

## Shoreham Harbour Joint Area Action Plan Examination

### Matters Statement 1A: Duty to Cooperate (DtC)

#### ***Issue: Has the DtC been met?***

Please see the Matters Statement Explanatory Note (SHJAAP/MS/EX) for clarification of acronyms, abbreviations and other terms used in this statement.

1. Is there evidence of a continuous process of engagement, collaboration and effective cooperation with neighbouring local authorities and other prescribed bodies, to ensure that the Plan clearly reflects identified strategic priorities, provides the land and infrastructure necessary to support current and projected future levels of development, and plans effectively for issues with cross-boundary impacts?

#### ***Councils' response:***

- 1.1 The Statement of Compliance with Duty to Cooperate (CSD06/01) was submitted alongside the Plan in fulfilment of the Councils' obligations under Section 33A(1) of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011). The statement sets out the evidence of a continuous process of engagement, collaboration and effective cooperation with neighbouring authorities and other prescribed bodies. The Councils consider that the DtC has been addressed both directly through the Shoreham Harbour Regeneration Partnership, and in the context of wider activity in the sub-region.

#### Shoreham Harbour Regeneration Partnership

- 1.2 The Shoreham Harbour Regeneration Partnership is, in itself, an example of the effective collaboration and cooperation between the partner Councils, neighbouring authorities and other prescribed bodies.

- 1.3 The Shoreham Harbour Regeneration Partnership, in its present form, was formally established in 2011 through an **Memorandum of Understanding** between ADC, BHCC, WSCC and SPA (CSD06/02). This committed the project partners to work in partnership to realise development opportunities that accord with joint planning documents. The aims of the MoU include facilitating collaborative working and open dialogue between all parties.
- 1.4 The MoU established, and set the terms of reference for, the **Shoreham Harbour Leaders Board**. This is comprised of the Leaders of the three Councils, the Chief Executive of SPA, and a senior officer of each Council (or in each case their delegated representative).
- 1.5 The Leaders Board meets quarterly. Its role is to set and approve the strategic direction of the project. Delivery of this is delegated to the Shoreham Harbour Project Board. This is comprised of senior officers from each of the Councils and SPA.
- 1.6 The **Shoreham Harbour Project Board**, in turn, oversees the work of several topic specific subgroups. Where appropriate, neighbouring councils and other prescribed bodies have participated in the Project Board or subgroups.
- 1.7 The **Planning Policy Subgroup** meets regularly. It is comprised of the three partner councils, the EA and, when relevant to minerals and waste issues, ESCC. The group is responsible for the production of planning policy documents, including the JAAP and the development briefs.
- 1.8 The **Flood Risk Subgroup** is comprised of the three partner councils and the EA. It oversaw the production of the Flood Risk Management Guide SPD (LPD04/01). This document provides guidance on flood risk and drainage issues for the sites allocated in the Plan.
- 1.9 The **Transport Subgroup**, comprised of the three partner councils and Highways England, oversaw the production of the Shoreham Harbour Transport Strategy (LPD04/02). This has been prepared to support the Plan through a programme of transport infrastructure improvements. The group will continue to meet to ensure that these activities are coordinated across council boundaries as the project moves into the delivery phase.

- 1.10 The **Delivery Subgroup** is comprised of the three partner councils, and SPA. Its role is to coordinate the delivery of the regeneration project and the proposals in the JAAP. This will take account of wider strategic priorities in the sub region. The group will work with landowners and businesses to assist allocated sites in coming forward for development.
- 1.11 In addition to the formal structures outlined above, a number of project specific working groups have also been formed. For example, Shoreham Harbour Regeneration Partnership is currently working with the Brighton & Lewes Biosphere Partnership and Sussex Wildlife Trust to develop green infrastructure proposals for South Portslade. This work is intended to partially address demand for ecosystem services in the area, with a particular focus on air quality management, noise mitigation and sustainable drainage. These interventions will form part of the wider green infrastructure strategy for the regeneration area.
- 1.12 The regeneration partnership is currently working with the EA and Sussex Wildlife Trust to identify the potential impacts on intertidal habitats in the River Adur. It is intended to commission a report outlining the extent of the issue and identifying solutions.
- 1.13 ADC, WSCC and SPA are partners in the **Shoreham Heat Network Partnership**. A separate Project Board has been set up to deliver this. This reports to the Shoreham Harbour Project Board.
- 1.14 As set out on page 5 of the Statement of Compliance with the Duty to Cooperate (CSD06/01) the Plan accords with the strategic direction of the ALP and the B&HCP(1). Page 9 provides a list of the Statutory Bodies that have been engaged and cooperated with, and how their feedback in past consultations resulted in amendments to the plan.
- 1.15 The **Statement of Common Ground** between the Shoreham Harbour Planning Authorities and the Shoreham Port Authority (CSD06/04) states that strategic policies and waste and minerals site allocations are addressed within the respective waste and minerals plans, with which the Plan accords. This is evident from the representations on the Plan in which ESCC (REP/JAAP/PS/01), WSCC (REP/JAAP/PS/09), and Surrey County Council (REP/JAAP/PS/14) supported the Joint Area Action Plan with regard to minerals.

- 1.16 Shoreham Harbour Regeneration Partnership and Environment Agency - **Statement of Joint Working and Cooperation** (CSD06/03) states how the regeneration partnership and the Environment Agency have promoted effective partnership working, regarding flood risk and associated matters. This document sets out the priorities and working arrangement between the regeneration partnership and the EA, and the progress of key work that has been carried out.

#### Sub-regional cooperation

- 1.17 The activities and processes outlined above have taken place within a wider context of sub-regional engagement, collaboration and cooperation. This includes the Coast to Capital Local Enterprise Partnership (LEP), the Greater Brighton City Deal, the Coastal West Sussex Partnership and Greater Brighton Strategic Planning Board (SPB), and The Living Coast (the Brighton & Lewes Downs Biosphere Partnership). These are described in section 1.10 of the Plan.
- 1.18 In 2014, the LEP produced a **Coast to Capital Strategic Economic Plan** (RPD01/02) which included the priorities in the Greater Brighton City . These identified Shoreham Harbour as a key strategic region for growth. It recognised the flood risk and transport challenges to delivering growth in this area. As part of its Growth Deal, the LEP has awarded £9.5 million for flood defence projects and transport access in the Shoreham area. Since submission of the Plan, a new Coast to Capital Strategic Economic Plan has been published (RPD01/04).
- 1.19 Working across boundaries on strategic planning matters is not new territory for ADC, BHCC and WSCC. There is a long history of joint working through the South East Plan's Sussex Coast Sub-Regional Strategy and Regional Planning Guidance before that. Following the revocation of the South East Plan, the Coastal West Sussex and Greater Brighton LPAs agreed to establish a new advisory **Coastal West Sussex and Greater Brighton Strategic Planning Board** which has been in place since 2012.
- 1.20 The SPB comprises lead councillors from each of the local authorities<sup>1</sup> and the SDNPA. The Board's remit is to:

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<sup>1</sup> Arun District Council, Adur District Council, Brighton and Hove City Council, Chichester District Council, Horsham District Council, Lewes District Council, Mid Sussex District Council, West Sussex County Council and Worthing Borough Council. Crawley Borough Council joined of the group in January 2018.

1. Identify and manage spatial planning issues that impact on more than one local planning area across the Coastal West Sussex and Greater Brighton area
  2. Support better integration and alignment of strategic spatial and investment priorities in the Coastal West Sussex and Greater Brighton area.
- 1.21 The Coastal West Sussex and Greater Brighton Strategic Planning Board was awarded the Royal Town Planning Excellence Award 2014 (see us on page 21) for Innovative Planning Practice in Plan Making for taking a new approach to strategic planning that guides planning priorities and maximise investment opportunities in the area. The Board enables an active and ongoing dialogue, led by elected members, where spatial priorities and key interventions in the area can be considered and agreed
- 1.22 Critical to its success is the continuing close working relationship with the Coastal West Sussex Partnership, the LEP (particularly in relation to the LEP's priorities in the Strategic Economic Plan) and the Greater Brighton Economic Board. The second **Local Strategic Statement (LSS2)** (RPD01/01) sets out the long-term Strategic Objectives for the period 2013 – 2031. These are:
1. Delivering sustainable economic growth
  2. Meeting strategic housing needs
  3. Investing in infrastructure
  4. Managing environmental assets and natural resources
- 1.23 LSS2 sets nine Spatial Priorities for delivering these in the short to medium term (2013-2020) to support regeneration, providing jobs and homes that are needed for its residents and businesses. At the same time, protecting the high-quality environment that provides the essential foundations for sustainable growth. Spatial Priority 1 relates to Shoreham (Brighton City) Airport and Shoreham Harbour. For the regeneration area, this includes:
1. Improved access to and from the A27 and A259 and to local transport infrastructure including public transport, walking and cycling.
  2. Improved flood defences.
  3. Consolidated port activities in the eastern harbour arm and safeguarding sufficient capacity at minerals wharves to ensure a steady and adequate supply of minerals to meet foreseeable future demands.

- 1.24 The SPB has committed to producing an updated Local Strategic Statement (LSS3). This will address the continuing gap between objectively assessed housing needs and housing delivery in the sub-region and the continuing challenges around supporting sustainable economic growth and infrastructure investment. Work to further define the housing market and functional economic market areas was published in 2017 Defining the HMA and FEM (SED03/04) and further work to take forward LSS3 is planned to be commissioned.
- 1.25 At the SPB on 23 July 2018, the Board agreed a series of topic papers which will inform the appointment of consultants to provide the necessary evidence base for the emerging LSS3. The Board is also in the process of appointing a dedicated Strategic Planning Officer to coordinate work on the Strategic Statement.
- 1.26 ADC, BHCC and SPA are partners in **The Living Coast** (the Brighton & Lewes Downs Biosphere Partnership). The Biosphere was designated by UNESCO in 2014. The Biosphere Management Strategy (RPD01/03) includes three objectives. These are:
1. Nature conservation
  2. Sustainable socio-economic development
  3. Knowledge, learning and awareness.
- 1.27 The strategy identifies policies and proposals in the ALP, the B&HCP(1) and the JAAP as mechanisms to deliver these objectives. In particular, it highlights the implementation of a comprehensive flood defence solution that enables regeneration through a mixed use development and improved environmental quality; ensuring improved access to open spaces and the provision of enhanced public realm along the river frontage as part of sustainable development; and the need to enhance green corridors and improve ecological connectivity.
- 1.28 Two of the current priority projects being pursued through the Biosphere Partnership are proposals included in the JAAP. These are the green infrastructure strategy, and the proposed Shoreham Heat Network. The Biosphere Partnership provides a platform for cooperation and learning from other authorities, and the alignment of priorities with other members of the partnership.
- 1.29 The Councils consider that there is extensive evidence of a continuous process of engagement, collaboration and effective cooperation with neighbouring local authorities and other prescribed bodies. This will ensure that the Plan clearly reflects identified strategic priorities, provides the land and infrastructure necessary to support current and projected future levels of development, and plans effectively for issues with cross-boundary impacts.

2. What mechanisms will be put in place to ensure that there is future cooperation in relation to cross boundary issues that may arise as development within the Plan progresses?

***Councils' response:***

Shoreham Harbour Regeneration Partnership

- 2.1 The activities and mechanisms outlined in response to Question 1 are ongoing, and will continue to ensure that there is future cooperation in relation to cross boundary issues. The MoU (CSD06/02) commits the project partners to keeping governance structures under review, and to allocating staff resources to the Shoreham Harbour Regeneration Project.
- 2.2 The Statement of Compliance with the Duty to Cooperate (CSD06/01) addresses the mechanisms for cooperation, that will continue into the future as the regeneration project progresses. This includes the Leaders and Project Boards and the various Subgroups. Current and planned activities for these groups are:
- Planning Policy Subgroup:
    - Overseeing the examination and adoption of the JAAP.
    - Addressing issues relating to impacts of development and flood defences on intertidal habitats.
    - Planning related matters arising from the Shoreham Heat Network project.
    - Planning related matters arising from the Shoreham Harbour Green Infrastructure Strategy.
  - Transport Subgroup:
    - Ensuring the effective implementation of the measures outlined in the Shoreham Harbour Transport Strategy.
    - Engagement with businesses and port operators to develop more sustainable travel behaviours.
    - Identify and implement measures to address air quality and noise impacts arising from vehicles, in particular HGVs.
  - Delivery Subgroup:
    - Engage with businesses and landowners to ensure that sites allocated in the Plan come forward for development.
    - Identify and explore further development opportunities as they arise.
    - Identify and explore mechanisms to deliver infrastructure and improve the viability of proposed development.
- 2.3 In addition, further working groups may be established by the Project Board, or the Subgroups as appropriate.

## Ongoing sub-regional cooperation

- 2.4 The mechanisms and structures set out above should also be seen within the context of wider ongoing sub-regional Duty to Co-operate work. The partner Councils are committed to working with neighbouring authorities on the production of a new Local Strategic Statement (LSS3).
- 2.5 Cooperation is now taking place through the emerging Green Infrastructure Strategy. This is being produced by the Shoreham Harbour Regeneration Partnership, the Living Coast and Sussex Wildlife Trust. This will contribute to achieving the objectives of the Biosphere Management Strategy, the ALP, the B&HCP(1), JAAP and emerging B&HCP(2).
- 2.6 This Green Infrastructure Strategy will contribute to the Principles and Strategic Priorities (Green Infrastructure Investment Areas) of the South Downs Green Infrastructure Framework. The South Downs Green Infrastructure Framework sets out a roadmap for green infrastructure planning for the South Downs National Park and the wider region, with green infrastructure being one of the six strategic cross-boundary issues identified in the South Downs Local Plan, and necessary to secure a strategic network of green infrastructure.
- 2.7 To conclude, the arrangements set out above indicate that there is a strong and on-going commitment to joint working and co-operation both within the Shoreham Harbour Regeneration Project's constituent authorities and partner organisations, and on a wider sub-regional basis. Should any cross-boundary issues arise during the lifetime of the Plan, these can be addressed through these mechanisms.