

Mrs Deborah Urquhart, Cabinet Member for Environment	Ref No: ENV06 (19/20)
October 2019	Key Decision: Yes
Adoption of the Shoreham Harbour Joint Area Action Plan	Part I
Report by Lee Harris, Acting Chief Executive and Matt Davey, Director of Highways, Transport and Planning	Electoral Division(s): Shoreham South and Southwick
<p>Summary</p> <p>The Shoreham Harbour Joint Area Action Plan (JAAP) has been prepared jointly by the County Council, Adur District Council and Brighton & Hove City Council for an area that stretches from the Adur Ferry Bridge in the west through to Hove Lagoon (in Brighton & Hove) in the east. Once adopted, the JAAP will become part of the statutory development plan for the area and used for the determination of planning applications.</p> <p>The draft JAAP was submitted in May 2018 for examination and the hearings took place in September 2018. The Inspector agreed a schedule of Main Modifications for consultation. Following the consultation, the Inspector issued her report, concluding that the JAAP was 'sound', subject to modifications. A few matters of interest to the County Council were discussed at the hearing sessions and have been satisfactorily addressed through the modifications. Other minor changes are also required prior to adoption.</p> <p>Adoption of the JAAP, which will support the wider regeneration of the Shoreham Harbour area, is now being taken forward by the three councils. Therefore, it is recommended that the Shoreham Harbour Joint Area Action Plan is adopted by the County Council.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The key issue for the County Council, as the Mineral Planning Authority/Waste Planning Authority, is the presence of active mineral wharves and waste management facilities in the area covered by the JAAP that are safeguarded by policy M10 of the Joint Minerals Local Plan (JMLP - July 2018) and policy W2 of the West Sussex Waste Local Plan 2014. The approach in the JAAP is to safeguard sufficient mineral wharf capacity to cater for future demand. This is supported by the County Council as it is in line with the National Planning Policy Framework and consistent with the JMLP.</p>	
<p>Financial Impact</p> <p>There are no costs to the authority associated with the adoption of the plan.</p>	

Recommendation

That the Cabinet Member for Environment recommends to County Council, on 18 October 2019, that the Shoreham Harbour Joint Area Action Plan, incorporating the main and minor modifications (Appendix B to the report), is adopted.

Proposal

1. Background and Context

- 1.1 The Shoreham Harbour Joint Area Action Plan (JAAP) has been prepared jointly by the County Council, Adur District Council and Brighton & Hove City Council for an area that stretches from the Adur Ferry Bridge in the west through to Hove Lagoon (in Brighton & Hove) in the east.
- 1.2 On 20 October 2017, the County Council approved the publication of the draft JAAP and the subsequent submission of the plan to the Secretary of State. Publication and consultation took place between in November and December 2017 prior to submission of the JAAP in May 2018.
- 1.3 A Government-appointed Planning Inspector conducted the examination of the submitted JAAP to determine whether it was 'sound'. The examination hearings took place in September 2018.
- 1.4 During the hearings, the approach taken by the councils was debated and a number of potential modifications were discussed. Following the hearing sessions, the Inspector indicated that changes needed to be made to the submitted Plan to make it 'sound' and legally compliant. Main Modifications to the plan were proposed in response to representations received at publication stage, and the matters, issues and questions raised by the Inspector during the examination.
- 1.5 Following the hearings, the councils prepared schedules of the proposed modifications and carried out sustainability appraisal of them. In some cases, the Inspector added consequential modifications and recommended their inclusion in the Plan. As part of the examination of the JAAP, the councils undertook public consultation on the Main Modifications in January and February 2019.
- 1.6 After considering all the representations made in response to the consultation, the Inspector issued her report in July 2019 together with a schedule of Main Modifications, which all concern matters that were discussed at the hearings. The Report (attached as Appendix A to this report) has been published for public inspection and is available to view on the County Council's website.
- 1.7 The main recommendations in the Report are as follows:
 - clarification of the approach required 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.

1.8 Overall, the Inspector has found the JAAP to be legally compliant and sound, subject to modification. Other minor changes are also required prior to adoption. The JAAP, incorporating the main and minor modifications, is attached as Appendix B to this report.

1.9 The councils can now move forward to adoption, when the JAAP will become part of the statutory development plan for the Shoreham Harbour area and used for the determination of planning applications.

2. Issues for consideration

2.1 The key issue for the County Council, as Mineral Planning Authority/Waste Planning Authority, is the presence of active minerals wharves and waste management facilities in the area, which has been carefully considered through the preparation of the draft JAAP and the West Sussex Joint Minerals Local Plan 2018 (JMLP). These sites are safeguarded by Policy M10 of the JMLP and Policy W2 of the West Sussex Waste Local Plan. Paragraph 143 of the National Planning Policy Framework (NPPF) also requires local planning authorities to safeguard existing, planned and potential wharfage for bulk transport of minerals.

2.2 The JAAP envisages that the regeneration project will eventually bring forward proposals for alternative land uses on sites currently used for minerals and waste, particularly in the Western Harbour Arm Riverside area where mixed use development is proposed. The approach is to safeguard sufficient mineral wharf capacity at Shoreham to cater for future demand in line with sales over the previous 10 years and release some currently used wharves for redevelopment. This approach is likely to require the relocation of the existing businesses on these sites.

- 2.3 The approach in the JAAP has been supported by the County Council as it is in line with the NPPF and consistent with the JMLP. The Inspector has not proposed any modifications to the approach taken in the submitted JAAP to such matters.
- 2.4 With regard to other County Council functions, there are modifications related to flooding and clarification of the approach taken to public open space and green infrastructure (see paragraph 1.7).
- 2.5 Accordingly, it is recommended that the JAAP, as modified, is adopted by the County Council on 18 October 2019, which will be followed by a six week period for legal challenge. Adoption of the Plan will be considered by Brighton and Hove City Council on 24 October 2019 and Adur District Council on 31 October 2019.

Factors taken into account

3. Consultation

- 3.1 Several stages of consultation have been undertaken during the preparation of the JAAP. Representations made during the consultation period helped the Inspector determine whether the submitted Plan, subject to modifications, was legally compliant and 'sound'.
- 3.2 During the public hearings, modifications were discussed and refined. Participants had the opportunity to comment on the proposed modifications and to suggest alternatives. During the examination, modifications can only be made where the Inspector considers this necessary for the soundness of the plan.
- 3.3 The modifications were developed jointly by the partner councils and in consultation with other interested parties, such as the Environment Agency and Sussex Wildlife Trust.
- 3.4 Consultation on the proposed modifications took place between 11 January 2019 and 22 February 2019, in accordance with the councils' Statements of Community Involvement and the relevant legislation and regulation.

4. Financial (revenue and capital) and Resource Implications

The cost of preparing and publishing the JAAP will be met by provision within the base budget. The JAAP will have no resource implications on future revenue or capital budgets.

5. The effect of the proposal

Adoption of the JAAP will support the wider regeneration of the Shoreham Harbour area. It is recommended that the three councils adopt the Shoreham Harbour Joint Area Action Plan and it becomes part of the statutory development plan for the area.

6. Future transformation, savings/efficiencies being delivered

Not applicable.

7. Human Resources, IT and Assets Impact

None.

8. Legal Implications

8.1 The Shoreham Harbour Joint Area Action Plan was prepared and submitted in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

8.2 The Inspector was requested to recommend Main Modifications to make the Plan sound and legally compliant and capable of adoption. The Inspector concluded that with the recommended main modifications set out in the Appendix to her report, the JAAP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

9. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Absence of a robust planning policy framework for the Shoreham Harbour area – risk to the regeneration project, which may fail to gather sufficient momentum and may result in key sites failing to come forward for redevelopment. This would fail to support local aspirations for economic growth.	The JAAP, once adopted, will become part of the statutory development plan for the area and used for the determination of planning applications. If not adopted the JAAP will not be a material consideration in determination of planning applications. Wider policies in other adopted documents such as the Adur Local Plan, Joint Minerals Local Plan and West Sussex Waste Local Plan alongside the NPPF will be used to determine applications.

10. Other Options Considered

Alternative development options for the JAAP plan area have been considered at the various stages of the preparation of the JAAP. 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 County Council cannot adopt a Plan that is materially different from that recommended by the Planning Inspector; the County Council cannot choose to accept some of the modifications and not others. The only options available to the County Council at this stage are to either adopt the Plan in its entirety, with all of the Main Modifications required by the Inspector, or to not adopt the Plan at all.

11. Equality and Human Rights Assessment

- 11.1 An Equality Impact Report was prepared, for the Submission stage of the plan, based on the Health and Equalities Impact Assessment (EIR) undertaken for the revised draft Adur Local Plan (2016) and is detailed below.
- 11.2 The JAAP is expected to have overall positive impact on identifiable groups as a result of the policies it seeks to introduce. In particular, the EIR outlined that the JAAP is expected to have a positive impact on those who are young, old, living with disabilities or on low incomes through provision of housing, infrastructure and creation of employment opportunities.
- 11.3 At the modifications stage, the modifications were minor for the County Council and so a further assessment was not considered necessary.

12. Social Value and Sustainability Assessment

Not applicable.

13. Crime and Disorder Reduction Assessment

Not applicable.

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Appendices

Appendices A and A1 –Planning Inspector’s Report and main modifications
Appendices B and B1 – Shoreham JAAP, including main and minor
modifications, and monitoring framework

Background papers

None