



ADUR DISTRICT
COUNCIL

Adur Planning Committee
7 October 2019
Agenda Item no. 7

Wards: Eastbrook, Southwick Green, St Mary's, Marine

Shoreham Harbour Joint Area Action Plan

Report by the Director of Economy

1.0 Summary

1.1 This report asks Planning Committee to note and comment on the Shoreham Harbour Joint Area Action Plan, the Main Modifications to the plan, the Planning Inspector's report on the plan's soundness and legal compliance, and the modified Adur Policies Map 2019.

1.2 Any comments will be considered by Joint Strategic Committee on 8 October 2019, which will be asked to recommend that Adur Council:

- 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).
- Revoke the Shoreham Harbour Interim Planning Guidance and Western Harbour Arm Development Brief, which are superseded by the Shoreham Harbour Joint Area Action Plan.
- 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.

2.0 Background

2.1 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.

2.2 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

2.3 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.

2.4 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.

2.5 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.

2.6 The full schedule of Main Modifications is included in Appendix 2 to this report.

2.7 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.

2.8 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.

2.9 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 is presented to Adur Planning Committee 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 will be 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.

3.0 Proposals

3.1 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.

3.2 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.

3.3 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.

3.4 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.

3.5 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

3.6 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.

3.7 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.

4.0 Legal

4.1 The statutory background to the adoption of the JAAP is set out in paragraph 3.2 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.

4.2 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).

5.0 Financial implications

5.1 There are no specific unbudgeted resource implications arising from the adoption of the Shoreham Harbour Joint Area Action Plan. The Council has received external funding of £115,700 for 2019/20 for this work.

5.2 The main financial input has been in staff resource, commissioning evidence studies and paying for the Examination into the plan. This has been met through external funding and the Councils own budgets.

6.0 Recommendation

6.1 It is recommended that Planning Committee note and comment on:

- Shoreham Harbour Joint Area Action Plan (JAAP)
- Main Modifications to the Shoreham Harbour JJAAP
- Planning Inspector's report on the JAAP's soundness and legal compliance
- Adur Policies Map 2019 (revised to incorporate the policies in the JAAP)

1.2 Any comments will be considered by Joint Strategic Committee on 8 October 2019, which will be asked to recommend that Adur Council adopts the JAAP (as modified) along with the revised Policies Map.

- 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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Schedule of Other Matters

1.0 Council Priority

1.1 '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.

2.0 Specific Action Plans

2.1 Policy 8 of the Adur local Plan 2017 commits the Council to work in partnership to produce the Shoreham Harbour Joint Area Action Plan.

3.0 Sustainability Issues

3.1 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.

4.0 Equality Issues

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

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 The regeneration of Shoreham Harbour has been a long standing objective of the Council and its regeneration project partners. The Plan has been subject to extensive consultation, and Examination into soundness and legal compliance. Failure to adopt the plan could negatively impact the reputation of the Council.

8.0 Consultations

8.1 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

8.2 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.

8.3 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.

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 The Shoreham Harbour Joint Area Action Plan has been prepared by Shoreham Harbour Regeneration Partnership. This comprises Adur District

Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority.

12.2 The regeneration partnership works closely with a number of other organisations, including the Environment Agency, Sussex Wildlife Trust, Natural England, and Highways England.