

Review of development at the Western Harbour Arm

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ADUR DISTRICT
COUNCIL

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I. Introduction, purpose and methodology

- I.1 This review seeks to undertake an analysis and review of development coming forward at the Western Harbour Arm part of the Shoreham Harbour Regeneration Area (with specific reference to topics listed below) to inform the update of the Adur Local Plan.
- I.2 This review has been launched in response to:
- Success in terms of progression of schemes but with developments coming forward at higher densities than predicted. As a result the overall number of dwellings delivered across the JAAP area could, potentially, significantly exceed the minimum figure allocated in the Adur Local Plan (ALP) and Shoreham Harbour Joint Area Action Plan (JAAP).
 - This has resulted in concerns from the local community and District Councillors about the infrastructure improvements coming forward with recently approved developments and that,
 - i) insufficient infrastructure would be delivered to mitigate the impact of increased levels of development (including impacts on congestion/transport/air quality and services health and education) and,
 - ii) that increased densities would not accord with the JAAP in terms of layout, open space and place making.
 - Changes in national/ local policy since adoption of JAAP/ ALP (eg transport)
 - To inform the review and update of the Adur Local Plan.
- I.3 This generates the need for a ‘sense check’ as to:
- whether previous infrastructure requirements are still appropriate given policy changes/level of development; and if not, to determine the updated requirements and means of delivery.
 - Implications of higher dwelling numbers (and resulting higher developments) on sense of place, visual impact, place shaping, delivery of open space etc.
 - To inform refreshed planning guidance, ensuring that individual developments are contributing to delivering the vision to transform the regeneration area into a vibrant, thriving waterside destination; and the area priorities for the Western Harbour Arm, including:
 - The comprehensive redevelopment to become an exemplar sustainable mixed use area.
 - High quality building design, townscape and public realm
 - Maximising the intensification and redevelopment opportunities
 - To inform policies within the emerging Adur Local Plan.
- I.4 This report introduces Part 1 of the Western Harbour Arm review. Part 2 will address the place-making and design elements, which will include consideration of additional land uses such as open spaces on the site, and the resulting implications.

Geography of the Review

- I.4 This project focuses on the Western Harbour Arm allocation as set out in the Shoreham Harbour Joint Area Action Plan 2019. It is important to note that this process will not review the Shoreham Harbour Joint Area Action Plan 2019 itself; this will remain the development plan for the area (together with the Adur Local Plan and relevant Waste and Minerals Plans). Any necessary policy changes can be integrated into the emerging ALP update.
- I.5 In addition, the review relates to those developments within the allocated Western Harbour Arm area; it does not relate to those developments nearby, or adjacent to but outside the allocation. (For example Adur Civic Centre). However where relevant, developments nearby will be taken into account in assessing dwelling numbers where this will influence infrastructure provision - eg school catchment areas, parking etc. Furthermore the review does not relate to any part of the Shoreham Harbour Regeneration Area which lies within Brighton and Hove City.
- I.6 It should also be noted that there are limitations as to what can be achieved through this review; as an example, it is not possible for the existing planning permissions to be amended or revoked as part of the review (unless landowners/ developers choose to do so). The findings or recommendations of the review do not in themselves constitute planning policy, but may inform emerging planning policy.

Methodology

Part I: Internal Analysis and Review

- This will commence with a review and analysis of permissions granted to date, setting out what has been granted permission so far; what infrastructure has been secured (including the role of Section 106 agreements), and any differences from adopted policy.
- An assessment of mitigations as set out in the Adur Infrastructure Delivery Plan 2016 will be undertaken to consider whether these are still appropriate and/or deliverable, given the potentially higher number of dwellings that may be secured, or changes in policy. Are alternative mitigations required? If so, what are these and how can they be delivered?
- The issue of viability, and how this is affecting development also needs to be addressed. This should include impact of changing viability on development with permission; implications for emerging development, and implications for key areas of infrastructure (e.g. impact on affordable housing delivery).
- This stage will incorporate scenario-modelling of those sites within the WHA which are not currently being promoted/ progressed through the planning system. These scenarios will be undertaken at various densities to assess potential dwelling numbers and associated

infrastructure implications. Liaison will be undertaken with these landowners to ascertain their intentions for these sites.

- The review will focus on these particular areas of infrastructure provision:
 - Wastewater/water distribution
 - Health
 - Education
 - Open space (review and recommendations)
 - Transport and parking (part I)
 - Air quality

As a result it will be necessary to engage with the stakeholder organisations responsible for the relevant infrastructure.

Part 2 Place-making and design.

- Design guidance will be developed in order to ensure that the Council's approach to planning for the Western Harbour Arm will deliver the vision and objectives of the JAAP. The code will ensure that developments will contribute to the plan's ambition to create a high quality, vibrant, thriving neighbourhood with a strong sense of place.
- This will include an assessment of the visual implications of higher levels of development (see scenario modelling referred to in part I), utilising national design code methodology and integrating public participation.
- It will incorporate assessment of potential options for delivering open space on-site and the resultant implications, including reduced dwelling numbers and delivery of collective infrastructure including the flood wall in the vicinity.
- This stage will need to address, where relevant, the implications of any alternative mitigations identified in Part I that may require location on the Western Harbour Arm - e.g. primary school, given needs arising from the WHA and other major development (where these can be identified at this time) in the catchment area .
- This element of work can explore whether guidance on building heights or other design factors would be beneficial in influencing developments coming forward at the Western Harbour Arm.
- This work will also need to take account of the existing evidence base for Shoreham Harbour Regeneration, including the Tall Buildings Study.
 - Shoreham Harbour Joint Area Action Plan 2019
 - Permissions granted within the Western Harbour Arm (and nearby as relevant).
 - Adur Infrastructure Delivery Plan 2016.
 - Policy documents including Adur Annual Monitoring Reports, Housing Delivery Test Action Plans, Strategic Flood Risk Assessments and other information, much/all of which can be found on the Council's website.

- Government policy, legislation and advice. This includes the National Planning Policy Framework, Use Classes Order etc.
- Liaison with key infrastructure delivery bodies including Southern Water, WSCC (in particular Transport and Education teams).

I.8 The review will focus on these particular areas of infrastructure provision:

- Wastewater/water distribution
- Health
- Education
- Open space (review and recommendations)
- Transport and parking (part I)
- Air quality

Planning and Infrastructure - General Principles:

I.9 The National Planning Policy Framework states that:

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

2. The role of the Western Harbour Arm in meeting Adur's housing needs

- 2.1 The National Planning Policy Framework (NPPF) requires local planning authorities to set out the strategic priorities for the area in a Local Plan, including strategic policies to deliver the homes and jobs needed in the area.
- 2.2 At the time the Adur Local Plan was being progressed, housing targets were addressed via locally set Objectively Assessed Needs Assessments¹. An assessment was commissioned in 2015 (and updated in 2016²) to determine the OAN. Based on demographic projections and taking into account factors including affordability, house prices, rents, overcrowding issues and rates of delivery, the study recommended an OAN of 325 dwellings per annum (6,825 dwellings over the plan period up to 2032). This OAN represented 'demand' for new housing.
- 2.3 In order to address the identified demand as far as possible, Adur District Council undertook assessment of a range of sites. Brownfield sources were addressed (including sites identified in the Strategic Housing Land Availability Assessment (SHLAA), and a windfall allowance. The Western Harbour Arm was a key element of that strategy, as an important source of previously developed (brownfield) land. Specifically, the Shoreham Harbour Regeneration Area was identified in the emerging Adur Local Plan as a 'broad location' suitable as a source of a minimum of 1,100 dwellings. Detailed policies and site boundaries would be addressed through the subsequent Joint Area Action Plan (JAAP)
- 2.4 The figure of 1,100 dwellings was derived from a range of evidence testing capacity including:
- A Capacity and Viability Study (AECOM 2011) which assessed the quantum of new housing and employment floor space that could viably be delivered in line with the wider vision for the regeneration of the harbour area. Viability analysis was undertaken to establish the funding gap between the value of the land and the full costs of the redevelopment that would need to be met to deliver the required supporting infrastructure.
 - A series of development briefs for various parts of the regeneration area, again including viability appraisals (Shoreham Harbour Western harbour Arm Development Brief 2013).
- 2.5 The work used average densities and took into account constraints such as adjoining uses, the need to safeguard important views, and urban design factors such as building heights.
- 2.6 Brownfield land alone was insufficient to meet Adur's identified needs and assessment of a range of greenfield sites was taken using the SHLAA, sustainability appraisal, sequential and exceptions tests and evidence studies looking at a range of issues and constraints such as biodiversity, flood risk and landscape)

¹ Since 2018 housing need has been assessed via the Standard Methodology.

² Objectively Assessed Needs Housing Update 2016

As such the strategy within the adopted Local Plan allocated Shoreham Harbour Broad Location, West Srompting and New Monks Farm to deliver housing to meet needs. However these sites and other sources taken together identified a capacity-based target of just 3,718 dwellings over the plan period (compared to the OAN of 6,825) - meeting only 54% of identified housing needs.

- 2.7 The JAAP reflected this and identified a minimum of 1,100 dwellings at the Western Harbour Arm (within Adur) as well as a separate allocation of 300 dwellings within Brighton and Hove (all by 2032). This level of development was assessed as deliverable without compromising valued environmental assets and takes into account the need to provide for, and protect other land uses.

Minimum Housing Targets.

- 2.8 For both the Local Plan housing (and employment floorspace) targets, and the Shoreham Harbour 'broad location' (Policy 8 of the Adur Local Plan) the Planning Inspector recommended that all dwellings and floorspace targets were expressed as minimum targets to maximise effectiveness:

In order that the most effective use of land is achieved, it is proposed to introduce greater flexibility into the allocation policies by prefixing the number of dwellings/floorspace with, for example, the words 'at least'. These modifications are set out under the relevant headings in this Report. (Paragraph 26)

In order to maximise effectiveness policy 8 (and the supporting text) should refer to a minimum amount of employment floorspace and a minimum number of dwellings being provided³. (Paragraph 83).

- 2.9 This approach allowed for the fact that in some circumstances it might be possible for a larger number of dwellings to be delivered within a site than previously assessed, if there were no adverse impacts. (This would be assessed via the planning applications process). Given Adur's shortfall this was seen as a positive approach to supporting additional development to meet Adur's identified needs.

Dwelling Types

- 2.10 It is worth noting that the different types of sites allocated facilitate the delivery of a range of types of accommodation; predominantly family style houses at the greenfield locations and flats at the Western Harbour Arm and town centre locations. The regeneration of the Western Harbour Arm, by delivering the smaller homes needed, therefore makes a valuable contribution to the provision of new homes of the right type, tenure and size in Adur according to identified need.

Looking Ahead

- 2.11 The review of the Adur Local Plan has now commenced, and work is being undertaken to develop the evidence base to produce a development strategy for the Adur Local Plan area up to 2039. As part of this process it will be necessary to review and assess potential sites to meet housing, employment and other needs within the Local Plan area. However, given that the Local Plan 2017 met just 54% of assessed needs at

³ https://www.adur-worthing.gov.uk/media/Media_146237.smxx.pdf

that time, it will be challenging to meet Adur's needs. As such, it will be important that all potential sites, particularly brownfield, are carefully assessed.

2.12 As set out elsewhere, Part 2 of the Review of Development at the Western Harbour Arm will take a place-making approach to looking at the remaining sites at the Western Harbour Arm which have not yet come forward for development. This will include assessment of alternative options but will also allow for exploration of the scope for potential residential development (addressed within a design/ townscape framework). As such it may be that via this placemaking approach, the Part 2 review work indicates that the Western Harbour Arm may have potential for additional dwellings (over and above the minimum 1,100 figure) to contribute towards meeting Adur's housing needs. If so, this would be addressed through the updated Local Plan and policy guidance around design, heights etc also arising from the WHA Part 2 process to guide and shape the form of development.

3. Vision

3.1 The regeneration of Shoreham Harbour is a longstanding aspiration of the Council. The area is identified in the Adur Local Plan 2017 as a broad location for change. The Shoreham Harbour Regeneration Partnership (comprising Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority) produced the Shoreham Harbour Joint Area Action Plan (JAAP), which was adopted by the councils in October 2019.

3.2 The JAAP sets a planning policy framework to guide development and investment decisions within the Shoreham Harbour Regeneration Area up to 2032. It sets out the following vision:

Shoreham Harbour Regeneration Vision

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.

3.3 The JAAP contains area-wide policies relating to nine strategic objectives:

- 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

3.4 The JAAP sets out proposals for seven character areas, including the Western Harbour Arm. This includes an allocation for a new high-density neighbourhood at Western Harbour Arm Waterfront. This will deliver a minimum of 1,100 new homes and 12,000m² employment generating floor-space. The plan identifies the following priorities for this area:

Western Harbour Arm area priorities

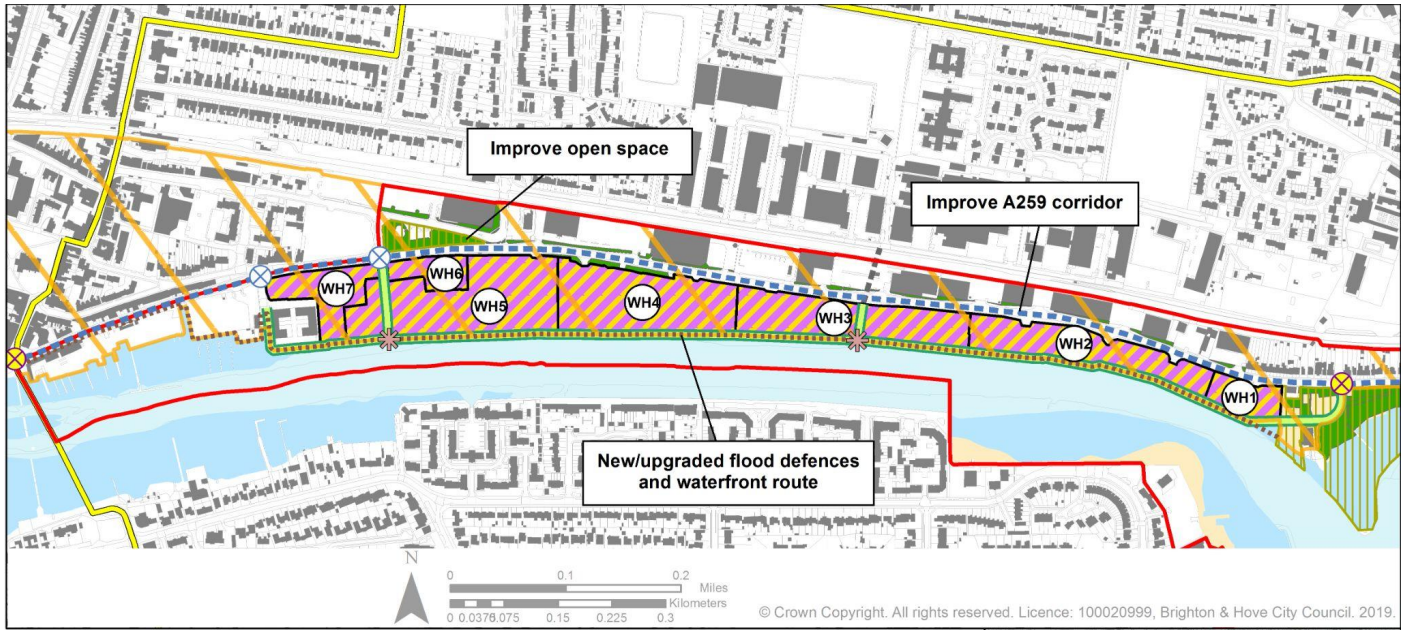
- To designate Western Harbour Arm Waterfront as an allocation for new mixed use development.
- To facilitate the comprehensive development of the Western Harbour Arm Waterfront to become an exemplar sustainable mixed-use area (use classes BI and C3).
- To improve legibility, permeability and connectivity 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 / cycleway 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 multifunctional 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.

3.5 Policy CA7: Western Harbour Arm provides detailed policy for development at the Western Harbour Arm. The plan proposes predominantly flatted residential development at a minimum of 100 dwellings per hectare with employment floorspace at ground floor level.

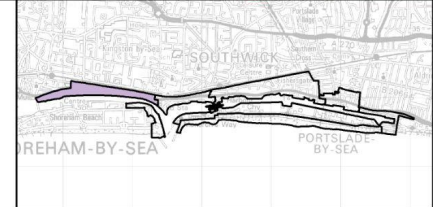
3.6 The plan proposes a new riverside walking and cycling route between the town centre and Kingston Beach. Development should include active frontages along the riverside, including open space, play areas, leisure and ancillary retail and cafes. Alongside Brighton Road (A259), the plan proposes a high quality segregated cycle route.

3.7 The JAAP sets policies on a range of issues, including green infrastructure, public art, active travel, building heights, open space requirements and a range of infrastructure to be provided to address the impacts of development. Infrastructure issues are addressed later in this report. Additional work on issues such as building heights, densities and alternative uses will be addressed through Part 2 of the Western Harbour Arm Review.

3.8 The map below illustrates the proposals for the Western Harbour Arm:



- | | | |
|------------------------------------|--|-------------------------------------|
| Shoreham Harbour Regeneration Area | Village Green | Pedestrian/cyclist gateway |
| Allocation | New/upgraded flood defences (proposed) | Junction improvements |
| Residential (proposed) | Priority corridor (transport/public realm) | Public art opportunity (indicative) |
| Employment (proposed) | Waterfront route (indicative) | |
| Shoreham Heat Network Area | National Cycle Route No2 | |
| Green corridor (proposed) | Potential pedestrian cyclist bridge | |



4. Engagement

- 4.1 The National Planning Policy Framework requires local plans to be “shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees” (para. 16). The Shoreham Harbour Regeneration Partnership carried out extensive consultation throughout the preparation of the Shoreham Harbour Joint Area Action Plan (JAAP). This complied with and exceeded the requirements of Town and Country Planning (Local Planning) (England) Regulations 2012, and the adopted Statement of Community Involvement for each of the three partner authorities: Adur District Council, Brighton & Hove City Council and West Sussex County Council.
- 4.2 In 2013, Adur District Council adopted the Western Harbour Arm Development Brief (now superseded by the JAAP). This provided interim planning guidance for the regeneration area, and informed the preparation of the JAAP. Extensive engagement during the preparation of the development brief included:
- a design workshop attended by 48 people, representing the partner local authorities, community and residents’ groups and local businesses
 - drop in exhibitions
 - Public consultation on emerging proposals and draft development brief
 - A consultation workshop attended by 60 people, representing the partner local authorities, community and residents’ groups and local businesses
- 4.3 In 2014, the partner local authorities consulted on the draft JAAP. All organisations on the consultation database were contacted by letter and invited to submit written representations. Documents were available online and at council offices and local libraries. Several drop-in exhibitions were held at council offices, markets and community centres in and near the regeneration area. 185 written representations were received. Key issues raised included:
- Support for improvements to access and connections for cyclists and pedestrians
 - Support for improvements to the public realm, built environment and beach areas
 - Support for improvements to flood defences
 - The need to manage the impacts on the transport network
 - Impacts on social and community facilities
 - Impacts on existing businesses in the area and need to link benefits to local economy
 - The need to protect future port capacity
 - The need for sufficient green open space
 - The need for better facilities for boat-users and need for a public slipway

- 4.4 In 2016, the partner local authorities carried out further consultation on the revised draft JAAP. All organisations on the consultation database were contacted by letter and invited to submit written representations. Documents were available online and at council offices and local libraries. Several drop-in exhibitions were held at council offices, markets and community centres in and near the regeneration area. 46 written representations were received. Key issues raised included:
- Support for proposals to enhance green infrastructure
 - Support for proposals to develop a district heat network
 - Support for improvements to pedestrian and cycle infrastructure
 - Mixed responses to land use proposals at Western Harbour Arm
 - Mixed responses regarding building heights at Western Harbour Arm and Aldrington Basin
 - Concerns regarding congestion
 - Concerns regarding noise
 - Concerns regarding air pollution
 - Comments regarding length of document and confusing policy numbering.
- 4.5 In 2017, the partner authorities published the Proposed Submission JAAP. At this stage representations were sought as to whether the plan is legally compliant and sound (as defined in the NPPF). The tests of soundness are that the plan is positively prepared, justified, effective and consistent with national policy. 43 written representations were received.
- 4.6 The JAAP was submitted to The Secretary of State in May 2018, and Examination hearings were held in September 2018. Further consultation on Proposed Main Modifications was carried out in 2019. Eleven written representations were received. The plan was adopted by each partner local authority in October 2019.
- 4.7 The consultation statement sets out the full range of consultation activities undertaken, and sets out how issues raised have been addressed by the Plan. The Statement of Consultation can be viewed here: <https://www.adur-worthing.gov.uk/media/Media.152092.smxx.pdf>

5. Constraints and abnormalities

Flood risk

- 5.1 Sites at the Western Harbour Arm are vulnerable to tidal, fluvial and surface water flooding. Sequential and Exceptions Tests were carried out for all sites within the Adur Local Plan to address the issue of flood risk, including the Western Harbour Arm. As each site within the Western Harbour Arm comes forward, the JAAP requires that development is protected through upgraded flood defence provision, with residential development located above likely flood levels. (See policy SH6 of the JAAP) Once complete these flood defences will ensure comprehensive flood protection to the Western Harbour Arm area.

Contaminated Land

- 5.2 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. Significant and costly remediation is likely to be required on all allocated sites. This is addressed in the JAAP in Policy SH7: Natural environment, biodiversity and green infrastructure which requires a site investigation and risk assessment to be submitted.

Safeguarded minerals sites

- 5.3 The West Sussex Joint Minerals Local Plan includes temporary safeguards on two minerals sites at The Western Harbour Arm: Kingston Wharf and New Wharf. The safeguarding expires when the temporary planning permissions for these uses ends. Kingston Wharf is no longer in use as a minerals site, and a mixed use development is currently under construction.

Heritage assets

- 5.4 The Western Harbour Arm is close to the Shoreham-by-Sea Conservation Area, and the 'Riverside' part of the Southwick conservation area lies within the JAAP area. Shoreham Fort, on Shoreham Beach across the river from the eastern end of the allocation is a Scheduled Monument. Kingston Buci Lighthouse is a Grade II listed building. It is important that development has regard to the special historic and/or architectural character of these heritage assets.

Navigation

- 5.5 The eastern end of the allocation is close to the entrance to Shoreham Port, used by a variety of shipping. Development here has the potential to impact on navigational safety for vessels entering or

leaving the port. In particular any artificial lighting must not impact the visibility of navigational lights at the mouth of the river.

Biodiversity

- 5.6 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. 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. Developers will be required to demonstrate that impacts cannot be avoided before mitigation and/or compensatory measures are considered. The council worked with Natural England, Sussex Wildlife Trust and the Environment Agency to prepare a [Guidance Note for Applicants within Adur that have Developments that have the Potential to Cause Significant \(Harmful or Negative\) Impacts to Intertidal Habitats](#)

Air Quality

- 5.7 The western end of the allocation is adjacent to the Shoreham Air Quality Management Area(AQMA). This has been designated due to the high level of pollutants from road vehicle emissions. That AQMA has an Air Quality Action Plan which sets out how this is managed. Air quality matters are addressed in more detail later in this document.

Hazardous substances

- 5.8 There is a Health and Safety Executive (HSE) Consultation Zone on part of the Western Harbour Arm. This limits the types of development that are allowed close to sites where hazardous substances are handled. It is anticipated that the council will work with the landowner to revoke the hazardous substances consent prior to development in this area coming forward.

Waste facilities

- 5.9 Within the allocation is a metal recycling facility. Development of this site will require the relocation of this facility. There is also a municipal waste site opposite the allocation.

6. Infrastructure

Infrastructure Delivery - General Introduction

- 6.1 The delivery of appropriate levels and specific types of infrastructure mitigation is essential to support new homes, economic growth and to protect the environment. The Adur Infrastructure Delivery Plan 2016 was prepared to accompany the Adur Local Plan at examination (and beyond) to demonstrate how the policies and proposals within the Adur Local Plan (2017) would be supported by necessary infrastructure provision.
- 6.2 It is important to note that the IDP is a mechanism for identifying the future infrastructure requirements of development proposed as a result of the Adur Local Plan Review. *It does not, and cannot, address existing deficiencies in infrastructure provision which lies with the responsibility of the infrastructure provider. Developments can only be required to address their own infrastructure needs.*
- 6.3 The IDP:
- Assessed the baseline infrastructure capacity and needs and identified the lead organisations responsible for delivery, management and funding of infrastructure;
 - Identified the needs and costs of infrastructure arising as a result of development as set out in the Adur Local Plan;
 - Identify the funding sources, phasing, and responsibility for delivering of infrastructure and identify how the planning process can facilitate this.
- 6.4 This was undertaken via a consultation with infrastructure providers early in the Plan process to identify the position with regards to the existing infrastructure capacity in the area. As the Plan progressed through various regulation 18 and 19 versions, and the evidence base developed further, the Council was able to identify which sites would be allocated within the Plan and to identify likely appropriate levels of development (in terms of homes/ employment floorspace). Throughout this process liaison was undertaken with infrastructure providers to address requirements for each development, and any constraints on infrastructure delivery which would therefore impact delivery of development.
- 6.5 It is worth remembering that in the early stages of the 'Shoreham Regeneration Project', Shoreham Harbour was identified as a 'Growth Point' for mixed use development. The South East Plan designated Shoreham Harbour as a Strategic Development Area with potential for significant growth through redevelopment and regeneration, and undertook to explore the allocation of *up to 10,000 dwellings*. Through a range of evidence based work, including in relation to infrastructure provision and needs, this figure was found to be undeliverable and as such, the Joint Area Action

Plan process allocated a minimum of 1100 dwellings at the Western Harbour Arm (and a minimum of 300 at the eastern end of the Shoreham Harbour Regeneration Area within Brighton & Hove City Council).

- 6.6 It had been anticipated that the IDP would be kept up-to-date following adoption of the Local Plan - however due to lack of resources this was not possible.

How are infrastructure Requirements for Developments Assessed?

- 6.7 Where applications for development within the Western Harbour Arm come forward, the starting point is the infrastructure as set out in the Adur IDP 2016. However as with any relevant planning application, consultations are undertaken with the relevant bodies on that specific application, enabling the provider to provide an up-to-date assessment of the infrastructure needs generated by that development. **This allows for any change in mitigation due to policy reasons, or changing circumstances, to be taken into account.**
- 6.8 Where an infrastructure provider such as WSCC or PCT indicate a specific requirement, or that something previously indicated as necessary is no longer required, a more up-to-date form of provision will be considered.
- 6.9 Some items to be delivered at Western Harbour Arm may be described as 'collective infrastructure' which due to their physical characteristics need to be delivered by each relevant development to ensure a consistent physical entity. These include the A259 cycleway, flood defences and riverside waterfront walkway and cycleway, which are being secured on each site as it comes forward for redevelopment.
- 6.10 In other cases, elements of infrastructure may be provided on-site by an individual development, or financial contribution towards delivery elsewhere. It is worth bearing in mind that infrastructure contributions, whether to be delivered on-site or by contributions, are usually paid or delivered in stages known as 'trigger points', usually at key stages in terms of the development or occupation of homes.
- 6.11 It is possible that the financial contribution from any one development will not be sufficient on its own to provide a particular piece of infrastructure. In this case, the money will be kept in a ring-fenced account until sufficient other contributions have been made to undertake the work. If a financial contribution has not been used by the appropriate service provider within an agreed period of it being made (as set out in the section 106 unilateral undertaking or agreement), it will normally be returned to the developer together with an appropriate rate of interest for the period concerned, if requested in the agreement. Where the infrastructure provided by a developer is subsequently to be maintained by the District Council, a maintenance payment will be required from the developer if the infrastructure is to be used primarily by the occupants/users of the development and not the wider public.

Viability

- 6.12 It is important to note that national planning guidance states that planning obligations (which are used to secure infrastructure contributions) must only be sought where they meet all of the following tests:
- a) they are necessary to make the development acceptable in planning terms;
 - b) they are directly related to the development; and
 - c) they are fairly and reasonably related in scale and kind to the development.
- 6.13 In some cases, where the developer demonstrates (via a viability assessment) that to meet all infrastructure requirements would make the development unviable, it may be necessary to negotiate reduced contributions.