



PROPOSED SUBMISSION SHOREHAM HARBOUR JOINT AREA ACTION PLAN

LEGAL COMPLIANCE SELF-ASSESSMENT CHECKLIST

MAY 2018





Local Plan Legal Compliance Checklist (April 2013)

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

Glossary:

"Act" means the **Planning and Compulsory Purchase Act 2004 (as amended)**

"NPPF" means the **National Planning Policy Framework** published March 2012

"Regulations" means the **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

Where the 'possible evidence' column refers to a document that will not be complete until a later stage (for example, the sustainability appraisal report), documents that will contribute to that report are relevant at the earlier stages. This way, the submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.



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Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>		<p><i>The Adur Local Development Scheme (LDS) 2016-18 sets out the timetable for the production of documents which will form part of the Adur Local Development Framework. The LDS addresses Development Plan Documents (including the Adur Local Plan 2017 and the Shoreham Harbour Joint Area Action Plan) which will set policies for the area as well as Supplementary Planning Documents, which will provide further detail on specific policy issues.</i></p> <p>Brighton & Hove's most up to date Local Development Scheme for 2017-2020 was approved by the council on 21 September 2017.</p>
<p>2. How will community engagement be programmed into the preparation of the</p>	<p>The Act section 19(3)</p>	<p>NPPF paras 150, 155 and 157</p>	<p>If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of</p>	<p>The Shoreham Harbour Joint Area Action Plan <i>Consultation Statement 2017</i> sets out how the Shoreham Harbour</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
DPD?	Regulation 18		changes in legislation.	<p>Regeneration Partnership has involved the community and stakeholders in the preparation of the Shoreham Harbour Joint Area Action Plan. It includes a summary of the main issues raised during earlier public consultations on the Draft Joint Area Action Plan, and the amendments to be made to the plan.</p> <p>On 6th December 2012 Adur District Council and Worthing Borough Council adopted the <i>Joint Statement of Community Involvement (SCI)</i>. The SCI sets out the consultation and community involvement procedures for the Local Development Framework in Planning Policy and planning applications in Development Management.</p> <p>Brighton & Hove's <i>Statement of Community Involvement (SCI)</i> sets out how and when the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
				<p>Council will involve the community and other interested people and organisations ('stakeholders') in the preparation of its planning policy documents, and also in the consideration of planning applications in Brighton & Hove. The SCI was adopted by the Council on 12 March 2015.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 - 4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>The Shoreham Harbour Joint Area Action Plan <i>Consultation Statement 2017</i> sets out how the Shoreham Harbour Regeneration Partnership has involved the community and stakeholders in the preparation of the Shoreham Harbour Joint Area Action Plan (Joint Area Action Plan). It includes a summary of the main issues raised during earlier public consultations on the Draft Joint Area Action Plan, and the amendments to be made to the plan.</p> <p>On 6th December 2012 Adur</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
				<p>District Council and Worthing Borough Council adopted the <i>Joint Statement of Community Involvement (SCI)</i>. The SCI sets out the consultation and community involvement procedures for the Local Development Framework in Planning Policy and planning applications in Development Management.</p> <p>Brighton & Hove's <i>Statement of Community Involvement (SCI)</i> sets out how and when the Council will involve the community and other interested people and organisations ('stakeholders') in the preparation of its planning policy documents, and also in the consideration of planning applications in Brighton & hove. The SCI was adopted by the Council on 12 March 2015.</p>
4. How you will co-operate with other local planning authorities,	The Act section 33A(1)(a) and (b), section 33A(3)(d)	NPPF paras 178 to 181 (which comprise the guidance	Section 33A(4) defines a "strategic matter".	The Adur District Council, Brighton & Hove City Council and West Sussex County



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
<p>including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>(e) & (4) The Act Section 20(5)(c) Regulation 4</p>	<p>referred to in the Act section 33A(7)) Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities. Strategic priorities are listed at NPPF Para 156</p>	<p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>Council <i>Duty to Cooperate Statement</i> has been addressed in the production of the Proposed Submission Shoreham Harbour Joint Area Action Plan (Joint Area Action Plan). The Shoreham Harbour Regeneration Partnership is made up of Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority. The Shoreham Harbour Regeneration Partnership consider that the Duty to Cooperate has been fulfilled in relation to the preparation of the Shoreham Harbour Joint Area Action Plan and that there are no cross boundary issues arising from the document that have not been addressed through higher level strategic documents, local plans, other development plan documents or through the joint production of the Joint Area Action Plan as</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
				<p>set out within this statement.</p> <p>The Joint Area Action Plan partnership works closely with a number of other organisations. These include the Environment Agency, the Homes and Communities Agency, Highways England, Natural England and Historic England.</p> <p>The Joint Area Action Plan will be jointly adopted by Adur District Council, Brighton & Hove City Council and West Sussex County Council.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement</p>	<p>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.</p>



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			<p>includes consulting on joint approaches to relevant activities.</p>	<p>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.</p> <p>The Sussex Wildlife Trust is a local nature partnership. They provide representation in support of the Joint Area Action Plan at the most recent consultation.</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<p>NPPF paras 158 - 177</p>		<p>Accompanying the submission for the Joint Area Action Plan is the <i>Sustainability Appraisal</i>, which provides a review of the issues affecting the development area.</p> <p>The regeneration partnership and Natural England has agreed that a <i>Habitats Regulations Assessment (HRA)</i> is not needed for the Joint Area Action Plan. <i>The Shoreham</i></p>



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				<p><i>Harbour Habitats Regulations Statement (2016)</i> sets out this position in full.</p> <p>Both the Adur Local Plan and Brighton & Hove City Plan Part One were screened for HRA. These reports concluded that a full HRA is not required as there are no significant impacts on protected European sites.</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>The <i>Scoping Report 2012</i> sets out the baseline of the Joint Area Action Plan partnership with regards to environmental, economic and social issues of relevance.</p> <p>The findings of this report are included in the <i>Sustainability Appraisal 2017</i>. The 2012 Scoping Report provides an agreed 'basis' for appraisal; however, it is important to note that the 'scope' for the appraisal has not remained entirely static since that time. This is appropriate given, that</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
				understanding of sustainability inevitably evolves over time and situations change.
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	The Regulations require that: "When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies". In England, the consultation bodies are Natural England, The Environment Agency and Historic England. As such, these authorities - and wider stakeholders - were consulted on the scope of the SA in 2012. The <i>Scoping Report</i> (which was amended subsequent to consultation) is available on the Shoreham Harbour Regeneration pages of the Adur & Worthing Councils website.



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

- showing that the procedures have been complied with
- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

The council should record actions taken during this phase as they will be needed to show that the plan meets the legal requirements. They will also show that a realistic and reasonable approach has been taken to plan preparation.



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	<p>The <i>Duty to Cooperate Statement 2017</i> set out the requirement to work with the necessary consultation bodies.</p> <p>Between 10 November and 22 December 2017 public consultation was held on the Proposed Submission Joint Area Action Plan. All organisations and individuals on the Shoreham Harbour consultation databases, including statutory consultees, were contacted by email and/or letter to inform them of the consultation period. All were invited to submit representations on the Proposed Submission Joint Area Action Plan.</p>
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		See above.
3. Are you engaging with stakeholders responsible for	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples	See above.



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
delivery of the strategy?			of relevant bodies which should be consulted.	
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	The <i>Consultation Statement 2017</i> outlines how representations made on the Draft Shoreham Harbour Joint Area Action Plan 2014 led to changes in the plan seen in the 2017 Proposed Submission Joint Area Action Plan.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		The <i>Sustainability Appraisal (SA)</i> is a mechanism for considering and communicating the likely effects of a draft plan, and alternatives, with a view to avoiding and mitigating adverse effects and maximising positives. SA is a legal requirement in the case of the Joint Area Action Plan.
6. Is the participation: • following the	The Act section 19(3)	NPPF para 155		The Joint Area Action Plan has considered the Sustainable Community Strategy for its area:



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<p>principles set out in your SCI?</p> <ul style="list-style-type: none"> integrating involvement with the sustainable community strategy? proportionate to the scale of issues involved in the DPD? 				<ul style="list-style-type: none"> Waves Ahead (Adur & Worthing): https://wavesahead.org.uk/our-strategy Brighton & Hove Connected: http://www.bhconnected.org.uk
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> the individuals or bodies invited to make representations? how this was done? the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>The Shoreham Harbour consultation databases contain details of all individuals and organisations that have been consulted about the Joint Area Action Plan.</p> <p>Representations on the Proposed Submission Joint Area Action Plan 2017 are stored on the database, and are also publically available on the Shoreham Harbour Regeneration pages of the Adur & Worthing Councils website.</p> <p>The <i>Statement of Representations Procedures</i> and guidance note were made available on the Adur & Worthing Councils website during publication of the plan. The statement gives notice that Adur District Council, Brighton & Hove City Council and West Sussex County Council (the authorities) were publishing and inviting comments on the Proposed Submission Shoreham Harbour Joint Area Action Plan.</p>



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				<p>This statement is still available on the Brighton & Hove Website: https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Statement%20of%20representation%20procedures.pdf</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>The Shoreham Harbour Regeneration Area straddles the boundary between Adur (within West Sussex) and Brighton & Hove. All three authorities are part of the Shoreham Harbour Regeneration Partnership responsible for preparing the Shoreham Harbour Joint Area Action Plan.</p> <p>The <i>Consultation Statement</i> 2017 sets out how the Shoreham Harbour Regeneration Partnership has involved the community and stakeholders in the preparation of the Shoreham Harbour Joint Area Action Plan.</p> <p>The <i>Duty to Cooperate Statement</i> states that there are no cross boundary issues arising from the Joint Area Action Plan that have not been addressed through higher level strategic documents, local plans, other development plan documents or through the joint production of the Joint Area Action Plan as set out within this statement.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic</p>	<p>The Act section 33A(1)(c) and Section</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on</p>	<p>Cooperation with the Coast to Capital Local Enterprise Partnership (LEP) has taken the form of formal consultation and ongoing informal dialogue. Representations were invited from all relevant stakeholders and consultees, however there were no representations made by the</p>



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<p>priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>33A(9). The Act section 20(5) (c). Regulation 4</p>		<p>significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>LEP during the recent consultation period. Cooperation with the Sussex Wildlife Trust (LNP) has taken the form of formal consultation; and joint working with Brighton & Hove to produce the Green Network study.</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687 SEA Guide, Chapter 5</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning</p>	<p>The <i>Sustainability Appraisal</i> presents a description of the measures envisaged concerning monitoring. These monitoring indicators will be finalised and confirmed in the SA/SEA Post Adoption Statement.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence Provided
			Officer letter 30 March 2011 withdrawing ODPM guidance.	



Stage three: Plan preparation - formulation phase

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the local plan or supplementary planning document with which the council chooses to address Regulation 18 requirements, using the information gathered and previous collaborative work with stakeholders.

Para 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

You should evaluate the reasonable alternatives identified in 'stage two: frontloading phase – plan preparation' phase against the:

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

This may be written up as a preferred strategy report. The results of participation on the preferred strategy and an accompanying sustainability report will enable the council to gauge the community's response and receive additional evidence about the options. The council can then decide whether, and how, the preferred strategy and policies should be changed for publishing the finished DPD.

Alternatives developed from the evidence and engagement during the frontloading stage need to be appraised to decide on the preferred strategy. Participation will also need to be carried out on it.

These matters need to be considered, and dealt with, in good time, and not left until publication. Supporting documents will assist in providing evidence that decisions on alternatives and strategy are soundly based. These documents will, in due course, become part of the proposed submission documents in stage four.

The council should tell all parties that this is the main participation opportunity on the emerging plan.. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>Reasonable alternatives were prepared and evaluated through each of the previous SA drafts. These accompanied the previous versions of the Shoreham Harbour Joint Area Action Plan:</p> <ul style="list-style-type: none"> • <i>Sustainability Appraisal</i> of the Proposed Submission Shoreham Harbour Joint Area Action Plan • <i>Sustainability Appraisal - Shoreham Harbour Joint Area Action Plan</i> (Nov 2016) • <i>Sustainability Appraisal - Shoreham Harbour Joint Area Action Plan</i> (Feb 2014) <p>Reasonable alternatives were also prepared and evaluated through SAs for the following design briefs:</p> <ul style="list-style-type: none"> • <i>Sustainability Appraisal</i> (South



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>Portslade - Aldrington Basin)</p> <ul style="list-style-type: none"> • <i>Sustainability Appraisal (Western Harbour Arm)</i>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	<p>The Act section 19(2), section 24</p>	<p>NPPF para 151</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</p>	<p>The Joint Area Action Plan was prepared in the context of the <i>National Planning Policy Framework</i>, the <i>Adur Local Plan 2017</i>, and the <i>Brighton & Hove City Plan Part One (2016)</i>. Owing to this, the Joint Area Action Plan is considered to be in conformity with the NPPF – see <i>Local Plan Soundness Checklist</i> for further information.</p> <p>The <i>Consultation Statement</i> for the Shoreham Harbour Joint Area Action Plan sets out how the Shoreham Harbour Regeneration Partnership has involved the community and stakeholders in the preparation of the Shoreham Harbour Joint Area Action Plan. It includes a summary of the main issues raised during earlier public consultations on draft versions of the Joint Area Action Plan, and the amendments to be made to the plan. Publication is carried out in</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, and the adopted <i>Statement of Community Involvement (SCI)</i> for each of the three partner authorities.</p> <p>The <i>Duty to Cooperate Statement</i> has been prepared by the Shoreham Harbour Regeneration Partnership in order to outline how the Duty to Cooperate has been addressed in the production of the Proposed Submission Shoreham Harbour Joint Area Action Plan. The Shoreham Harbour Regeneration Partnership is made up of Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority.</p> <p>The Shoreham Harbour Regeneration Partnership consider that the Duty to Cooperate has been fulfilled in relation to the preparation of the Shoreham Harbour Joint Area Action Plan and that there are no cross boundary issues arising from the document that have not been addressed through higher level strategic documents, local plans, other development plan documents or through the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				joint production of the Joint Area Action Plan as set out within this statement.
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>As above see <i>Local Plan Soundness Checklist</i> May 2018</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>The plan has been prepared by the Shoreham Harbour Regeneration Partnership, made up of Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority, and will be jointly adopted by Adur District Council, Brighton & Hove City Council and West Sussex County Council.</p> <p>The regeneration of Shoreham Harbour and surrounding areas is a long-standing</p>



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				<p>aspiration of all the project partners. The partnership has produced this plan to identify realistic, deliverable and sustainable proposals for the regeneration area.</p> <p>The Joint Area Action Plan is a local plan¹ for the Shoreham Harbour Regeneration Area, and will be part of the development plan for both Adur and Brighton & Hove. The councils will assess all planning applications and investment decisions within the regeneration area against the strategy, proposals and policies in the Joint Area Action Plan, as well as the <i>Adur Local Plan 2017</i> and <i>Brighton & Hove City Plan Part One</i> (2016).</p> <p>The <i>Adur Local Plan 2017</i> and <i>Brighton & Hove City Plan Part One</i> (2016) designate the regeneration area as a broad location for change. Both plans identify the character area priorities, for each character area within either Adur or Brighton & Hove, in the following policies:</p>

¹ 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](#).



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<ul style="list-style-type: none"> • Policy 8 of the <i>Adur Local Plan (2017)</i> • Policy DA8 of the <i>Brighton & Hove City Plan Part One (2016)</i> <p>These policies contain information regarding housing and employment space targets for the respective character areas in Adur and Brighton & Hove. The Joint Area Action Plan contains policies regarding housing and employment space that refer to both local plan targets. The Joint Area Action Plan then further addresses the targets within each character area policy, stating the minimum targets then will be delivered through strategic allocations.</p> <p>The accompanying <i>Housing Topic Paper</i> and <i>Employment Topic Paper</i> further discuss these Joint Area Action Plan Policies, the demand for housing and employment space in Brighton & Hove, and justify the approach.</p> <p>The accompanying <i>Delivery Topic Paper</i> states what planning applications in the regeneration area have been granted approval. This topic paper also presents</p>



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				<p>these approvals as percentage figures of the Adur and Brighton & Hove housing and employment space targets, justifying the policies and demonstrating that the Joint Area Action Plan is delivering.</p> <p>The <i>Consultation Statement</i> provides full details of the engagement work to develop the plan. The consultation process complied with statutory regulations² and the <i>Statement of Community Involvement</i> (SCI) of each of the partner councils³.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>As above, The <i>Duty to Cooperate Statement</i> has been prepared by the Shoreham Harbour Regeneration Partnership in order to outline how the Duty to Cooperate has been addressed in the production of the Proposed Submission Shoreham Harbour Joint Area Action Plan (JAAP). The Shoreham Harbour Regeneration Partnership is made up of Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority.</p>

² [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

³ [Adur and Worthing Statement of Community Involvement \(2012\)](#); [Brighton & Hove Statement of Community Involvement \(2015\)](#); [West Sussex Statement of Community Involvement \(2012\)](#)



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>The Shoreham Harbour Regeneration Partnership consider that the Duty to Cooperate has been fulfilled in relation to the preparation of the Shoreham Harbour Joint Area Action Plan and that there are no cross boundary issues arising from the document that have not been addressed through higher level strategic documents, local plans, other development plan documents or through the joint production of the Joint Area Action Plan as set out within this statement.</p>
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>Policy SH3: Economy and employment sets out the economic vision for the Joint Area Action Plan. This vision has been informed by a number of documents including the Coast to Capital LEP's <i>Skills Strategy (Skills for Growth, 2015)</i>, as well as the preliminary <i>Economic Impact Assessment (GL Hearn, 2013)</i> which has indicated that the proposals could generate a significant net increase in employment and additional economic output. Further detail regarding the approach to economic development in the Joint Area Action Plan is set out in an <i>Employment Topic Paper</i>, which forms part of the evidence base</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>for the Joint Area Action Plan.</p> <p>Paragraph 3.1.7 of the Joint Area Action Plan states that 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.</p> <p>The Sussex Wildlife Trust is a local nature partnership.</p> <p>Regarding Brighton & Hove, Cooperation has taken the form of formal consultation; and joint working to produce the Green Network for Brighton & Hove study. This is further discussed in the accompanying <i>Green Infrastructure Topic Paper</i>.</p> <p>Regarding the Joint Area Action Plan, cooperation with the Sussex Wildlife Trust has also taken the form of formal consultation. In the most recent consultation,</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>the Sussex Wildlife Trust was highlight supportive of the Joint Area Action Plan, and hope the other partnership authorities will adopt a similar approach in their own Green Infrastructure strategies in emerging and adopted plans. They supported the following policies</p> <ul style="list-style-type: none"> • SH1 Climate change, energy and sustainable building • SH7 Natural environment, biodiversity and green infrastructure • SH8 Recreation and leisure • Character Area 4: Portslade and Southwick Beaches • Character Area 5: Fishersgate and Southwick • Character Area 6 – Harbour Mouth • Character Area 7: Western Harbour Arm
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area 	<p>The Act section19(2)</p>			<p>Consultation has taken place throughout the preparation on the Joint Area Action Plan with the regeneration partnership. This is also considered in the <i>Duty to Cooperate Statement</i></p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
<p>comprises part of the area of the council?</p> <ul style="list-style-type: none"> any other local development documents adopted by the council? 				<p>Details of workshops and meetings attended can be found in the relevant Consultation Statements.</p> <p>The Joint Area Action Plan must consider the Sustainable Community Strategy for its area:</p> <ul style="list-style-type: none"> <i>Waves Ahead</i> (Adur & Worthing): https://wavesahead.org.uk/our-strategy <i>Brighton & Hove Connected</i>: http://www.bhconnected.org.uk
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and services waste strategies hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>The Joint Area Action Plan has had regard to council and city-wide strategies, in both Adur and Brighton & Hove, relating to climate change, economy and the <i>Local Transport Plan</i>. See <i>Core Document List</i>.</p> <p>The Joint Area Action Plan complies with the <i>The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan</i> (2017), and the <i>West Sussex Joint Minerals Local Plan</i> (2017).</p> <p>Positive representations were made regarding compliance with these mineral plans, in the recent Joint Area Action Plan</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>consultation:</p> <ul style="list-style-type: none"> • East Sussex County Council, as waste and minerals planning authority, welcomes changes made to the plan in light of previous comments and supports the Joint Area Action Plan. • Surrey County Council, as the minerals & waste planning authority, support the proposals to maintain wharf capacity at Shoreham Harbour in accordance with the emerging West Sussex Joint Minerals Local Plan <p>These are further considered in the accompanying <i>Mineral Wharves Topic Paper</i>, which discusses the safeguarding of wharves in the regeneration area.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section 19(1A)</p>	<p>NPPF paras 93 - 108</p>		<p>The Heat Network Delivery Unit (HNDU)⁴ 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</p>

⁴ 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.



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>scenarios for network development. The <i>Shoreham Harbour District Energy Feasibility Study (2018)</i> 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. 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.</p> <p>The Joint Area Action Plan reiterates the importance of heat networks in the following policies:</p> <ul style="list-style-type: none"> • Policy SH1: Climate change, energy and sustainable building: The councils will support the development of district heat networks and associated infrastructure, in areas identified in the <i>Shoreham Harbour District Energy Feasibility Study (2018)</i> • Policy CA6: Harbour Mouth: The council will support the development of infrastructure to deliver the Shoreham Heat Network. • Policy CA7 Western Harbour Arm: The



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>council 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.</p> <p>The following Local plan policies are also present regarding renewable energy and district heat networks, that also reference Shoreham Harbour specifically:</p> <ul style="list-style-type: none"> • Adur Local Plan 2017: Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy. This aims to ensure that where viable and feasible, commercial and residential developments in areas identified in the <i>Shoreham Harbour Heat Network Study</i> (2015) will be expected to connect to district heating networks where they exist. • <i>Brighton & Hove City plan Part One</i> (2016) Policy CP8 Sustainable Buildings. Paragraph 3.113 states that The Brighton & Hove Energy Study has identified particular potential for District Heating networks in and around Shoreham Harbour within a long list of priority areas.



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>Development within the long-list of priority areas will be encouraged to consider low and zero carbon decentralised energy and in particular heat networks and required to either connect where a suitable system is in place, or would be at the time of construction, or design systems so that they are compatible with future connection to a network. The potential will be further investigated during the preparation of the Joint Area Action Plan.</p> <p>The potential for the district heat network is considered in the <i>Climate Change and Renewable Energy Topic Paper</i>, and also the <i>Delivery Topic paper</i> which highlights the approved Free Wharf scheme that will be connection ready.</p> <p>Water efficiency standards in the Joint Area Action Plan will help to deliver the objectives set out within both the <i>Biosphere Management Strategy (2014-2019)</i> and the <i>South East River Basin Management Plan (2016)</i>. The basin plan contains an action that requires local authorities to seek the use of water efficiency standards that exceed the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>Building Regulations where there is local evidence to support this need. This is reflected in Policy SH1 of the Joint Area Action Plan:</p> <ul style="list-style-type: none"> • Clause 8: All developments should seek to achieve high standards of water efficiency and explore potential to implement measures to recycle, harvest and conserve water resources. • Clause 9: All new homes should achieve (as a minimum standard), internal water use of no more than 110 litres per head per day. <p>This higher standard of water usage is already reflected within the adopted Local Plans</p> <ul style="list-style-type: none"> • <i>Adur Local Plan 2017: Policy 18 Sustainable Design:</i> This policy requires all new residential dwellings achieve a water efficiency standard of no more than 110 litres/person/day (lpd). • <i>Brighton & Hove City Plan Part One (2016): Clause 1. Of Policy CP8 Sustainable Buildings</i> requires all new build residential development to achieve the water efficiency “optional standard”, which is stated as consumption 110 litres



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>per person per day.</p> <p>Policy SH6: Flood Risk and Sustainable Drainage sets out the requirements for compliance with the Shoreham Harbour Flood Risk Management Guide, or subsequent guidance, and the need for Sustainable Drainage Systems.</p> <p>The partnership, working closely with the Environment Agency, produced the <i>Shoreham Harbour Flood Risk Management Guide Supplementary Planning Document (SPD)</i> (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.</p> <p>The Joint Area Action Plan will ensure that all development takes into account the findings and recommendations of current Strategic Flood Risk Assessment Both Adur and Brighton & Hove councils have carried out</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>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.</p> <p>Owing to this, the Joint Area Action plan accords with the following flood risk policies of the Local Plans regarding sequential and exceptions tests, and flood risk assessments:</p> <ul style="list-style-type: none"> • <i>Adur Local Plan 2017</i>: Policy 36: Flood Risk and Sustainable Drainage sets out the requirements for a Flood Risk Assessment and the need for Sustainable Drainage Systems. • <i>Brighton & Hove City Plan Part One (2016)</i>: Policy CP11 Managing Flood Risk: This policy also sets out the requirements for a Flood Risk Assessment and the need for Sustainable Drainage Systems. <p>The Joint Area Action Plan contains the following policies that aim to minimise vulnerability to climate change and flood risk:</p> <ul style="list-style-type: none"> • Policy SH1: Climate change and renewable energy: A completed Sustainability Checklist will be required to



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>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. Development should achieve zero carbon status where feasible by incorporating passive design measures.</p> <ul style="list-style-type: none"> • Policy SH6: Flood risk and sustainable drainage: 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>. Proposals should also reduce surface water runoff and pollution through SuDs, and that green infrastructure should be incorporated to reduce surface water runoff and flooding. • Policy SH7: Natural environment, biodiversity and green infrastructure. Development should seek to provide ecological enhancements through the use of sustainable drainage systems (SuDS). • CA7: Western Harbour Arm: Proposals for taller buildings in the centre of the allocation will be required to demonstrate



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>an appropriate response and high quality design in relation to microclimate impacts including wind, daylight and sunlight effects, air pollution and urban heat island effects. The new waterfront route must incorporate sustainable drainage features, such as permeable surfacing and incorporating suitable trees and vegetation.</p> <p>Paragraph 4.5.18 of the Joint Area Action Plan 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):</p> <ul style="list-style-type: none"> • Adur & Worthing Councils and/or Brighton & Hove Council's SFRAs • <i>Water. People. Places: A guide for master planning sustainable drainage into developments</i> • CIRIA SuDS Manual
10. Have you undertaken the	The Act	NPPF para	Regulation 13 of The	<i>Sustainability Appraisal</i> (November 2017) has



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	182 SEA Guide, Chapter 5	Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	been prepared and consulted on. All previous <i>Sustainability Appraisal</i> reports have been subject to consultation. See commentary above (Section 1).
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	This has been considered in the current and previous versions of the Shoreham Harbour Joint Area Action Plan <i>Sustainability Appraisals</i> : <ul style="list-style-type: none"> • <i>Sustainability Appraisal</i> of the Proposed Submission Shoreham Harbour Joint Area Action Plan (Nov 2017) • <i>Sustainability Appraisal - Shoreham Harbour Joint Area Action Plan</i> (Nov 2016) • <i>Sustainability Appraisal - Shoreham Harbour Joint Area Action Plan</i> (Feb



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>2014)</p> <p>This was also considered through SAs for the following design briefs:</p> <ul style="list-style-type: none"> • <i>Sustainability Appraisal (South Portslade - Aldrington Basin)</i> • <i>Sustainability Appraisal (Western Harbour Arm)</i>
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>The <i>Consultation Statement</i> outlines the consultation process for the Joint Area Action Plan. This is available on the following page of the Adur and Worthing Councils website https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/proposed-submission-jaap/ which also lists the comments received from residents, amenity and interest groups, business organisations and other interested parties.</p> <p>The <i>Sustainability Appraisal</i> has been prepared and consulted on. All previous Sustainability Appraisal reports have been subject to consultation. See above (Section</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				<p>1).</p> <p>The Joint Area Action Plan has also been screened for HRA. The Shoreham Harbour Joint Area Action Plan <i>Habitats Regulations Assessment Screening Report (2018)</i> concludes that a full HRA is not required as there are no significant impacts on protected European sites.</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>The Proposed Submission Joint Area Action Plan included the following key illustrations also indicated the character area boundaries and strategic allocations:</p> <ul style="list-style-type: none"> • Map 3 - Character areas • Map 4 - Regeneration proposals • Map 5 - Planning constraints • Map 6 – CA1: South Quayside • Map 7 - CA2: Aldrington Basin • Map 8 – CA3: North Quayside and South Portslade • Map 9 – CA4: Portslade and Southwick Beaches • Map 10 – CA5: Fishersgate and



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
				Southwick <ul style="list-style-type: none"> • Map 11 – CA6: Harbour Mouth • Map 12 – CA7: Western Harbour Arm
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		The <i>Consultation Statement</i> provides full details of the engagement work to develop the plan. The consultation process complied with statutory regulations ⁵ and the <i>Statement of Community Involvement</i> (SCI) of each of the partner councils ⁶ .

⁵ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

⁶ [Adur and Worthing Statement of Community Involvement \(2012\)](#); [Brighton & Hove Statement of Community Involvement \(2015\)](#); [West Sussex Statement of Community Involvement \(2012\)](#)



Stage four: Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness. Only people proposing a change to the plan can expect to be heard at examination.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>		<p>The <i>Sustainability Appraisal</i> was published for the Proposed Submission Joint Area Action Plan and also meets the requirement for an <i>Equalities Impact Assessment</i>. https://www.adur-worthing.gov.uk/media/media,146776,en.pdf</p>
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	<p>Between 10 November 2017 and 22 February 2017 public consultation was held on the Draft Joint Area Action Plan. All organisations and individuals on the Shoreham Harbour consultation databases, including statutory consultees, were contacted by email and/or letter to inform them of the consultation period. All were invited to submit representations on the Draft Joint Area Action Plan.</p> <p>The consultation period was advertised in local newspapers and magazines and on the websites, Twitter and Facebook pages of the partner authorities. A joint press release was distributed to local, national and trade media organisations.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	<p>Regulation 19(a)</p>		<p>Regulation 17 gives definitions.</p>	<p>During the consultation period the documents were available in council offices, libraries and community centres in Shoreham, Southwick, Fishersgate, Portslade and Hove. All documents and the supporting evidence studies were also available from the Shoreham Harbour Regeneration pages on the Adur & Worthing Councils website.</p> <p>This is set out in further detail in the Regulation 22 <i>Consultation Statement</i></p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>The Joint Area Action Plan and the proposed submission documents were published on the Adur and Worthing council's website: https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/proposed-submission-jaap/</p> <p>Information regarding the representation period procedures was made available on the councils' websites https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Guidance%20Note.pdf</p> <p>Further details are available in the <i>Consultation Statement</i></p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	Emails/ Letters were sent to general consultation bodies with links to the council/ consultation website where the documents could be viewed or downloaded and the guidance note which contained the representation procedure notice. <i>See Consultation Statement</i>
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	Emails/ Letters were sent to general consultation bodies with links to the council/ consultation website where the documents could be viewed or downloaded and the guidance note which contained the representation procedure notice. <i>See Consultation Statement</i>
7. Have you requested	The Act section		The request must	N/A



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence Provided
the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	24 Regulation 21		be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	



Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters	The Joint Area Action Plan has been prepared in accordance with the LDS of both Adur and Brighton & Hove: <ul style="list-style-type: none"> Brighton & Hove: The <i>Local Development Scheme (LDS)</i> sets out the three year timetable for the production of



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
document? Have the timescales set out in the LDS been met?			are prescribed in the Regulations.	<p>development plan documents by Brighton & Hove City Council. The most up to date Local Development Scheme for 2017-2020 was approved by the council on 21 September 2017.</p> <ul style="list-style-type: none"> Adur & Worthing: The <i>Adur Local Development Scheme</i> (LDS) sets out the timetable for the production of documents which will form part of the <i>Adur Local Development Framework</i>. The LDS addresses Development Plan Documents (including the Adur Local Plan and the Shoreham Harbour Joint Area Action Plan) which will set policies for the area as well as Supplementary Planning Documents, which will provide further detail on specific policy issues: https://www.adur-worthing.gov.uk/media/media,98763,en.pdf <p>While this is currently the most recent and adopted Adur LDS, a new document will emerge after the submission of the Joint Area Action Plan.</p>
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		<p>The Joint Area Action Plan must consider the Sustainable Community Strategies for both Adur and Brighton & Hove:</p> <ul style="list-style-type: none"> <i>Waves Ahead</i> (Adur & Worthing): https://wavesahead.org.uk/our-strategy <i>Brighton & Hove Connected</i>: http://www.bhconnected.org.uk <p>The Joint Area Action Plan is consistent with the local plans for both Adur and Brighton & Hove, and will be jointly adopted by Adur District Council, Brighton & Hove City Council and West</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
				Sussex County Council. Owing to this, the Joint Area Action Plan will be consistent with and the regard the above Sustainable Community Strategies.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	The <i>Consultation Statement</i> provides full details of the engagement work to develop the plan. The consultation process complied with statutory regulations ⁷ and the <i>Statement of Community Involvement</i> (SCI) of each of the partner councils ⁸ .
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	The plan builds on and complements the <i>Adur Local Plan 2017</i> and the <i>Brighton & Hove City Plan Part One (2016)</i> . Planning applications within the regeneration area must comply with the strategy and policies in the Joint Area Action Plan, as well as the relevant local plans. The plan has been prepared by the Shoreham Harbour Regeneration Partnership. This is made up of Adur District Council, Brighton & Hove City Council, West Sussex County

⁷ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

⁸ [Adur and Worthing Statement of Community Involvement \(2012\)](#); [Brighton & Hove Statement of Community Involvement \(2015\)](#); [West Sussex Statement of Community Involvement \(2012\)](#)



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>Council and Shoreham Port Authority.</p> <p>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. The plan will be jointly adopted by Adur District Council, Brighton & Hove City Council and West Sussex County Council.</p> <p>The Joint Area Action Plan is a local plan⁹ for the Shoreham Harbour Regeneration Area. The Joint Area Action Plan will be part of the development plan for both Adur and Brighton & Hove. The <i>Adur Local Plan</i> and <i>Brighton & Hove City Plan Part One</i> designate the regeneration area as a broad location for change¹⁰.</p> <p>The councils will assess all planning applications and investment decisions within the regeneration area against the strategy, proposals and policies in the Joint Area Action, as well as the relevant local plans.</p> <p>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. The councils work together to prioritise economic growth. Shoreham Harbour is identified</p>

⁹ 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](#).

¹⁰ Policy 8 of the *Adur Local Plan* (2017); Policy DA8 of the *Brighton & Hove City Plan Part One* (2016).



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				<p>as a growth centre which will focus on environmentally driven technologies.</p> <p>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.</p> <p>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.</p> <p>In 2016 the councils adopted an updated <i>Coastal West Sussex and Greater Brighton Local Strategic Statement</i> (LSS). The LSS sets nine spatial priorities for the area. Spatial Priority 1 relates to Shoreham Harbour and Shoreham (Brighton City) Airport.</p> <p>Regarding the Duty to Cooperate, The Joint Area Action Plan 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></p>



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				<p>between the project partners. The <i>Duty to Cooperate Statement</i> (2017) sets out in more detail the cross boundary engagement in the preparation of this plan.</p> <p>The accompanying Topic Papers further consider how the cross boundary issues of Adur and Brighton & Hove have been identified and addressed within the Joint Area Action Plan:</p> <ul style="list-style-type: none"> • Minerals: This discusses how the proposals in the Joint Area Action Plan will safeguard wharves, and mineral supply, for the wider sub region • Housing: As both Adur and Brighton & Hove will fail to meet their respective OAN over their Local Plan periods, the Joint Area Action Plan will assist each authority in meeting their Local Plan housing targets by delivery housing through the Character Area policies and strategic allocations. • Employment: This Topic Paper address the demand for employment space across both Adur and Brighton & Hove, and discusses how the character area policies and strategic allocations of the Joint Area Action Plan will deliver the required employment uses across each authority. • Delivery: This Topic Paper states what planning applications in the regeneration area have been granted approval. This topic paper also presents these approvals as percentage figures of the Adur and Brighton & Hove housing and employment space targets, justifying the policies and



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				demonstrating that the Joint Area Action Plan is delivering.
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5) Regulation 22(1)(a)</p>	<p>NPPF para 165 SEA Practical Guide, chapter 5</p>		<p>The <i>Sustainability Appraisal</i> is a legal requirement for local plans, and also meets the requirement for an <i>Equalities Impact Assessment</i>.</p> <p>Sustainability Appraisal of the Proposed Submission Shoreham Harbour Joint Area Action Plan</p> <p>The <i>Sustainability Appraisal</i> (SA) has considered and communicated the likely effects of the Proposed Submission Joint Area Action Plan, and alternatives, with a view to avoiding and mitigating adverse effects and maximising positives.</p> <p>Part three of the <i>Sustainability Appraisal</i> report discusses the appraisal findings.</p> <p>A non-technical summary of this most recent Sustainability Appraisal has also been made available.</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>The Joint Area Action Plan is considered to be consistent with national policy.</p> <p>The PAS <i>Local Plan Soundness Checklist</i> has been complete which addresses this issue in more detail.</p>
<p>7. Does the DPD contain any policies or proposals that are not</p>	<p>The Act section 24(1)(a) and</p>	<p>NPPF para 218 footnote</p>	<p>In London the requirement is for general conformity</p>	<p>N/A</p>



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<p>in general conformity with the regional strategy where it still exists? If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>24(4) Regulation 21</p>	<p>41</p>	<p>with the spatial development strategy (The London Plan).</p>	
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b) Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>The councils will be publishing on the council website the prescribed documents and making them available at the deposit points. This will be set out in the notice of submission.</p> <p>The councils will notify by email/ letter the relevant statutory and non-statutory bodies and all persons invited to make representations.</p>



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<p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>				<p>Once adopted, the Joint Area Action Plan will supersede the following policy documents:</p> <p><i>Shoreham Harbour Development Brief: South Portslade Industrial Estate and Aldrington Basin (2013)</i></p> <p><i>Shoreham Harbour Development Brief: Western Harbour Arm (2013)</i></p> <p><i>Shoreham Harbour Interim Planning Guidance (2011)</i></p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>The core submission documents for the Joint Area Action Plan will contain the following policies maps:</p> <ul style="list-style-type: none"> • <u>Adur Policies Map 2017 (Proposed Submission Shoreham Harbour Joint Area Action Plan)</u> • <u>Adur Policies Map 2017 (Inset Map 4 – Shoreham Harbour Regeneration Area) (Proposed Submission Shoreham Harbour Joint Area Action Plan)</u> • <u>Schedule of Amendments to the Adur Policies Map</u> • <i>Brighton & Hove Policies Map 2018 (Submission Shoreham Harbour Joint Area Action Plan)</i> • <i>Brighton & Hove Policies Map 2018 (Inset Map – Shoreham Harbour Regeneration Area) (Submission Shoreham Harbour Joint Area Action Plan)</i>



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				<ul style="list-style-type: none"> • Schedule of Amendments to the Brighton & Hove Polices Map
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The Joint Area Action 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 Joint Area Action Plan, the most recently adopted plan will have precedence¹¹.</p> <p>Once adopted, the Joint Area Action Plan will supersede the following policy documents:</p> <ul style="list-style-type: none"> • <i>Shoreham Harbour Development Brief: South Portslade Industrial Estate and Aldrington Basin</i> (2013) • <i>Shoreham Harbour Development Brief: Western Harbour Arm</i> (2013) • <i>Shoreham Harbour Interim Planning Guidance</i> (2011)
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were 	<p>The Act section 20 (3)</p>		<p>This will bring forward material from the Consultation</p>	<p>The <i>Consultation Statement</i> for the Shoreham Harbour Joint Area Action Plan explains the role of consultation in developing the plan and sets out this information: https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/proposed-</p>

¹¹ See Section 38(5) of the [Planning and Compulsory Purchase Act 2004](#)



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<p>invited to make representations under Regulation 18?</p> <ul style="list-style-type: none"> • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	<p>Regulation 22(1)(c)</p>		<p>statement (see Stage 2 above).</p>	<p>submission-jaap/</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The <i>Consultation Statement</i> for the Shoreham Harbour Joint Area Action Plan explains the role of consultation in developing the plan and sets out this information: https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/proposed-submission-jaap/</p>
<p>13. Have you collected</p>	<p>The Act</p>			<p>Copies of the representations have been collected and have</p>



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together all the representations made under Regulation 28?	section 20(3) Regulation 22(1)(e)			been made available on the Adur & Worthing Councils website: https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/proposed-submission-jaap/
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			A <i>Core Document List</i> has been prepared which lists all of the relevant documents.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Agreed at Adur Full Council 2 nd November 2017 Agenda and Minutes: https://www.adur-worthing.gov.uk/media/media,146806,en.pdf Agreed at Brighton & Hove Council 2 nd November 2017 Agenda Minutes: https://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&MId=6616&Ver=4 Agreed at West Sussex Full Council 20 th October Agenda and Minutes https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/full-council-meetings/#agendas-and-minutes
16. Have you sent the Secretary of State (the Planning Inspectorate)	The Act section 20(1)		Regulation 35 deals with the availability of documents and	A letter will be sent to PINS with a paper copy of the Joint Area Action Plan and all supporting documents including those prescribed in Regulation 22 (1). A DVD will also be sent which



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<p>both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> the DPD? the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 	<p>and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>will contain electronic copies of supporting documents and representations. An email will also be sent that provides a link to the council website where the documents will be available to view and download.</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The notice of submission and availability of documents will set out the deposit points where the Joint Area Action Plan and the documents prescribed in the Regulation 22 will be sent.</p> <p>A DVD with electronic versions of the supporting documents will be sent.</p>
<p>18. On your website,</p>	<p>Regulation</p>		<p>You should do this</p>	<p>The Proposed Submission Joint Area Action Plan, Policies Map</p>



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<p>have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 	<p>22(3) and 35(1)(b)</p>		<p>as soon as reasonably practicable after submission.</p>	<p>and all other supporting documentation can be found on the Adur & Worthing Council's website at:</p> <p>https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration/proposed-submission-jaap/</p>
<p>19. For each general consultation body invited to make</p>	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably</p>	<p>Emails and letters sent to general consultation bodies with links to the council/ consultation website where the documents could be viewed or downloaded and the guidance note which</p>



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<p>representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 			<p>practicable after submitting to the Secretary of State.</p>	<p>contained the representation procedure notice.</p> <p><i>See Consultation Statement.</i></p>
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>As above.</p>
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> published the time and place of the 	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<p>To be published in due course.</p>



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<p>examination and the name of the person appointed to carry out the examination on your website?</p> <ul style="list-style-type: none">notified those who have made representations on the published DPD which have not been withdrawn of these details?				