developing a strategy to ensure the protection of intertidal habitats in the Adur Estuary and identify suitable locations for compensatory habitat creation. Would</p>	<p>Comments noted and support welcomed.</p> <p>See response to representation REP/JAAP/PM/04</p>

			<p>like to see commitment to the compensation strategy within the policy wording for SH7 as this carries most weight.</p> <p>Would like their name to be removed from the JAAP as they believe that their involvement does not constitute a formal partnership.</p>	
9	<p>Southern Water</p> <p>REP/JAAP/PM/09</p>	1	No comments to be made.	Comments noted
10	<p>Marine Management Organisation</p> <p>REP/JAAP/PM/10</p>	1	<p>Support with amendment.</p> <p>Under section 1.10.11 in the Proposed submission Shoreham Harbour Joint Area Action Plan, there is reference to the South Marine Plan in line with MCAA: 58(3). "A public authority must have regard to the appropriate marine policy documents in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area". However, in your action plan the South marine plan is stated as being "prepared", which is no longer the case. The South inshore and offshore marine plans were adopted in June 2018 and should be referenced as such in your plan, in line with MCAA: 58(3).</p>	<p>Comments noted and support welcomed.</p> <p>Councils suggest minor modification to update reference to marine plan.</p>
11	<p>South Downs National Park</p> <p>REP/JAAP/PM/11</p>	1	No comments to be made.	Comments noted.

Additional modifications proposed by the councils

Additional Modification Number	Reference	Amendment	Reason
80	JAAP	1.10.11 The Marine Management Organisation adopted is preparing the South Inshore Marine Plan in June 2018 . This covers the south coast and tidal rivers between Folkestone and the River Dart, Devon.	Factual update to reflect status of marine plan. In response to representation from Marine Management Organisation (REP/JAAP/PM/10)
81	Additional Modification 22	Footnote refers to paragraph 8 of the NPPF (2018). This is now paragraph 7 of the NPPF (2019). All other references to NPPF (2018) updated to refer to NPPF (2019).	Factual update to reflect revised NPPF (2019).
82	JAAP	New paragraph after 3.5.15 and subsequent paragraphs renumbered: Adur & Worthing Councils have committed to producing a Local Cycling and Walking Infrastructure Plan (LCWIP) to improve safe routes for walking and cycling, and seek funding to implement these. The LCWIP will incorporate proposals identified in this plan and the Shoreham Harbour Transport Strategy.	Modification is response to representation from Sustrans (REP/JAAP/PM/06)
83	MM - 11	Policy SH7 (4): All development applications must be accompanied by up to date ecological information to ensure no net loss and seek to provide a net gain to biodiversity, in particular to Habitats of Principal Importance (formerly known as BAP habitats). The indirect impacts of development, such as recreational disturbance, on designated nature conservation sites and other significant habitats must be considered. Appropriate mitigation must be identified, along with the means for its delivery and maintenance. 3.7.2 New development within the regeneration area harbour is expected to be outstanding from an environmental perspective and all opportunities to promote biodiversity need to be considered. The councils will require the submission of an Ecological Impact Assessment (EcIA) carried out in accordance with British Standards (BS42020:2013 Biodiversity – Code of practice for planning and development) and CIEEM guidance, or subsequent updates. Ecological impacts should be assessed and recommendations for appropriate mitigation, compensation and enhancement	Modification to policy corrects a missing word. Modification to supporting text 3.7.2 adds acronym (EcIA) for Ecological Impact Assessment in order to distinguish it from Environmental Impact Assessment (REP/JAAP/PM/04, REP/JAAP/PM/07, REP/JAAP/PM/08). Modification to supporting text 3.7.3 removes specific reference to Sussex Wildlife Trust and Environment Agency at their request (REP/JAAP/PM/04 , REP/JAAP/PM/08). In response to representations from Natural England, Environment Agency and Sussex Wildlife Trust

		<p>made. Negative impacts should be avoided wherever possible. It is possible to significantly reduce negative impacts of development on the ecology of an area through mitigation measures. Any potential wildlife habitats that will be lost or negatively impacted as a result of development will need to be compensated for and enhanced wherever possible.</p> <p><u>3.7.3 There is potential for development at the Western Harbour Arm to lead to loss of, or harmful impact to, intertidal habitats in the River Adur. Adur District Council is currently working with partners including Sussex Wildlife Trust and the Environment Agency to develop a strategy to address this issue, and identify suitable locations for compensatory habitat creation. Nevertheless, developers will be required to demonstrate that impacts cannot be avoided before mitigation and/or compensatory measures are considered.</u></p>	(REP/JAAP/PM/04, REP/JAAP/PM/07, REP/JAAP/PM/08).
84	JAAP	<p>3.9.3 Improvements to the public realm (streets and public spaces) provide an opportunity to enhance the quality, character and distinctiveness of the harbour. Good use of ‘natural surveillance’, natural and artificial light and careful siting of buildings and street furniture can improve the layout of an area, reduce perceived and actual crime and opportunities for anti-social behaviour, and make an area more pleasant to use. <i><u>Secured by Design provides further guidance on incorporating crime prevention measures into development.</u></i></p>	In response to representation from Sussex Police.



Report to Adur District Council, Brighton and Hove City Council, and West Sussex County Council

by Anne Napier BA(Hons) MRTPI MIEMA CEnv

an Inspector appointed by the Secretary of State

Date: 31 July 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Shoreham Harbour Joint Area Action Plan

The Plan was submitted for examination on 31 May 2018

The examination hearings were held on 19 and 20 September 2018

File Ref: PINS/Y3805/429/7

Abbreviations used in this report

AA	Appropriate Assessment
ALP	Adur Local Plan 2017
AQMA	Air Quality Management Area
AMR	Authority Monitoring Report
B&HCP1	Brighton and Hove City Plan (Part 1) 2016
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
NPPF18	Revised National Planning Policy Framework 2018
PPG	Planning Practice Guidance
RP	Shoreham Harbour Regeneration Partnership
SA	Sustainability Appraisal
SPA	Shoreham Port Authority
SPD	Supplementary Planning Document
SCI	Statement of Community Involvement
VDS	Whole Plan Viability and Deliverability Study 2018

Non-Technical Summary

This report concludes that the Shoreham Harbour Joint Area Action Plan provides an appropriate basis for the planning of the identified regeneration area, provided that a number of main modifications [MMs] are made to it. The Councils have specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Councils prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases, I have added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Clarification of the approach required within the Plan area for decentralised and renewable energy, with clear and specific guidance, including in relation to the Shoreham Heat Network and its potential impact on sites within the regeneration area;
- Robust support for identified protected employment areas;
- Clarity on the required approach to flood risk assessment on non-allocated 'windfall' sites, a requirement to consider the most up-to-date flood risk evidence, and strengthened consequential protection for the environment and sites elsewhere;
- A requirement for the provision of up-to-date ecological information for all development applications, and clear guidance on the need for like-for-like compensatory habitats;
- Identification of the need for air quality impact assessments for development proposals;
- Clarification of the approach to public open space and green infrastructure, including that provided by the proposed segregated cycle route along the A259 corridor;
- Amendments to the requirements for the assessment of the design of development proposals, including the provision of public art, and the impact of proposals on existing living conditions of neighbouring occupiers and those of potential future occupiers;
- Identifying the need to consider the navigational safety of vessels in the harbour mouth; and
- The provision of a robust monitoring mechanism to support the delivery of the Plan.

Introduction

1. This report contains my assessment of the Shoreham Harbour Joint Area Action Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The Joint Area Action Plan (the Plan) has been prepared by the Shoreham Harbour Regeneration Partnership (RP), which has been established between Adur District Council, Brighton & Hove City Council, West Sussex County Council (the local planning authorities) and the Shoreham Port Authority (SPA).
4. The starting point for the examination is the assumption that the local planning authorities have submitted what they consider to be a sound plan. The Shoreham Harbour Joint Area Action Plan, submitted in May 2018, is the basis for my examination. The May 2018 Submission version is the same document as the November 2017 Publication version but corrects a formatting error in the earlier printed version.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act, the Councils requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM01, MM02, MM03** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Councils prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

7. The Councils must maintain adopted policies maps which illustrate geographically the application of the policies in the adopted development plans. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Adur Policies Map 2017 (and Inset Map 4) and the Brighton & Hove Policies Map 2018 (and Inset Map – Shoreham Harbour Regeneration Area), as set out in the Core Submission Documents (Refs CSD02-01 - CSD02-03 and CSD03-01 - CSD03-03). The maps in the Plan, including detailed extracts, reflect these policies maps (Maps 1-12).
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, there are some instances where the geographic illustration of policies on the submission policies maps are not justified and changes are needed to ensure that the relevant policies are effective.
9. These further changes to the policies maps were published for consultation alongside the MMs and were included in the Schedule of Proposed Additional Modifications to the Plan, January 2019 (<https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/main-modifications/>).
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies maps to include all the changes proposed in the Adur Policies Map 2017, the Brighton & Hove Policies Map 2018 and Maps 1-12 of the Plan and the further changes published alongside the MMs.

Consultation

11. I am satisfied that sufficient opportunity for comment has been provided for those who wished to make representations on the Plan in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. I have taken into account all comments made.

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A in respect of the Plan's preparation.
13. The RP in its current form was formally established in 2011, partly to produce a joint area action plan for the Shoreham Harbour Area, which falls within the administrative areas of three local planning authorities. A Joint Leaders Board and Joint Project Board oversee the work of the RP and several subject specific sub-groups. The approach taken to the joint production of an action plan for the area inherently demonstrates a strong commitment to the principles of co-operation with other authorities.

14. It is clear from the evidence provided, including the Statement of Compliance with the Duty to Cooperate (DtC), the Statement of Joint Working and Cooperation with the Environment Agency, and Statement of Common Ground between the Shoreham Harbour planning authorities (including East Sussex County Council and the South Downs National Park Authority) and the SPA, that the RP has engaged constructively with relevant bodies prescribed in s110 of the Localism Act 2011, together with other organisations.
15. This includes neighbouring planning authorities, including minerals and waste planning authorities, the South Downs National Park Authority, as well as other bodies, such as the Environment Agency and Highways England. This engagement has ensured that strategic issues with the potential for cross boundary impacts are considered and suitably addressed within the Plan, including the safeguarding of mineral wharves, flood risk and transport.
16. Overall, I am satisfied that where necessary the Councils have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Background

17. Shoreham Harbour is an active and vibrant commercial port, that is nationally important for the supply of mineral resources, particularly for the south-east of England. The port includes a number of established businesses, which require harbour locations to support their activities. However, over time, a number of sites within the harbour area have become vacant or are occupied by uses that do not require access to the port to operate.
18. Within this context, a regeneration strategy for the harbour area has been developed, which represents the culmination of a number of years' work. Broadly, it seeks to unlock vacant or underused previously developed sites and consolidate port related activities within the eastern harbour arm, with the western harbour arm redeveloped for other uses, primarily residential and mixed use. The Plan, as indicated in paragraph 1.7.4, is intended to supersede existing adopted development briefs for the mixed-use allocations.

Main Issues

19. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified nine issues upon which the legal compliance and soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and legal compliance rather than responding to every point raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the Plan would be consistent with, and justified in the context of, the existing development plans for the area and national planning policy?

20. The area covered by the Plan lies within the administrative areas of Brighton & Hove City Council, which is a unitary authority, and Adur District Council and West Sussex County Council. The development plans for the area currently comprise the *Adur Local Plan 2017 (ALP)* and the *Brighton & Hove City Plan (Part 1) 2016 (B&HCP1)*, the *West Sussex Joint Minerals Local Plan 2018*, the *West Sussex Waste Local Plan 2014*, and the *East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013* and *Waste and Minerals Sites Plan 2017*.
21. It is clear, from the evidence provided, that the proposed regeneration of the area represents a long-held aspiration that is fully supported by the policies and aims of the ALP and B&HCP1. Furthermore, it is evident the Plan has been prepared within the context of these existing plans and the waste and minerals plans for the area.
22. The introduction to the Plan highlights the need for development proposals to comply with the development plan. However, to be consistent with national policy and appropriately reflect relevant legal requirements, it is necessary to amend paragraph 1.1.3 to include reference to the potential for material considerations to justify decisions otherwise than in accordance with the development plan. This is addressed by **MM01**.
23. The document includes a spatial strategy and area-wide policies, followed by specific policies for each of the seven character areas that make up the wider regeneration area. These areas are clearly defined and this structure represents a logical and effective approach to addressing the various issues identified for the Plan area as a whole. I find this approach soundly based.
24. The Plan area is identified within both the ALP and the B&HCP1 as an area for growth, with significant levels of new housing and economic development, together with environmental improvements and a focus on achieving development that supports more sustainable energy use. The Plan provides detailed policies to support the implementation of this strategy, with different types and scales of development proposed for each character area.
25. The evidence, including the Sustainability Assessment (SA), demonstrates that this approach has evolved and developed over time. The evolution of the strategy for the area indicates that the overall scale of growth proposed was modified as part of the wider plan making process, to reflect what was considered to be achievable, within current economic and environmental constraints. Moreover, in developing the strategy for growth and regeneration of the Plan area, a number of alternative approaches were considered and discounted. This is clearly set out within the SA.
26. The scale and type of development identified within the Plan is consistent with that identified in the adopted higher-level plans for the area. Within the Plan area, four allocations are proposed to be the focus for development: Aldrington Basin (Policy CA2); South Portslade (Policy CA3); Southwick Waterfront (Policy CA5); and Western Harbour Arm (Policy CA7). Three of the

allocations are identified for mixed-use development, with Southwick Waterfront proposed for employment-based development only.

27. Within the allocations, all sites that were assessed as developable have been identified for development. However, no upper limit, or cap, is proposed for development within the Plan area and the policies of the Plan would enable the assessment of additional sites that may come forward for development, so-called 'windfall' sites.
28. Consequently, I find the approach within the Plan is justified and represents an effective and sufficiently flexible mechanism for the delivery of development and the positive regeneration and enhancement of the Plan area. Subject to the modifications below, the Plan would be consistent with, and justified in the context of, the existing development plans for the area and national planning policy.

Issue 2 – Whether the Plan would be effective in addressing the challenges of climate change, and promoting energy efficiency and the sustainable use of resources?

29. The vision of the plan, as set out within the spatial strategy, is to maximise the potential of the area for the benefit of existing and new residents, businesses, port-users and visitors through long-term regeneration. The first objective, within this strategy, seeks to ensure that the development and use of land associated with this regeneration contributes to the mitigation of adaptation to climate change.
30. Both the ALP and the B&HCP1 include sustainability requirements for new developments, in the form of statements to accompany proposals, or standards and issues to be addressed. Furthermore, both the ALP and the B&HCP1 include requirements for water efficiency, which are reiterated within the Plan, as well as standards for non-residential development. The Plan requires non-domestic floorspace to achieve a standard of BREEAM 'Excellent', which matches that of the B&HCP1, but is higher than the 'Very Good' required in the ALP.
31. There is nothing before me that leads me to consider that such a requirement would not be feasible or viable within the plan area. Moreover, whilst this would introduce an element of discrepancy between the Plan and the ALP, given the overall benefits gained from consistency across the relatively limited regeneration area, the national planning policy support for addressing the challenges of climate change, and the wider environmental benefits that would result, I consider that this approach is justified and would be soundly based.
32. The Plan outlines previous studies undertaken that have highlighted the potential of the harbour area to contribute significantly to meeting the renewable energy needs of the sub-region. This is a position supported by the Port, which has been identified as having the potential to be a hub for renewable energy generation and waste heat distribution and has been granted EcoPort status in recognition of its commitment to addressing climate change.

33. The submissions demonstrate that considerable work has been undertaken in relation to the development of a heat network within the Plan area. Whilst this project remains at a relatively early stage of development, it clearly has significant support and a number of detailed technical feasibility studies have been undertaken to support its development. The Plan appropriately reflects the intended development of the heat network, including in relation to the extent and type of development proposed and, subject to the modifications identified below, is positively prepared in this respect.
34. The plan sets out a hierarchy of demand reduction, efficient energy supply, and renewable energy provision as the most cost-effective means of reducing energy consumption and greenhouse gas emissions for new development. The criteria of Policy SH1 appropriately reflect this approach. However, as worded, the policy and supporting text are ineffective, as they are not sufficiently clear in setting out how this policy is expected to be delivered across the plan area.
35. It is necessary to amend Policy SH1, to include explicit support for low and zero carbon energy generation, including solar photovoltaics. This will positively reflect the supporting text to the policy and ensure that the Plan is consistent with both national policy and the approach in Policy 19 of the ALP.
36. Evidence indicates that it is significantly more cost effective to connect buildings designed with a centralised heating system, than to retrofit those without such a system. Consequently, for clarity and to ensure its effective implementation, Policy SH1 should be modified to clearly identify that all development across the regeneration area is expected to apply the heating/cooling hierarchy and be designed to be ready for connection to a heat network, where no network is in place.
37. Furthermore, for similar reasons, the need for developments to meet identified specification requirements, including the siting of plant rooms, should be clearly identified within the policy. Moreover, in order to be effective and positively prepared, Policy SH1 should also be amended to clearly identify the need for development within the identified Shoreham Harbour Heat Network Area to connect to district heat networks, where they exist.
38. To be justified, the supporting text to the policy should be amended, to include reference to the national and local policy context for low carbon and energy efficient development. Furthermore, as currently worded, the plan does not clearly articulate a hierarchical preference for the various heating and cooling systems listed. This issue can be overcome by a clear identification of the preferred hierarchy, with a separation of the system options from the technology choices within hierarchy.
39. Additional supporting text is necessary, to set out clearly the approach to heating and cooling systems, including the requirement for a feasibility assessment for the chosen system, to ensure that the policy will be effective. Furthermore, for clarity and to be effective, it is necessary to provide guidance within the text on the requirements for such assessments. For similar reasons, indicative space requirements for plant rooms and operational requirements for such systems should also be included within the text, to support the implementation of the policy.

40. These policy requirements were assessed as part of the Whole Plan Viability Study and, from the available evidence, I am satisfied that they would not compromise delivery of development or prejudice the effective regeneration of the area. However, to ensure Policy SH1 remains effective and provides sufficient flexibility to take account of changing circumstances, it is necessary to identify clearly within the supporting text the need for viability assessments and their requirements, to support proposals where the developer considers that compliance with the heating and cooling hierarchy would render the proposed development unviable.
41. To provide sufficient clarity and to support the effective delivery of the policy, the supporting text should be reorganised, with the guidance and requirements for the provision of heating and cooling networks, applicable across the whole plan area, preceding more specific details about the Shoreham Heat Network. Moreover, for the same reasons, the additional requirement for development within the Shoreham Heat Network, including the allocated sites in and around the Western Harbour Arm, to connect to the proposed network once complete should be made explicit within the supporting text. All the above alterations are addressed by **MM04**.
42. In addition, changes are also required to the text and policies for the Harbour Mouth and Western Harbour Arm character areas. To be positively prepared and effective, Policy CA6 should be amended, to include support for the development of infrastructure necessary to deliver the Shoreham Heat Network, which would reflect the current status of the project. Additional supporting text is also necessary, to include support for the delivery of the heat network within the area priorities for the Harbour Mouth and to refer to the intended technology and location of the abstraction and discharge point for the marine source heat pumps. These changes would be addressed by **MM17** and **MM18**.
43. For the same reasons, similar modifications are required to Policy CA7, to include support for the heat network and, for consistency and completeness, to identify the need for development within the Western Harbour Arm to connect to the network, once constructed. Amendments are also required to the area priorities and the supporting text, to reflect these changes. **MM19** would satisfactorily address these necessary alterations.
44. Subject to these modifications, I find that the Plan would be effective in addressing the challenges of climate change and promoting energy efficiency and the sustainable use of resources.

Issue 3 – Whether the Plan has been positively prepared with regard for the activities and requirements of Shoreham Port and justified in respect of the quantitative and qualitative mix of floorspace and land proposed for economic development?

45. It is clear from the examination submissions that SPA has been an active partner within the RP and the retention of a thriving commercial port is seen by the Councils as an integral part of the regeneration proposals for the plan area. The port serves a variety of firms and is a significant local employer. The Port Masterplan, produced by the SPA, aims to significantly increase the

trade capacity of the port, which would in turn have the potential to increase port related employment.

46. The masterplan seeks to consolidate port related activities within the harbour, which would enable the modernisation of the port and secure its important role within the economy. The consolidation of port activities within the Eastern Arm, Canal and South Quayside would largely occur through the relocation of existing uses and maximising the potential of vacant and underused sites. This would also enable the redevelopment of land within the Western Harbour Arm for non-port related developments.
47. The evidence base demonstrates that the Plan has been prepared to take account of, and is consistent with, the intentions of the Port Masterplan. Moreover, as the SPA is a main landowner within the port, this provides further confidence that the aspirations for the retention, consolidation and expansion of the port activities, as set out within the Plan and masterplan, have a reasonable likelihood of being realised.
48. Wharves within the port are vital to the supply of aggregates to support new development in the region, which is recognised within the Plan. In addition, a number of waste management facilities are situated within the port area. It is clear, from the evidence provided, that the approach to regeneration within the Plan, including the consolidation and relocation of existing development, has been prepared to take full account of these facilities.
49. I am satisfied that the approach proposed within the Plan would not compromise their continued operation in line with the respective waste and minerals plans for the area. Moreover, the continued cooperation and collaboration between the various authorities and the RP has been recognised in the completion of a Statement of Common Ground between the various bodies concerned, providing further confidence in this respect.
50. However, as currently worded, the Plan is not positively prepared, as artificial lighting associated with development within the Western Harbour Arm could compromise the safety of vessels and their crew leaving and entering the port. Consequently, it is necessary to amend Policy CA7, to require development proposals to address potential implications for navigational safety. This would ensure that the interests of the port in these respects are adequately safeguarded and would not be prejudiced by development within the Plan. **MM19** would appropriately address this matter.
51. The total area of employment land and floorspace allocated within the Plan reflects the requirements for the area identified in the ALP and B&HCP1. This is clearly set out within Policy SH3, and Policies CA2, CA3, CA5 and CA7 identify the respective allocations for this proposed development.
52. The specific identified requirements of the respective Councils are reflected in the allocations proposed, which would provide a range of employment land and premises to help to strengthen and support the local economy. The Plan reflects a clear understanding of the economic needs of the area and is based on local and strategic economic strategies, which positively encourage sustainable economic growth and identify the Plan area as a strategic location for such growth. This is reflected in the priorities of the Local Strategic

Statement, prepared by the Coastal West Sussex and Greater Brighton Strategic Planning Board, which supports the development of strategic sites within the Plan area by prioritising the infrastructure improvements needed to enable sites to be delivered.

53. The process followed for site identification and selection is evidenced through the supporting documents and the SA. This demonstrates that the process was iterative, with sites identified through the Port Masterplan, employment land reviews, the Shoreham Harbour Capacity and Viability Study and the preparation of the Shoreham Harbour Development Briefs. As part of this process, the relationship of the identified sites to the port was fully considered and, as a result, several of the identified sites have been allocated primarily for employment use, rather than residential or mixed-use. Having regard to the full range of evidence available to me, I am satisfied that the process followed was clear, robust and justified.
54. To contribute to meeting forecast needs, the Plan also seeks to ensure that suitable employment land and premises are safeguarded and upgraded, with some existing employment areas protected within the relevant character area policies. However, in this regard, the Plan does not adequately consider the potential for changes of use of employment premises through the use of provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015.
55. In this respect, therefore, the Plan is not positively prepared and the relevant character area policies would not be effective. Consequently, it is necessary to include additional supporting text to Policy SH3, to identify a robust monitoring mechanism for the use of land within the identified protected employment areas, with the potential for intervention, if required, to seek to remove permitted development rights. Given the identified need to protect these employment areas, for the wellbeing of the wider area, I am satisfied that such an approach would be justified. This is addressed by **MM05**.
56. In addition, for effectiveness, it is necessary to amend Policy CA3, to ensure that it correctly refers to the full range of employment development considered acceptable for the southern portion of the allocated site SP6. This is addressed by **MM15**.
57. For these reasons, subject to the above modifications, I find that the quantitative and qualitative mix of employment floorspace and land proposed for economic development would be justified and the plan is soundly based in this regard. Together with the ALP and the B&HCP1, the Plan would provide an appropriately flexible and responsive policy framework that would meet the identified requirements for the area, including the activities and requirements of Shoreham Port.

Issue 4 – Whether the Plan has been positively prepared in respect of the scale and mix of housing to meet the identified needs of different groups in the community over the plan period?

58. Both the ALP and the B&HCP1 designate Shoreham Harbour as a broad location for development, with minimum targets for housing delivery within the Plan area of 1,100 homes in Adur and 300 homes in Brighton & Hove. The

policies and allocations of the Plan would meet these targets. As such, if delivered, the scale of development proposed would play an important part in helping to meet the significant housing shortfall across the whole coastal area, which is recognised within the Local Strategic Statement, as well as within both the ALP and B&HCP1.

59. Currently, however, Objective 4 of the spatial strategy is misleading, as it suggests that the provisions of the Plan would address these shortfalls, which is not the case. To be positively prepared and justified, and to accurately reflect the position of the Plan in the overall hierarchy of development plan documents, it is necessary to clarify that, rather than addressing these needs, the Plan would contribute to meeting them. These changes are addressed by **MM06**.
60. Both the ALP and the B&HCP1 have a number of policies addressing housing mix, tenure and affordable housing. Policy SH4 of the Plan requires development to provide a mix of dwelling types, sizes and tenures in accordance with identified local needs and to provide affordable housing in accordance with the higher-level policies. In addition, whilst adopted policies in both the ALP and the B&HCP1 address national planning policy requirements for inclusive design and accessible environments, it is appropriate that these matters are also addressed by Policy SH9, which is considered below.
61. Policy SH9 explicitly addresses place making and design quality. The opportunity for higher density development and anticipated likely provision of smaller dwellings on the allocated sites within the Plan area, including those in the Western Harbour Arm, is consistent with the overall approach to housing mix within both the ALP and the B&HCP1 and the evidence of objectively assessed need for both Council areas.
62. In addition to Policy SH4, the three allocations for residential and mixed-use development, and the individual sites within them, are identified in Policies CA2, CA3 and CA7. The supporting documents and the SA demonstrate that as with the sites proposed for employment development, the process followed for site identification and selection was iterative. Sites were identified and assessed through the Port Masterplan, the Shoreham Harbour Capacity and Viability Study and the preparation of the Shoreham Harbour Development Briefs, including in relation to capacity. The sites are also included within the respective Councils' Strategic Housing Land Availability Assessments.
63. As part of this process, several of the initially identified sites were not allocated primarily for residential or mixed-use, due to the potential relationship of these sites to the port. As with the employment sites, having regard to the full range of evidence available to me, including that within the SA, I am satisfied that the site identification and selection process is clear, robust and justified.
64. An assessment of projected housing delivery over the Plan period identifies the potential to deliver a total of 1,790 net dwellings, which exceeds the minimum

delivery requirement identified above. Furthermore, the details provided¹ indicate that a significant proportion of these dwellings will be provided by 2022, with some 731 dwellings expected to be completed within Adur and some 124 dwellings in Brighton & Hove.

65. Given the evidence of housing delivery within the area since the start of the Plan period, including sites under construction, coupled with the approach taken by the Councils to continued engagement with landowners and developers, I am satisfied that the housing delivery identified has a reasonable prospect of being achieved. As such, the Plan is likely to make a significant and meaningful contribution to housing land supply within the area.
66. For the above reasons, I find that the Plan is soundly based in this regard. It has been positively prepared in respect of the scale and mix of housing to meet the identified needs of different groups in the community over the plan period, and appropriately supports and is consistent with the existing policies of the respective development plans on these matters.

Issue 5 - Whether the Plan positively and effectively addresses identified transport and flood risk constraints?

Transport

67. The Plan recognises that transport improvements will be required to support the scale and type of development proposed and reduce existing and future impacts from traffic congestion, including related air quality and noise impacts. To this end, the Shoreham Harbour Transport Study provides evidence for the ALP and the Shoreham Harbour Transport Strategy 2016, which was developed alongside the Plan.
68. The necessary mitigation measures identified in the Transport Study were considered as part of the examination of the ALP and found sound. There is nothing before me that leads me to consider that circumstances have materially altered since that time. These mitigation measures have been included within the Transport Strategy. The evidence provided indicates that these measures are now being delivered as sites come forward, or as funding becomes available.
69. The Plan includes reference to the Transport Strategy and the package of integrated transport measures, which is envisaged will guide the provision of transport infrastructure to support the regeneration proposed. These measures focus on improvements to the existing road network and encouragement for the use of sustainable modes of transport.
70. As well as identifying significant traffic issues within the area, the Plan identifies the potential for significant improvements to the current environment for pedestrians and cyclists. A long-distance footpath currently crosses the Plan area, with part of the route of the England Coast Path also

¹ Councils' Matters Statement 4 Appendix A

envisaged to be included. A national cycle route also runs through the area and the Transport Strategy identifies the provision of a core cycle route along the A259 as a critical infrastructure proposal.

71. I am satisfied that the package of measures proposed within the Strategy would clearly support the delivery of the policies and proposals of the Plan and make a significant contribution to addressing key transport constraints. Following consultation, the Councils propose to include reference within the Plan to the commitment to produce a Local Cycling and Walking Infrastructure Plan, to improve safe routes for walking and cycling and to seek funding for their implementation. As this would include proposals identified in the Plan and the Transport Strategy, this would further support the delivery of these measures.

Flood risk

72. The Plan area is coastal, with part of it adjacent to the River Adur and some sites that are low lying. As a result, the approach to flood risk has been appropriately identified as a key issue for the regeneration of the area. The Strategic Flood Risk Assessments for the area identify that, whilst some areas are affected by fluvial and surface water flooding, the most significant risk is presented by tidal flooding.
73. Both the ALP and the B&HCP1 carried out Sequential and Exception tests for flood risk. The relevant reports conclude that the allocation of sites within the Plan area was justified and the tests had been passed, in accordance with national planning policy. There is nothing before me that would lead me to conclude otherwise on this issue. As such, I consider that the allocations are soundly based in this regard.
74. Nonetheless, the Plan does not address the approach to development that may come forward on sites that have not been identified within the character area allocations, so-called windfall sites. Therefore, to be justified and effective, it is necessary to amend the supporting text to Policy SH6, to identify the approach required in relation to the sequential test for the assessment of flood risk on those sites. In particular, to be positively prepared and consistent with national policy, it is necessary to specify the area of search for sites at lower risk of flooding. In this specific case, to support the regeneration of the area in accordance with the policies of the Plan, it is appropriate that the sequential test search area is restricted to the character area in which the proposed development site is situated. This is addressed by **MM07**.
75. To address the issue of flood risk on allocated sites, the RP prepared a Flood Risk Management Guide, which has been adopted as a Supplementary Planning Document (SPD). This provides clear guidance on the approach to flood risk on sites within the Plan area. However, for effectiveness, it is appropriate that additional text is included to support Policy SH6, to clarify that responsibility for the delivery and maintenance of flood defences rests with the landowner, which is a matter that has been taken into account in the assessment of viability and deliverability. **MM07** also addresses this matter.
76. The requirement for development proposals to comply with the principles and approach to flood risk management set out within the SPD is specified in Policy

SH6. However, to be effective, justified and consistent with national policy, it is necessary to amend the Policy to refer to potential updated guidance and include a requirement to take this into account. To be positively prepared, it is also appropriate to amend the policy to make explicit reference to support for the delivery of measures to mitigate flood risk and coastal erosion within the Plan area, as well as to correct a drafting error, to delete duplicated text within the policy. All these matters are addressed by **MM08**.

77. Policy SH6 makes reference to the requirement for flood mitigation, including defences to a given height in specific circumstances. However, it also refers to land raising, as does the supporting text to Policy CA7. Having regard to the concerns expressed by the Lead Local Flood Authorities in this regard, I consider the reference to land raising to be erroneous and misleading, as it implies the creation of new land form, which I understand was not the intention and which would have the potential to have further consequences elsewhere in terms of flood risk. Consequently, to be effective, justified and consistent with national policy, the references to land raising should be deleted, as identified in **MM09**.
78. For the above reasons, therefore, and subject to the modifications identified, I find that the Plan positively and effectively addresses identified transport and flood risk constraints.

Issue 6 - Whether the policies of the Plan would support the positive management of environmental assets and natural resources, make appropriate provision for green infrastructure and open space, and enable the effective delivery of appropriate recreation and leisure development?

Natural Resources

79. Screening under the Habitats Regulation Assessment (HRA) process was carried out for both the ALP and the B&HCP1, which found that there would be no likely significant effects on any of the identified protected sites. Furthermore, in light of the Wealden judgement,² further specific screening was carried out in respect of the Plan, which concluded that it was not likely to have any significant effects, including potential in-combination impacts, due to the scale and type of development proposed, and the relationship and distance of Shoreham Harbour to any European designated sites.
80. This assessment has been further supported by additional analysis undertaken for the emerging Brighton & Hove City Plan Part 2, including in relation to Ashdown Forest. The development proposed within the Plan is consistent with that in the ALP and B&HCP1 and there is nothing before me that would lead me to dispute these findings. Furthermore, given the reasons for the assessment that the policies and proposals of the Plan are unlikely to have significant effects, which have been reached without assuming any avoidance or mitigation measures, the recent Court of Justice of the European Union

² Wealden V SSCLG [2017] EWHC 351Admin

(CJEU) judgement³ is not of direct consequence for the Plan. As such, I consider the HRA requirements to have been adequately addressed.

81. Whilst much of the regeneration area comprises previously developed land, it also includes important environmental assets and falls within The Living Coast Brighton & Lewes Downs Biosphere. The conservation and enhancement of these assets and the natural resources of the area represents a further key objective for its regeneration. To this end, to ensure that the Plan is justified and effective, it is necessary to amend the vision for the regeneration of the area, in paragraph 2.1, to make specific reference to providing benefits to the natural environment, as set out in **MM02**.
82. The impact of the proposed regeneration of the area on natural resources and biodiversity has been comprehensively assessed during the plan preparation process, including within the SA, which includes a specific objective in this regard. The Shoreham Harbour Ecology and Green Infrastructure Study identifies the potential impacts of the development proposed and proposes a number of enhancements. These are reflected within the Plan and include the preparation of a Green Infrastructure Strategy, a green corridor alongside the A259, habitat creation at Portslade and Southwick Beaches, linear intertidal habitat creation at the Western Harbour Arm and green roofs and walls.
83. The Study includes a specific assessment of vegetated shingle within the regeneration area, the existing area of which represents the largest area of this internationally important habitat within Brighton & Hove. However, currently, Policy CA4 only reflects the intention of the RP to promote the enhancement and creation of coastal vegetated shingle habitats. Having regard to the critical role of the RP in the delivery of development within the Plan area, to ensure the plan is positively prepared, it is necessary to amend Policy CA4 to also include reference to delivery of such habitats. This is addressed by **MM16**.
84. The Plan area is located outside, but close to, the Adur Estuary Site of Special Scientific Interest, which has particular ecological significance for its intertidal mudflats. The evidence also demonstrates that the Plan area provides important habitat for birds and reptiles. Policy SH7 appropriately requires that development should ensure no net loss and seek to provide a net gain to biodiversity. However, the policy does not identify a mechanism to assess potential impacts in this regard and, as such, the Plan would be ineffective and not positively prepared. To be effective and consistent with national policy, Policy SH7 should be amended, as set out in **MM11**, to require the submission of up-to-date ecological information with development applications.
85. The Councils acknowledge that there is potential for development within the Western Harbour Arm to have adverse ecological impacts. The evidence base and the SA demonstrate that the likely significant effects in this regard have

³ CJEU judgement (Case C-323/17) in *People over Wind, Peter Sweetman v Coillte Teoranta*

been carefully considered. A guidance note has been jointly prepared by Adur Council, Natural England, the Environment Agency and Sussex Wildlife Trust, for development that has the potential to impact on intertidal habitats, which is intended to be included in the proposed Green Infrastructure SPD.

86. Together with the South Downs National Park authority, these organisations are working to identify potential areas for habitat creation. Moreover, the approach to protecting intertidal habitats is intended to form part of the Green Infrastructure Strategy. This is currently being prepared in two parts, as a SPD, to provide guidance for new development, and as an Action Plan, to guide the delivery of green infrastructure on land owned by the project partners. Currently, however, whilst Policy SH7 includes a commitment to prepare such a strategy, the Plan does not clearly set out the Councils' approach to mitigation, including in relation to identifying the need for and location of like-for-like compensatory habitat.
87. To ensure the policy will be effective in addressing these issues, it is necessary to amend Policy SH7 to confirm that, where impacts on biodiversity cannot be avoided or mitigated, compensatory actions will be required and that like-for-like compensatory habitat should be provided at or close to the site. In addition, consequential alterations to the supporting text are required to refer to the development of a strategy to address this issue.
88. These changes to the policy and supporting text are also addressed by **MM11**. Following consultation on the MM, I have further amended the text, for clarity and flexibility, to remove reference to specific partners in developing the strategy and to include the acronym (EcIA) to distinguish the Ecological Impact Assessment from Environmental Impact Assessment.
89. The Shoreham Heat Network intends to use marine source heat pumps to provide the heat source for the network, which would involve pipes in the water in the Harbour Mouth area. This could result in a temperature change within the water, which in turn may impact on marine ecology. Proposed changes to the Plan to reflect the on-going development of the project are discussed above. However, in addition, to ensure the effective implementation of the project and delivery of the associated development, it is necessary to amend paragraph 3.1.24 of the supporting text to Policy SH1, to make specific reference to the need for appropriate environmental permits. This is also addressed by **MM04**.
90. Due to the risks of flooding identified above, Policy SH6 appropriately restricts the use of basement parking and requires mitigation and emergency planning provisions to be included as part of development proposals. However, the policy does not adequately address the risk of pollution resulting from this type of development. To be effective and consistent with national policy, it is necessary to amend the policy to include reference to drainage and contaminants. This is addressed by **MM10**.

Air quality

91. The Plan area includes two Air Quality Management Areas (AQMAs), which were declared for exceedance of nitrogen dioxide. Air Quality Action Plans exist for both Adur and Brighton & Hove Councils and, in addition, each

Council produces an Air Quality Annual Status Report, which show that significant progress has been made towards achieving air quality objectives.

92. Much of Character Areas 2 and 3 and part of Character Area 7 fall within these AQMAs. The proposals within the Plan were assessed through the SA process for the impacts on air quality, both individually and cumulatively. This identified the potential for mixed positive and negative impacts in areas of new development and in relation to area wide policies supporting new development.
93. As a result, a number of mitigation measures are proposed within the relevant character area and area wide policies, including: reducing the need to travel by car and contributing to behaviour change; the prioritisation of pedestrians and cyclists over vehicular traffic in the layout of new development; infrastructure enhancements; new green infrastructure and improved open spaces; and requirements for air quality impacts and appropriate mitigation to be considered as part of proposals, including measures such as setting back development from main roads. To be effective, it is necessary to amend Policy CA7 to require sufficient set back in this regard, as included in **MM20**.
94. Both the ALP and the B&HCP1 include policies relating to air pollution, which require major development in the plan area to address air quality, contribute to implementing Air Quality Action Plan objectives, and demonstrate that appropriate mitigation measures would be provided. However, whilst requiring the issue to be considered, the Plan does not include a specific requirement for air quality assessment for development proposals. Given the issues identified above and having regard to the potential impacts resulting from the scale of development proposed, I consider that the absence of a specific requirement in this regard for development within the regeneration area would render the plan unsound.
95. Consequently, to be positively prepared and effective, it is necessary to amend Policy SH7 to require all development proposals to be accompanied by an assessment of air quality impacts for existing and future occupants, including cumulative impacts. In this regard, the existing Sussex-wide guidance on assessment methodology would support this requirement, enabling a consistent approach across authorities in the area. **MM12** addresses this issue.
96. Considered overall, therefore, I am satisfied that the Plan would not delay compliance or contribute to any future non-compliance with the Ambient Air Quality Directive (Directive 2008/50/EC).

Open space, green infrastructure and recreation

97. The provision of green infrastructure can have multiple benefits, including in relation to healthy living, through the provision of open spaces and green links. One of the objectives of the Plan is to enhance the leisure, recreation and tourism activities within the harbour area. To this end, Policy SH8 requires the provision of public open space to support new development. However, the extent of provision required is not made sufficiently clear and the requirement for on-site provision within Policy SH8 conflicts with the more flexible approach of the character area policies.

98. Consequently, to be effective and consistent with national planning policy and legal requirements, it is necessary to amend Policy SH8 to clarify that any open space provided should reflect the need generated by the development. In addition, to avoid potential conflict with Policies CA2, CA3 and CA7, it is also necessary to amend Policy SH8 to clarify the approach to the provision of public open space and green infrastructure. Both these matters are addressed by **MM13**.
99. The need to amend Policy CA7 to refer to sufficient space for a segregated cycle route is referred to above. However, in addition to the air quality justification for this change, the route is also necessary in order to deliver green infrastructure improvements. Therefore, to be effective and justified, this purpose should also be clarified within the policy, as set out in **MM20**.
100. Policy SH10 refers to the provision of infrastructure necessary as a result of new development. Paragraph 5.1.20 identifies a number of likely infrastructure requirements for major developments on allocated sites in the Plan area. However, the list of requirements does not identify the need for contributions for green infrastructure. Given the aims and objectives of the Plan, this omission would potentially undermine the approach identified elsewhere in the Plan. Consequently, to ensure effective delivery and in line with **MM22**, it is necessary to include specific reference to contribution to green infrastructure within the list of potential infrastructure requirements.
101. For clarity and to ensure that the Plan is positively prepared and effective, it is necessary to amend paragraph 2.2.19 to include specific reference to the need to plan to meet the recreational and leisure needs of existing communities, as well as those of new development. This is addressed by **MM03**.
102. Accordingly, for these reasons and subject to the modifications identified, I find that the Plan will support the positive management of environmental assets and natural resources, including in respect of air quality, make appropriate provision for green infrastructure and open space, and enable the effective delivery of appropriate recreation and leisure development.

Issue 7 - Whether the Plan will be effective in enabling the regeneration of the Harbour and neighbouring communities, with high quality development, for the benefit of existing and future residents, businesses, port-users and visitors?

103. As part of the regeneration of the area, the Plan seeks to promote high quality design, that maximises its waterfront setting, respects local character and form, and enhances key gateways and public spaces. It also seeks to protect and enhance the area's historic assets, including the Scheduled Monument at Shoreham Fort, listed buildings and Conservation Areas.
104. Policy SH9 addresses place making and design quality and includes a number of requirements for new development. However, as prepared, it is not consistent with national policy and is insufficiently precise to support the effective delivery of these aims, as it does not adequately clarify the design issues that are likely to be considered in assessing a scheme, or provide a sufficiently clear indication of how a decision maker is likely to react to a proposal.

105. To address these issues with regard to the public realm, it is necessary to amend the policy to include specific reference to the requirement to consider key design aspects of the public realm elements of proposals, such as its purpose and function, access and linkages, uses and activities, comfort, image and sociability.
106. In addition, for similar reasons, it is also necessary to amend the policy, so that it is consistent with the ALP, B&HCP1 and the Community Infrastructure Levy Regulations 2010, to clarify that public art is expected to be delivered on site, as an integral part of the design of the development, as part of the drive to improve the quality of the built environment through the regeneration process, rather than provided through financial contributions.
107. To be consistent with national policy and effective, Policy SH9 should also be amended to make specific reference to the need for all development proposals to demonstrate a high standard of design that will enhance the visual quality of the environment and include the requirement for development to make a positive contribution to the creation of places that are safe, inclusive and accessible, which promote health and well-being.
108. Currently, the policy implies a requirement for new residential development to meet a specific external space standard. No such standard is proposed and, as such, to be justified, effective and ensure sufficient flexibility in approach, it is necessary to amend the policy to require new residential development to provide usable private outdoor amenity space, which is appropriate to the scale and character of the development.
109. In addition, although the policy requires consideration of daylight and sunlight impacts for new development, the wider potential impacts of proposals on the living and working conditions of existing and potential future occupiers are not identified. To be positively prepared and to support the effective delivery of development, it is necessary to include reference to the need to consider a wider range of factors, including potential impacts on privacy, outlook, overshadowing, artificial lighting and disturbance from noise, odour, vibration and air pollution.
110. Furthermore, as place making and design quality are integral to the objectives of the Plan and national planning policy, it is appropriate that significant amendments are made to the supporting text, to provide additional justification for the amended approach, clarify how it is expected to be met, and support the effective implementation of the policy. All the changes identified above would be addressed by **MM14**.
111. Taking into account these modifications, I consider the requirements of Policy SH9 would provide an appropriately strong basis for the Councils to require the potential impacts of new development on existing occupiers and neighbouring users to be addressed. This will be particularly important on sites where there are design constraints.
112. Policy CA2 identifies site AB4 as suitable for mixed use redevelopment and, having regard to the context of the site, I consider this is appropriate. However, taking into account the difference in land levels involved, it will be particularly important that the redevelopment of the site is undertaken

sensitively, so that any new building respects the living conditions of neighbouring residential occupiers on Kingsway. Policy CA2 does not include specific height limits for such development. However, I am satisfied that such restrictions are not necessary, as Policy SH9, as amended, would enable sufficient safeguards of this nature to be secured, whilst providing a sufficiently flexible approach to the redevelopment of the site.

113. The character area policies within the Plan and Policy SH9, as amended, clearly identify what will and will not be permitted within the Plan area. Moreover, the character area policies provide sufficient detail on the form, scale, access and quantum of development envisaged in each character area, whilst providing for a reasonable degree of flexibility to take account of changing circumstances.
114. In relation to the Western Harbour Arm, detailed assessment of building heights has taken place, through the Tall Buildings Capacity Study, which appropriately underpins the approach proposed across the identified sites, including in relation to heritage assets and important views. I am satisfied that the approach identified in Policy CA7 will be effective in managing the scale and height of development. Consequently, subject to the identified changes, I consider the Plan is soundly based in this regard.
115. The omission of area priorities and paragraphs 4.6.1-4.6.4 is referred to above, in relation to Policy CA6. However, in addition to those changes, the text for paragraph 4.6.2 should be amended to improve the clarity of the reference to the listed Shoreham Fort. This is also addressed by **MM17**. There are a number of heritage assets in or adjacent to the regeneration area. These are clearly identified within the text and maps of the Plan, including in relation to Policy CA7. Subject to this modification and having regard to the full range of evidence available to me, I am satisfied that the Plan's approach to heritage assets and their significance is sound.
116. Consequently, subject to these modifications, I find that the Plan will be effective in enabling the regeneration of the Harbour and neighbouring communities, with high quality development, for the benefit of existing and future residents, businesses, port-users and visitors.

Issue 8 - Whether the policies of the Plan would be effective in enabling the provision of infrastructure necessary to support the level and type of growth proposed?

117. Although the Whole Plan Viability and Deliverability Study 2018 (VDS) identified viability gaps for development proposals within the Plan, it also identified several intervention mechanisms to address some of the potential constraints to development. Some of these are being actively pursued by the RP, whilst others have been identified as potential future interventions, if required. Whilst the use of compulsory purchase is not relied upon, the Councils have identified this as an option to bring forward stalled sites if necessary, although engagement with businesses and landowners is preferred.
118. The evidence provided demonstrates that the members of the RP are significantly and actively involved in delivering the infrastructure necessary to support the development proposals within the Plan. This includes investment

in off-site infrastructure projects, including flood defence works, the allocation of funding to secure delivery of identified green infrastructure improvement sites, improvements to the public realm and amenity space, and the delivery of schemes identified in the Transport Strategy, as development comes forward or through relevant investment programmes, such as the Strategic Transport Infrastructure Programme established by West Sussex County Council.

119. A number of sites within the Plan area are in the ownership of the RP members, including the SPA, and have been allocated in the Plan. These are being taken forward for development by the relevant RP member, or as a joint venture enterprise. In addition, the RP members are actively investigating the potential relocation of some existing uses within the area, which do not require a waterside location, to other land within the ownership of the RP members. The disposal of assets within the Plan area has also been used to enable the delivery of other sites. The RP have also secured external funding, or have assisted developers in doing so, for a number of projects, such as flood defence works and the development of the proposed district heat network.
120. The viability appraisal within the VDS was carried out in accordance with the provisions of the NPPF 2012, which requires proposals to provide competitive returns to a willing landowner and a willing developer, to enable the development to be deliverable. The VDS identifies a number of sites with viability gaps. However, very clear evidence was provided to demonstrate that this viability assessment does not take into account all circumstances including, for example, where the landowner is developing the site and not seeking a competitive return from the sale of the land. This situation applies to several sites within the allocations, including a number of those with an identified deficit in the VDS.
121. Subject to the modification in relation to green infrastructure referred to above (**MM22**), Policy SH10 and the related supporting text clearly set out the likely infrastructure requirements for development proposals. Overall, I am satisfied that the VDS demonstrates that the costs attributable to policies in the Plan would not be excessive or unreasonable. However, due to a formatting error, the policy is unacceptably imprecise. To be effective, it is necessary to include specific reference to the potential need for direct agreement with utility providers to provide infrastructure, such as sewerage infrastructure. This is addressed in **MM21**.
122. The RP members have established the Shoreham Harbour Delivery Group, to coordinate the delivery of the regeneration project and the proposals within the Plan. It is intended that this Group will complement the work of the existing various sub-groups within the RP. Whilst there is some overlap between these groups, there is a clear and established delivery mechanism to support the effective delivery of the planned development and the infrastructure necessary to support it.
123. Furthermore, whilst there are different approaches between Adur and Brighton & Hove Councils to the use of planning obligations and community infrastructure levy finance, a clear and coordinated approach has been identified to the funding of infrastructure in compliance with the legal and policy requirements, together with the provision of guidance for potential

developers. Moreover, the infrastructure requirements needed to support the development of the Plan area are set out clearly within the Infrastructure Delivery Plans for the ALP and the B&HCP1.

124. Consequently, given these various approaches, notwithstanding the viability issues identified, I am satisfied that the policies of the Plan would be effective in enabling the provision of infrastructure necessary to support the level and type of growth proposed, which has a reasonable prospect of being delivered within the lifetime of the Plan.

Issue 9 - Whether the Plan provides an effective approach to monitoring and review?

125. The monitoring framework for the Plan is set out within the SA, with delivery of the Plan's key development sites intended to be monitored through the Authority Monitoring Reports (AMR) of Adur and Brighton & Hove Councils. However, currently, this framework is not sufficiently robust.

126. To be effective, positively prepared and consistent with national policy, the monitoring framework should be included as an Appendix to the Plan and incorporate key monitoring indicators and triggers for potential intervention, including the indicator referred to above, in relation to protected employment areas. Progress on the delivery of the Plan as a whole, utilising the monitoring indicators, should be reported in the AMRs for each Council, which should include the housing trajectory for the regeneration area.

127. **MM23** and **MM05** address these issues and will support the effective delivery of the Plan. As a result, subject to these amendments, I find that the framework will provide a suitably robust and sufficiently flexible approach to monitoring delivery, which will enable the RP to respond to potentially changing circumstances in the future, including the identifying the need for review, if required.

Assessment of Legal Compliance

128. My examination of the legal compliance of the Plan is summarised below.

129. The Shoreham Harbour Joint Area Action Plan has been prepared in accordance with the Adur Local Development Scheme 2018-2020, the published Addendum to the Brighton & Hove Local Development Scheme 2017-2020 and the West Sussex Minerals and Waste Development Scheme 2018-2021.

130. Consultation on the Plan and the MMs was carried out in compliance with the Adur & Worthing Statement of Community Involvement 2012, the Brighton & Hove Statement of Community Involvement 2015 and the West Sussex Statement of Community Involvement 2018.

131. Sustainability Appraisal has been carried out and is adequate.

132. The Habitats Regulations Assessment Screening Report May 2018 sets out why an AA is not necessary. For the reasons given above, I share the conclusions of the screening assessment and am satisfied that the process undertaken in relation to the Conservation of Habitats and Species Regulations 2017 is adequate.
133. The Plan includes policies designed to secure that the development and use of land in the regeneration area contribute to the mitigation of, and adaptation to, climate change. This is particularly evident in relation to Policies SH1 and SH6, for the reasons given above.
134. The Shoreham Harbour Joint Area Action Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
135. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including e.g. the provision of safe, inclusive and accessible places. Having regard to the evidence base and consultation responses, including the Equality and Health Appraisal, I consider that the Plan is likely to have generally positive or neutral impacts on persons with a protected characteristic. Given the aims of the Plan and its policies, including those to create mixed and healthy communities, and encourage improvements to the public realm, open space, transport links and pedestrian facilities, I consider that the Plan will help to eliminate discrimination and inequality, and foster good community relations.

Overall Conclusion and Recommendation

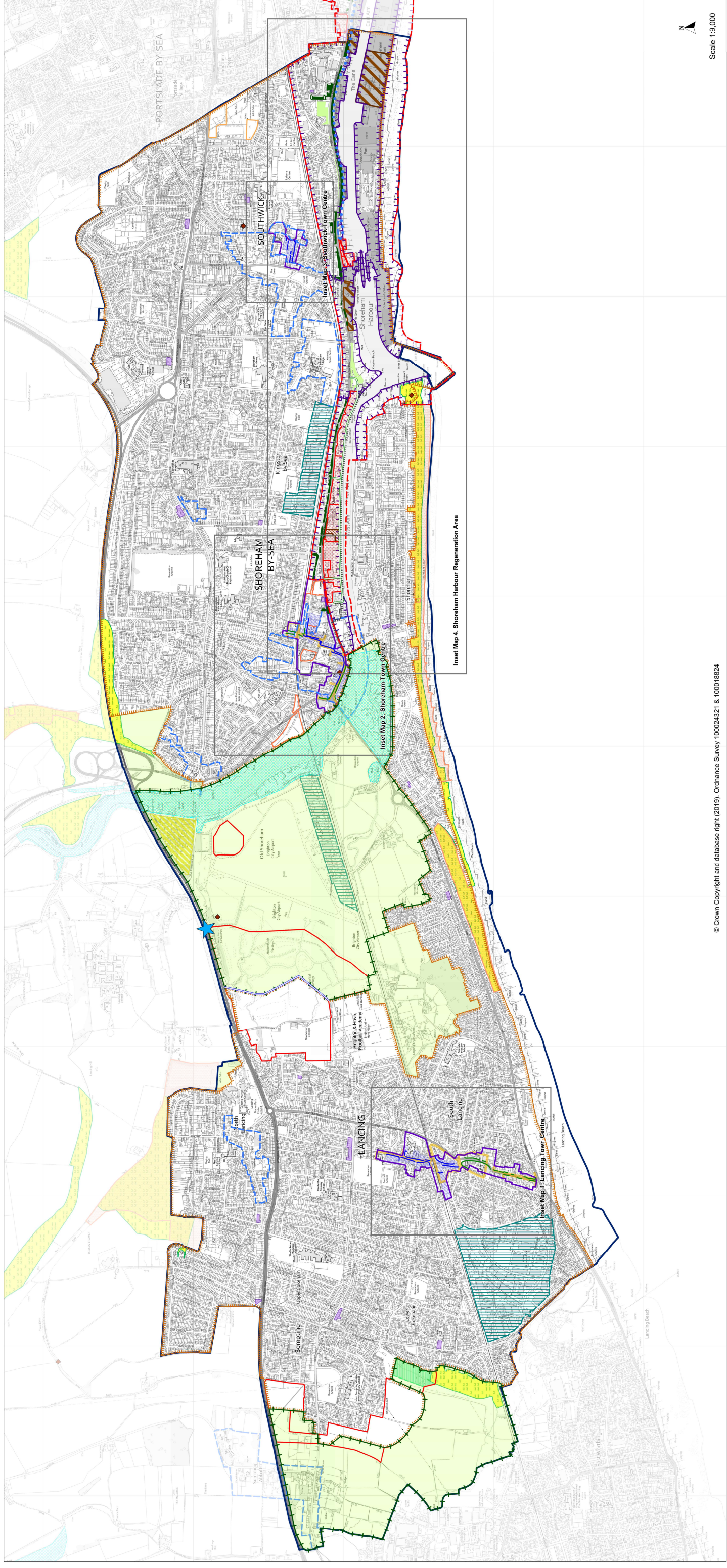
136. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
137. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Shoreham Harbour Joint Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Anne Napier

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Adur Policies Map 2019 - Adur Local Plan and Shoreham Harbour and Shoreham Harbour Joint Area Action Plan



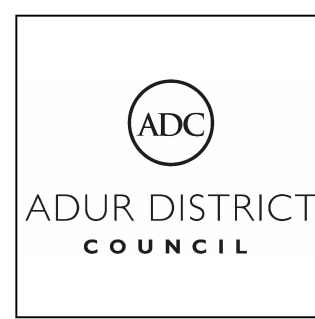
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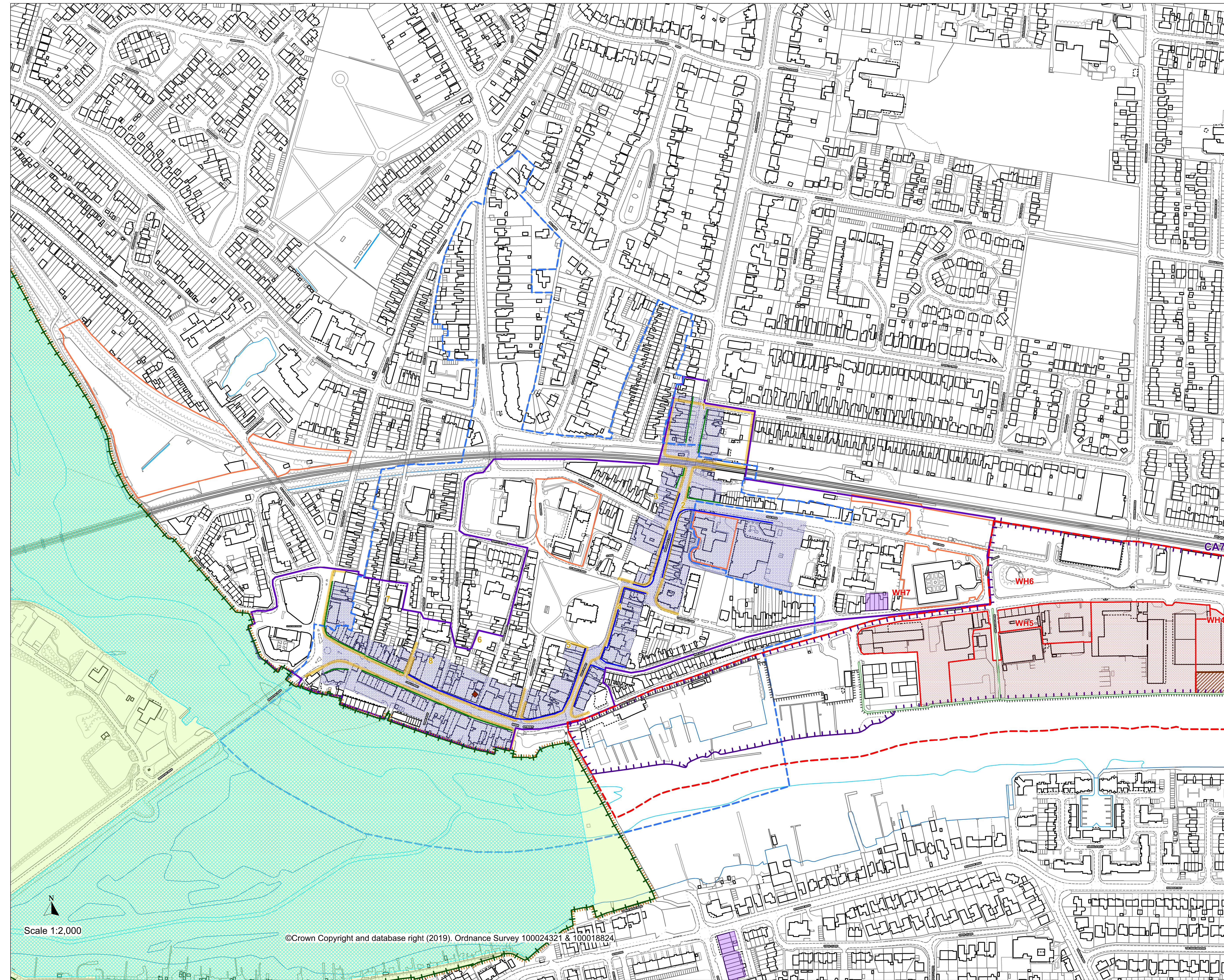
Adur Local Plan (ALP) Area	Local Green Gap - ALP Policy 14	Town Centre Blocks (Numbered) - ALP Policies 9, 11	Scheduled Ancient Monuments
Built Up Area (BUA) - ALP Policy 2	Countryside - ALP Policy 13	New Waterfront Route - JAAP Policies SH5, SH8, CA7	New / Upgraded Flood Defences - JAAP Policies SH6, CA7
Indicative Built Up Area Boundary	Ricardo Boundary - ALP Policies 4, 13	New / Upgraded Port Access Road - JAAP Policy CA5	Site Allocations (Shoreham Harbour) (Numbered) - JAAP Policies SH3, SH4, CA5, CA7
Strategic Site Allocations - ALP Policies 5, 6, 7	Safeguarded Wharves - WSMP Policy M10	Character Areas (Shoreham Harbour) (Numbered) - ALP Policy 8, JAAP Policies CA1, CA4, CA5, CA6, CA7	Green Corridor - JAAP Policies SH7, SH8, CA5
Potential Development Sites (in or on edge of Shoreham Town Centre) - ALP Policy 11	Temporary Safeguarded Wharves - WSMP Policy M10	Port (Operational) - JAAP Policies SH2, CA1, CA5, CA6	ALP - Adur Local Plan 2017
Protected Employment Sites - ALP Policy 25	Conservation Areas - ALP Policies 16, 17	ALP - Shoreham Harbour Joint Area Action Plan 2019	WSMP - Submission West Sussex Joint Minerals Local Plan 2017
Eastbrook Development Opportunities - ALP Policy 12	Town Centre Boundaries - ALP Policy 27		
Shoreham Harbour Regeneration Area (Broad Location) - ALP Policy 8	Primary Shopping Area - ALP Policy 27		
Site of Special Scientific Interest (SSSI) - ALP Policy 31	Primary Retail Frontages - ALP Policies 9, 11, 12, 27		
Local Wildlife Site (LWS) - ALP Policy 31	Secondary Retail Frontages - ALP Policies 9, 11, 12, 27		
Local Nature Reserve (LNR) - ALP Policy 31	Local Shopping Parades - ALP Policy 27		
Proposed Extension to LWS - ALP Policy 6	Proposed Roundabout (Indicative) - ALP Policies 5, 7		

Adur Policies Map 2017 - Inset Maps 1, 2 & 3

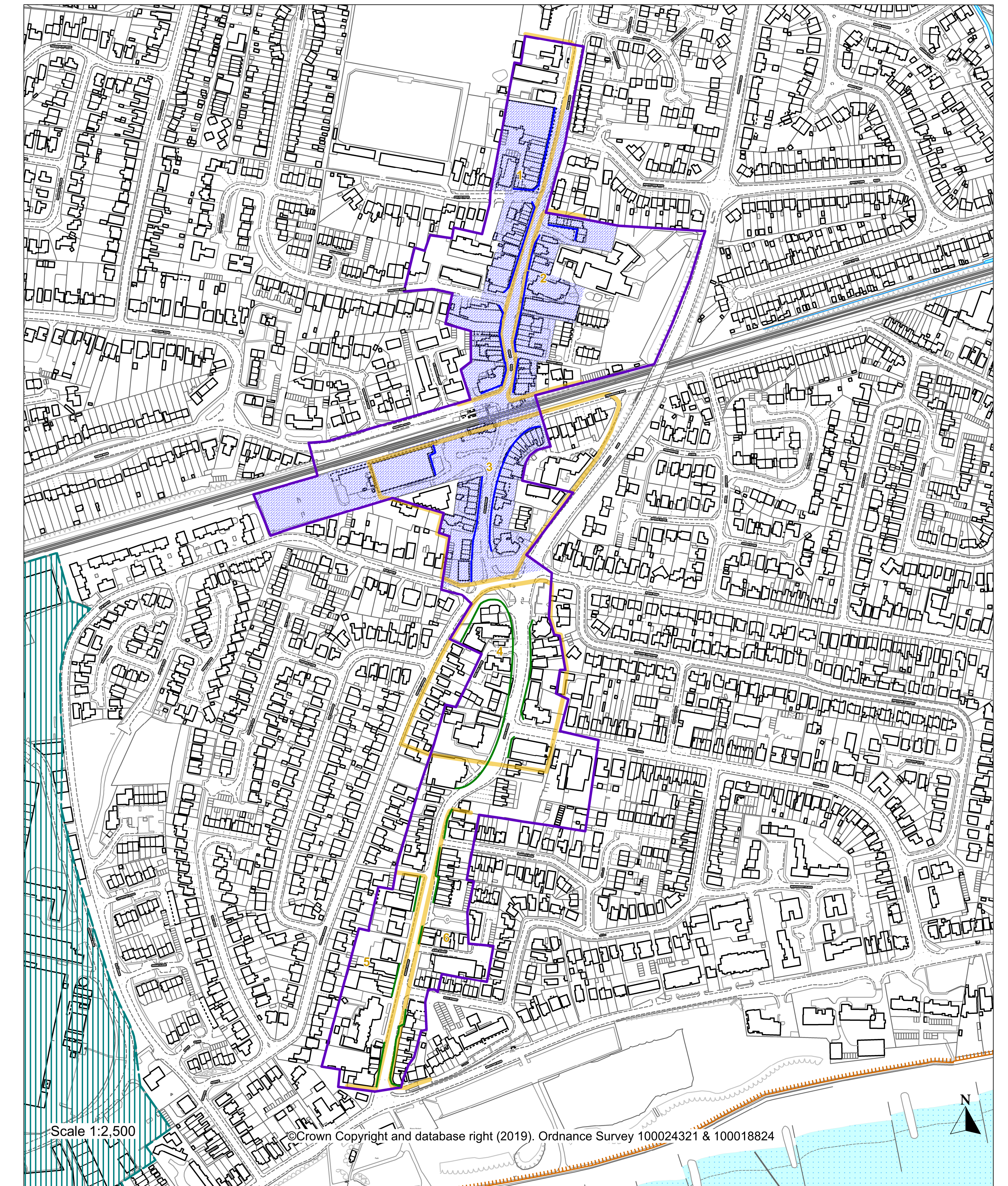
Adur Local Plan and Shoreham Harbour Joint Area Action Plan



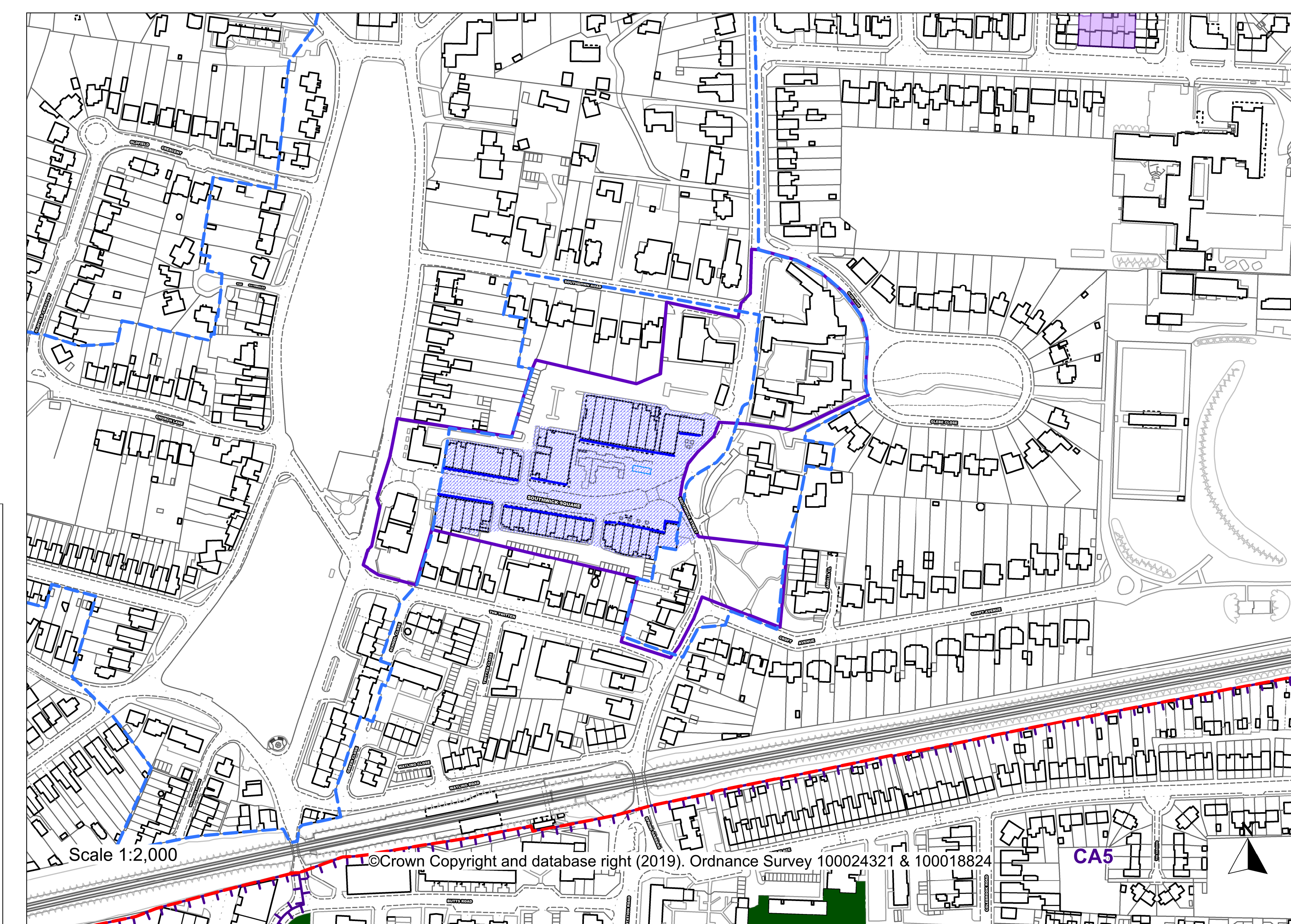
Inset Map 2. Shoreham Town Centre



Inset Map 1. Lancing Town Centre



Inset Map 3. Southwick Town Centre

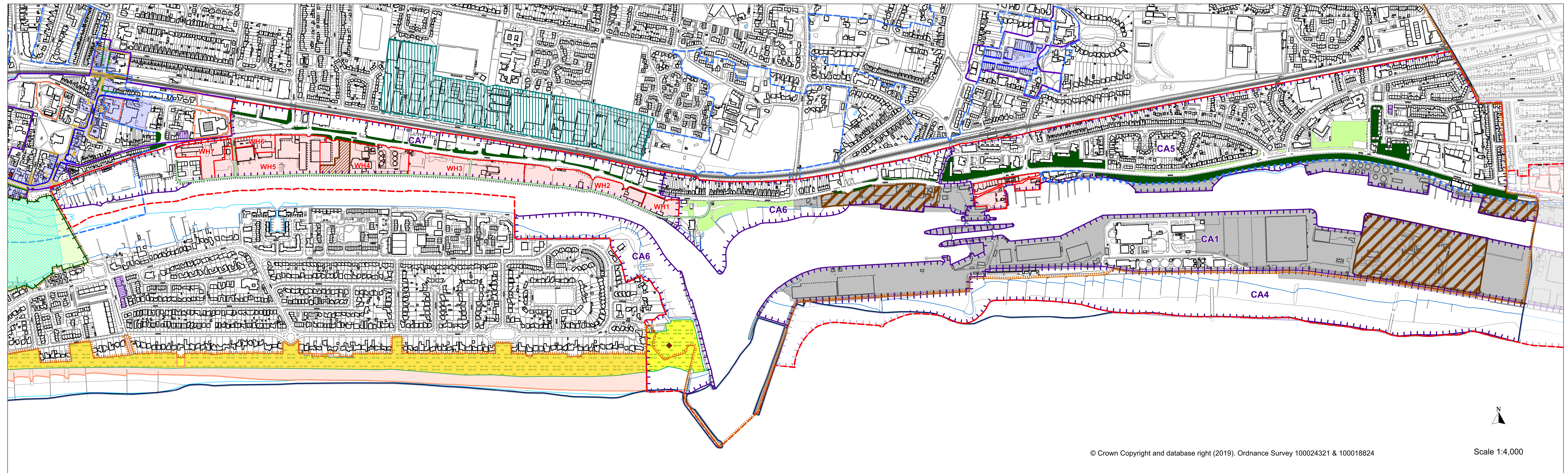


- Legend**
- Adur Local Plan (ALP) Area
 - Built Up Area (BUA) - ALP Policy 2
 - Indicative Built Up Area Boundary
 - Strategic Site Allocations - ALP Policies 5, 6, 7
 - Potential Development Sites (in or on edge of Shoreham Town Centre) - ALP Policy 11
 - Protected Employment Sites - ALP Policy 25
 - Eastbrook Development Opportunities - ALP Policy 12
 - Shoreham Harbour Regeneration Area (Broad Location) - ALP Policy 8
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 - Town Centre Boundaries - ALP Policy 27
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 - Primary Retail Frontages - ALP Policies 9, 11, 12, 27
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 JAAP - Shoreham Harbour Joint Area Action Plan 2019
 WSMP - Submission West Sussex Joint Minerals Local Plan 2017

Adur Policies Map 2019 - Adur Local Plan and Shoreham Harbour Joint Area Action Plan

Inset Map 4: Shoreham Harbour Regeneration Area

Inset Map 4. Shoreham Harbour Regeneration Area



Legend

Adur Local Plan (ALP) Area	Local Green Gap - ALP Policy 14	Town Centre Blocks (Numbered) - ALP Policies 9, 11
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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 October 2019
Agenda Item 11

Key Decision [No]

Ward(s) Affected: Various ADC

Grant Funding to assist the delivery of Key Strategic Housing sites in Adur

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 This report seeks agreement to enter into a Funding Agreement with Homes England and the Coast to Capital Local Enterprise Partnership (LEP) to secure significant grant funding to help deliver two key strategic housing sites at New Monks Farm and Free Wharf, Shoreham Harbour.
- 1.2 The funding will help to secure public infrastructure in the form of a new junction on to the A27 for New Monks Farm and a new flood defence, and associated public realm at Free Wharf.
- 1.2 In addition, the report seeks agreement to enter into side agreements with the relevant developers to indemnify the Council from any risks and to add the grant funding to next year's Capital programme.

2. Recommendations

2.1 The Joint Strategic Committee is recommended to:

- a. To authorise the Director for the Economy to enter into funding agreements with Homes England and the Coast to Capital LEP to assist the delivery of public infrastructure in connection with the New Monks Farm and Free Wharf strategic development sites.
- b. To authorise the Director for the Economy at the sametime to enter into side agreements with New Monks Farm Ltd and Southern Housing to indemnify the Council against any future claims for non compliance with any aspect of the funding agreements.
- c. To recommend to Adur District Council the inclusion of these projects totalling £15.7 million in the capital programme fully funded by external funding.

3. Context

New Monks Farm

3.1 Members may recall that a number of bids were made to the LEP from Local Growth Funding to support a number of projects across Adur and Worthing. A total of £21 million was secured through the submission of outline business cases in 2016. Members considered a report in connection with the Decoy Farm funding award earlier this year.

3.2 For New Monks Farm, an award of £5.7 million was made for the initial outline business case and the detailed Business Case was formally signed off by the LEP in 2018. Whilst, the project has been delayed by the Secretary of State (considering whether to call in the application) it is expected that the planning permission will be finally issued in the next few weeks or so following the completion of the legal agreement. The developer, New Monks Farm Ltd hopes to make a start on site before the end of the year.

Free Wharf

3.2 In late 2017, the Council applied on behalf of Southern Housing for £10 million funding from the Government's Housing Infrastructure Fund (Marginal Viability

Fund programme). This followed the grant of planning permission for 540 homes, 25,000 ft² of commercial space, a new flood defence wall and public realm on part of the Western Harbour Arm. The bid was approved in February 2018 and work has recently commenced on site undertaking some of the preparatory ground works.

4. Proposal

- 4.1 The £5.7 million LEP funding for the New Monks Farm development is to be used to help deliver the new roundabout junction on the A27 which would serve the proposed Ikea store, 600 residential dwellings and the new employment site at Shoreham Airport.
- 4.2 The £10 million HiF funding for Free Wharf is to deliver the new flood defence (including a new podium deck) and public realm (riverside cyclepath).
- 4.3 In both cases, there is a need to enter into a Funding Agreement with the relevant funding bodies (LEP and Homes England). Amongst other matters the funding agreement commits the Council/Developer to use the funds for their intended purpose i.e the delivery of infrastructure that will benefit the public and that any funds are returned if used for any other purposes.
- 4.4 As the Council is not directly involved with either project it will be, effectively, passing money directly on to the developers to ensure delivery of essential infrastructure. As such, your Officers have had some concerns about any liability falling onto the Council, particularly if any funds have to be repaid.
- 4.5 A side agreement with the Developers is therefore necessary to ensure that there is no ongoing risk to the Council. The funding bodies cannot pass the funding directly to the developers and the Council is effectively the accountable body. It will be necessary, therefore, to provide ongoing monitoring of the projects and some level of project management and oversight of funding payments. This work will be carried out using existing staff resources.
- 4.6 As the funding will be coming into the Council it will also be necessary to add these projects to the Council's Capital Programme, albeit the Council is not putting any additional funds into the projects.

5. Issues for consideration

- 5.1 As stated above the main issue for consideration is protecting the Council from any claim from the funding bodies in connection with any potential misuse of funding or breach of any of the funding conditions. As the Developer is not a party to the funding agreement there is a need to indemnify the Council for any potential risks of action and both Developers have agreed, in principle, to enter into such agreements.
- 5.2 Homes England has confirmed that similar arrangements are in place between other local authorities and developers where the Council is not delivering the project. A draft funding agreement is currently being drafted with the relevant funding partners.
- 5.3 There are state aid rules which have to be taken into account when considering any public funding to a private sector organisation. Independent legal advice was secured in relation to the Free Wharf scheme and this confirmed that both the proposed flood defence and public realm works would not amount to state aid. The provision of the new roundabout for the A27 would also not amount to state aid as it would be a public benefit with the road being adopted after completion by Highways England.

6. Engagement and Communication

- 6.1 There has been publicity around the need for public funding for both schemes. Both planning applications included viability information to support the need for public funding. The Committee report for New Monks Farm also specifically referred to the public funding to be provided by the LEP.

7. Financial Implications

- 7.1 The Council will act as the accountable body for the grant responsible for:
- Claiming the funding from the Coast to Capital LEP and Homes England in accordance with the grant conditions;
 - Making payments to the developers;
 - Reporting to the grant awarding bodies progress in delivering the schemes.
- 7.2 Under the terms of the proposed agreements there are clawback arrangements should the grant conditions not be met. Whilst the Council is

not delivering the project, this financial risk sits with the Council as the accountable body. To mitigate against this, the Council will enter into a contractual arrangement requiring the developer to comply with the terms of the funding agreement and providing an indemnity to the Council in the event the Developer breaches any of the grant funding terms. No funding should be paid over to the Developer to carry out capital works until this agreement is in place.

- 7.3 The award of a grant for capital purposes is classed as capital expenditure consequently the Council will need to create a capital budget for the grants to be awarded.
- 7.4 These projects do not currently feature in the Council's capital programme and consequently the Committee needs to recommend to Council to approve these additions to the programme.

8. Legal Implications

- 8.1 Legal Implications s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 8.2 S1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available of assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 8.3 Section 25 of 2003 Statutory Instrument No. 3146 - Local Authorities (Capital Finance and Accounting) regulations 2003 requires that 'the making of an advance or the giving of a grant or other financial assistance to any person, whether for use by that person or by a third party, towards expenditure, which would, if incurred by the authority, be capital expenditure shall be treated as capital expenditure.
- 8.4 The Council must ensure that the grant funding is spent (whether or not by the Council or the Developer) in a manner that is compliant with the Public Contract Regulations 2015 and the Council's Contract Standing Orders and spent in a manner that is not inconsistent with the rules on state aid pursuant to Article 107(1) of the Treaty on the Functioning of the European Union (formerly Article 87(1) of the EC Treaty).

- 8.5 The Council must at all times comply with the terms and conditions of the Grant Funding Agreement and ensure throughout the project that the project manager is familiar with those terms and conditions, carrying out the project obligations under the grant funding agreement to ensure compliance and to avoid potential claw back of any funding.

Background Papers

1. Planning application reports for New Monks Farm (AWDM/0961/17) and Free Wharf (AWDM/1497/17).
2. State Aid advice from Trower and Hamlins Solicitors

Officer Contact Details:-

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Head of Planning and Development

01903 221333

james.appleton@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- The grant funding will significantly benefit the local economy by helping to deliver viable new developments meeting the Districts future housing and employment needs. The development will provide significant new employment opportunities both during the construction stage and following occupation of the new retail and commercial floorspace. Both schemes represent a significant investment into the local economy.

2. Social

2.1 Social Value

- The development at New Monks Farm and Free Wharf will also significantly improve the social wellbeing of the District. The schemes will deliver affordable housing to help address the acute housing needs of the District as well as provide community facilities (school, community hub) and a large Country Park which will benefit new and existing residents.

2.2 Equality Issues

- Matter considered in connection with the Planning application.

2.3 Community Safety Issues (Section 17)

- Matter considered in connection with the Planning application.

2.4 Human Rights Issues

- Matter considered in connection with the Planning application.

3. Environmental

- The application at New Monks Farm was accompanied by an Environmental Impact Assessment (EIA) that assessed all the environmental, social and economic impacts of the development. These matters were also fully covered with the assessment of the Free Wharf scheme.

4. Governance

- As indicated in the report, there will be some resource implications for the Council in relation to over-seeing the projects and monitoring the payments to the relevant developers. This will be dealt with using existing staff resources. Any risks to the Council will be mitigated by entering into side agreements with the developers.

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