

<b>Subject:</b>	<b>Adoption of the Shoreham Harbour Joint Area Action Plan</b>		
<b>Date of Meeting:</b>	<b>24 October 2019</b> 26 September 2019 - Tourism, Equality, Communities & Culture Committee 10 October 2019 – Policy & Resources Committee		
<b>Report of:</b>	<b>Executive Director - Economy, Environment and Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Steve Tremlett</b>	<b>Tel: 01273 292108</b>
	<b>Email:</b>	<b>steve.tremlett@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>South Portslade; Wish</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to inform the Tourism, Equality, Communities & Culture Committee (TECC), Policy, Resources & Growth Committee and Council of the outcome of the Public Examination of the Shoreham Harbour Joint Area Action Plan (JAAP), and seek approval for the formal adoption of the Plan by Council.
- 1.2 The JAAP provides specific planning policies and site allocations to support the regeneration of the Shoreham Harbour area, which, if adopted by Council, Adur District Council and West Sussex County Council, will become part of the city's statutory development plan and be used to determine planning applications within the Plan area.

**2. RECOMMENDATIONS:***That Tourism, Equality, Communities & Culture Committee:*

- 2.1 Notes the responses to the consultation on the main modifications to the JAAP and the contents of the Inspector's Report with her conclusion that the JAAP is legally compliant and 'sound';
- 2.2 Recommends to Policy & Resources Committee that the JAAP be adopted, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Head of Planning agreeing any further minor non-material changes to the text with Adur District Council and West Sussex County Council;
- 2.3 Recommends to Policy & Resources Committee that the currently adopted west area Policies Map be revised to additionally display policies contained within the JAAP; and

- 2.4 Recommends to Policy & Resources Committee that the Development Brief for South Portslade Industrial Estate & Aldrington Basin be revoked

*That the Policy & Resources Committee:*

- 2.1 Notes the responses to the consultation on the main modifications to the JAAP and the contents of the Inspector's Report with her conclusion that the JAAP is legally compliant and 'sound';
- 2.2 Recommends to Council that the JAAP be adopted , incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Head of Planning agreeing any further minor non-material changes to the text with Adur District Council and West Sussex County Council;
- 2.3 Recommends to Council that the currently adopted west area Policies Map be revised to additionally display policies contained within the JAAP; and
- 2.4 Recommends to Council that the Development Brief for South Portslade Industrial Estate & Aldrington Basin be revoked.

*That Council:*

- 2.1 Notes the responses to the consultation on the main modifications to the JAAP and the contents of the Inspector's Report with her conclusion that the JAAP is legally compliant and 'sound';
- 2.2 Adopts the JAAP, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Head of Planning agreeing any further minor non-material changes to the text with Adur District Council and West Sussex County Council;
- 2.3 Revises the currently adopted west area Policies Map to additionally display policies contained within the JAAP; and
- 2.4 Revokes the Development Brief for South Portslade Industrial Estate & Aldrington Basin.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 In summary, the Joint Area Action Plan is a 15 year plan for the comprehensive regeneration of Shoreham Harbour and focusses on four key development areas: Aldrington Basin, South Portslade (in Brighton & Hove), and Southwick Waterfront and Western Harbour Arm (in Adur/West Sussex). Overall these areas are expected to deliver 1,400 new homes, 23,500sqm 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 Brighton & Hove City Council, Adur District Council, West Sussex County Council and the Shoreham Port Authority.
- 3.2 The two development areas in Brighton & Hove are described in more detail below:

- 3.3 **Aldrington Basin** – this development area forms the eastern gateway to the harbour. It currently includes a mixture of port operations, employment space and some residential areas.
- 3.4 The JAAP seeks to safeguard and improve the port facilities and includes a strategic allocation for employment (uses classes B1, B2 and B8) and mixed use (use classes A2, B1, C3 and ancillary A1). The allocation in Aldrington Basin will deliver a minimum of 90 new dwellings and 4,500sqm employment floorspace.
- 3.5 In combination with the allocation at South Portslade it forms a key employment area within Brighton and Hove and will help deliver the additional industrial floorspace required in the city in accordance with policy CP3 of the City Plan
- 3.6 **North Quayside and South Portslade** – the North Quayside part of this development area is mostly a port-operational area and South Portslade is predominantly an employment area.
- 3.7 The JAAP seeks to safeguard and improve the port facilities and, within South Portslade, includes strategic allocations for employment and mixed use residential and employment. The allocation in South Portslade will deliver a minimum of 210 new dwellings and 3,000sqm employment floorspace.
- 3.8 Together the allocations in Aldrington Basin and South Portslade will deliver a minimum of 7,500sqm employment generating floorspace and 300 new homes. South Portslade will provide much of the proposed housing key in delivering the housing target set out in policy CP1 of City Plan Part One.
- 3.9 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 Plan and supporting evidence, to the Secretary of State for independent Examination. 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.
- 3.10 Following consideration of comments received during the Proposed Submission consultation and discussions at the public hearing sessions of the Public Examination, the Inspector recommended that the three authorities make a number of main modifications to the Plan.
- 3.11 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 2 to this report together with the Councils' responses.
- 3.12 The Inspector's report was submitted to the authorities on 31 July 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 TDC Committee in September 2017 and Council in November 2017. A full schedule of the main modifications is included in Appendix 3 with a summary 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;
- 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.

3.13 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. The text of the JAAP proposed for adoption is included in Appendix 5.

3.14 Adoption of the JAAP will be considered by West Sussex County Council on 18 October 2019 and Adur District Council on 31 October 2019. A six week period for legal challenge would then 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 City Council as the basis for determining planning applications within the Shoreham Harbour area.

3.15 It is proposed that authority should be delegated to the Head of Planning 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 the Adur District Council and West Sussex County Council.

3.16 The currently adopted Policies Map for the west area of the city will be revised to additionally display the policies contained within the JAAP. An inset of the revised map is included as Appendix 1.

3.17 The JAAP will supersede the currently adopted Development Briefs which have been used to provide detailed guidance for the development in the various development areas whilst the JAAP has been under preparation. The Development Brief for South Portslade Industrial Estate & Aldrington Basin relates to the area within Brighton & Hove and therefore is to be revoked.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 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 to not 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 City Council's two partner authorities and the Shoreham Port Authority.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

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

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

#### **6. CONCLUSION**

6.1 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.

6.2 Adoption will incorporate the JAAP into the city's Development Plan and support the wider regeneration of the Shoreham Harbour area.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 There are no direct financial implications from the adoption of the Shoreham Harbour Joint Area Action Plan itself. It is assumed that any administrative costs associated with adoption of the plan will be contained within existing budgets.

Obviously future actions related to delivery of the action plan would be fully costed and brought back to committee.

*Finance Officer Consulted: Jessica Laing*

*Date: 22/07/19*

Legal Implications:

- 7.2 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.
- 7.3 As soon as reasonably practicable after adoption the JAAP 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).

*Lawyer Consulted: Hilary Woodward*

*Date: 29/7/19*

Equalities Implications:

- 7.4 An Equality and Health Assessment has been produced to support the JAAP. This concludes that the JAAP is expected to have generally positive or neutral impacts on Protected Groups, as outlined in the Equality Act 2010. It aims to create mixed, healthy communities and help to reduce discrimination and inequality.

Sustainability Implications:

- 7.5 A key requirement of the National Planning Policy Framework is to achieve sustainable development. A Sustainability Appraisal (SA), incorporating the requirements of Strategic Environmental Assessment (SEA) has been carried out on the JAAP and the proposed modifications. The Inspector concludes that the SA has adequately considered alternative options to meeting development needs.

Any Other Significant Implications:

- 7.6 None identified.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Revised Policies Map
2. Representations on the Proposed Main Modifications and Councils' Responses
3. Main Modifications to the Submission Shoreham Harbour Joint Area Action Plan
4. Inspector's Report
5. Shoreham Harbour Joint Area Action Plan (adoption version)

### **Background Documents**

1. National Planning Policy Framework
2. City Plan Part One
3. Draft City Plan Part Two

