ADUR DISTRICT COUNCIL

Brighton & Hove City Council

west sussex county council

SHJAAP/MS/02

Shoreham Harbour Joint Area Action Plan Examination

Matters Statement 2: Climate change, energy and sustainable building (Policies SH1, SH2, CA6, CA7)

Issue: Whether the Plan would be effective in addressing the challenges of climate change, and promoting energy efficiency and the sustainable use of resources?

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

17.	Policy SH1(3) encourages the achievement of zero-carbon development, where feasible and viable. What mechanisms are proposed to assess viability, feasibility and whether the development would achieve zero-carbon?

Councils' response:

17.1 The viability and feasibility of achieving zero-carbon development will be assessed when determining the planning application for a proposed development. Paragraph 96 of the NPPF[1] requires development to:

"comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable".

17.2 Where it is not feasible or viable to achieve zero-carbon development, the onus will be on the developer to demonstrate this. The ALP and B&HCP(1) already require information to be submitted with planning applications which will enable the Councils to determine whether the policy requirement has been addressed.

[1] See paragraph 153 in the revised NPPF (2018).

Adur:

17.3 Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy in the ALP requires an assessment of the opportunities to use low carbon and renewable energy and heating/cooling to be provided with any major planning application.

17.4 Policy 8: Shoreham Harbour Regeneration Area in the ALP requires a sustainability statement to be provided with all development proposal in the Shoreham Harbour Regeneration Area. The Shoreham Harbour Sustainability Statements Guidance Note (LPD04/05) provides applicants with guidance on the format and content of the statement.

17.5 The guidance was produced in 2013, and refers to previous iterations of the Adur Local Plan and to the Western Harbour Arm development brief. As set out in the Adur Local Development Scheme 2018-20 (LPD01/04), ADC is producing a Renewable Energy SPD. This SPD will clarify and amplify the requirements of the ALP, and address matters including low and zero carbon technologies, and submitting an energy statement.

Brighton & Hove:

17.6 BHCC has produced an online Sustainability Checklist. Development proposals are required to demonstrate how sustainability has been addressed by submitting a completed Sustainability Checklist. The checklist will be used to monitor the effectiveness of Policy CP8: Sustainable Building in the B&HCP(1). An Energy Statement and other relevant information may also be needed as part of an application.

18. How have feasibility and viability been assessed in relation to the requirements in SH1(4), (5), (6) and (9)? What implications, if any, would these requirements have for the effective delivery of development within the Plan area, including in relation to the Councils' proposed modification MM4?

Councils' response:

Assessment of viability and feasibility:

18.1 The Whole Plan Viability and Deliverability Study (CD10/01) assessed the policies in the Plan for impact on viability. This acknowledged that a number of proposed policies will have a cost implication for development.

18.2 For Policy SH1: Climate change, energy and sustainable building, these were achieving zero-carbon development, connection to a centralised, communal wet heating system, and achieving the optional water efficiency standard. Of these, only the requirement to connect to a centralised boiler system was considered significant.

18.3 The viability and feasibility of meeting the policy requirements will be assessed when determining the planning application for a proposed development. Where it is not feasible or viable to meet these policy requirements, the onus will be on the developer to demonstrate this. As set out in the response to Q17, both ADC and BHCC require planning applications to be accompanied by information on sustainability and energy, which will enable the Councils to determine whether the policy requirements have been addressed.

Clause 4: renewable energy hub

18.4 The long standing objective for Shoreham Harbour to be a hub for renewable energy is stated in several documents, including the Shoreham Port Masterplan (LPD04/08) and Review (LPD04/07) and Brighton & Lewes Downs Biosphere Management Strategy (RPD01/03). Clause 4 asks developers to demonstrate how proposals can contribute towards this. This would be achieved through compliance with the other clauses in Policy SH1, and so does not impose any additional implications for the effective delivery of development.

Clause 5: low and zero carbon energy

18.5 Clause 5 requires new development to incorporate low and zero carbon decentralised energy opportunities. Paragraph 97 of the NPPF (2012) states that LPAs should positively promote energy from renewable and low carbon sources[2]. The clause is intended to reflect this requirement. The Whole Plan Viability and Deliverability Study (CD10/01) considered the cost implications of the JAAP policies. No additional cost for meeting this clause was identified. This clause also reflects the requirements of Policy 19 of the ALP and Policy CP8 of the B&HCP(1).

18.6 There is potential within the regeneration area for development of renewable and low carbon energy generation, such as the proposed district heat network, and/or solar photovoltaics at the Adur Homes estates. Proposed Modification MM4 adds explicit support for renewable and low carbon energy generation. This was suggested in the representation from Sussex Wildlife Trust (REP/JAAP/PS/10). The Councils do not consider that this has any impact on the effective delivery of residential or employment development proposed in the Plan.

[2] See paragraph 151 of the NPPF (2018)

Clause 6: connection to heat network

18.7 Shoreham Harbour Regeneration, ADC, WSCC and SPA are partners in the Shoreham Heat Network Partnership. This is pursuing the development of a district heat network to serve Shoreham Harbour. Heat mapping, energy masterplaning and initial feasibility studies have been carried out. The detailed feasibility work is nearing completion. Once this is finished detailed project development can begin.

18.8 The policy clause requires development in the study area to connect to the network (if it is in place at the time), or to incorporate the necessary infrastructure. Clause 7 sets out the requirements. These are, to install a communal, wet heating system, to allow adequate plant room space for later connection, to identify and safeguard a pipe route, and not to compromise the delivery of the network. These requirements are set out in the Heat Network Code of Practice for the UK, which is referred to in paragraph 3.1.20 of the Plan. For clarity the Councils propose a minor modification to this paragraph so that it explicitly refers to all heat networks, as well as CHP.

18.9 These requirements were considered in the Whole Plan Viability and Deliverability Study (CD10/01). Paragraph 12.21 of the study addresses this. It finds that the provision of individual gas boilers would be uneconomical and cause issues with gas distribution. A centralised system may be cost effective to install. Furthermore, the BCIS costs used in the study include an element for a heating system and connection to utilities, including gas. Nevertheless, the study preferred a conservative approach, and applied an additional cost of £1,000 per dwelling to the viability appraisal.

18.10 Paragraph 96 of the NPPF (2012), expects new development to "comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable"[3]. The onus will be on the developer to provide evidence that this is the case. Assessments of heat network viability should:

- be compliant with the CIBSE Heat Networks Code of Practice for the UK;
- be completed by a suitably qualified individual (e.g. a CIBSE Heat Networks Code of Practice Qualified Consultant);
- include baseline energy consumption and carbon emissions calculations for regulated and non-regulated energy use;
- assess the potential to connect both residential and non-residential buildings to the planned heat network;

[3] This is also stated in Paragraph 153 of the NPPF 2018.

- compare the economics of a heat network solution (i.e. the cost of a communal boiler system, heat meters and heat interface units and plate heat exchanger) against a "business-as-usual" scenario (e.g. individual gas boilers alongside an equivalent level of renewables that would be required to meet the energy reduction target);
- provide a breakdown of the cost estimates used for the assessment;
- include linear heat density calculations for the site;
- present Internal Rate of Return, Capital Expenditure, cost and carbon savings as outputs.

18.11 Where necessary, the viability appraisal will be subject to independent review to ensure that it meets these criteria.

18.12 It is important to note that these clauses do not require developers to actually deliver the network. However, if development is built without consideration of the proposed network it may not be feasible, and will be considerably more expensive to retrofit in future. ADC has worked proactively with developers to ensure that this does not occur. The recently approved development at site WH5 (Free Wharf) incorporates a centralised heating system.

18.13 Hyde New Build objected to these clauses in their representation on the Plan (REP/JAAP/PS/04). The Councils' response to this representation is set out 0n pages 13-16 of the Consultation Statement (CSD05/01). In subsequent pre-application discussions the developer has proposed to incorporate a centralised heating system, and to safeguard a route across the site for the proposed network.

Clause 9: water efficiency:

18.14 Clause 9 requires new homes to meet the optional water efficiency standard of no more than 110 litres per head per day, and for new commercial development to meet the BREEAM excellent standard. The Councils' argument for applying the optional water efficiency standard is presented in response to Question 21. Hyde New Build objected to this clause in their representation on the Plan (REP/JAAP/PS/04). The Councils' full response to this objection is in Consultation Statement (CSD05/01) (pp.16-18).

18.15 The Whole Plan Viability and Deliverability Study (CSD10/01) identified a potential cost impact of this policy clause. Viability assessment included a cost of £250.00 per dwelling for this. It is important to note that this requirement is included in both the ALP and B&HCP(1). It would therefore apply across the regeneration area, regardless of its inclusion in the Plan. This requirement is included in the Plan for the avoidance of any doubt on this matter.

18.16 The second section of this clause relates to non -residential development and requires that non-domestic floorspace achieves a standard of BREEAM 'Excellent'. This matches the requirement in Policy CP8 of the B&HCP(1), but is higher than 'Very Good' required in the ALP. This is intended to provide a consistent standard across the regeneration area. Given that paragraph 94 of the NPPF 2012 states that planning authorities should adopt proactive strategies to mitigate and adapt to climate change, and paragraph 93 emphasises the role planning plays in securing radical reductions in greenhouse gas emissions, this policy is considered reasonable, justified and in line with national advice[4].

18.17 This policy has been assessed as part of the Whole Plan Viability and Deliverability Study (CSD10/01). No adverse impacts were identified.

Conclusion

18.18 The Councils have considered the implications of these policy clauses on the delivery of development through the Whole Plan Viability and Deliverability Study (CSD10/01). Although some cost impacts in relation to zero carbon development, centralised heating and water efficiency have been identified, the Councils consider that these policy clauses are justified. Where meeting these requirements is unfeasible or unviable, the onus will be on the developer to demonstrate this. Without including these requirements, the Councils would not be meeting their statutory obligations to address climate change. The plan would therefore be unsound.

19. Having regard to the Councils' proposed modifications MM2, MM5, MM9, MM10, MM11, MM12 and MM13 how is the district heat network proposed to be delivered, including in terms of location, technology and funding? Is there a reasonable likelihood of Environmental Permit(s) being issued for the abstraction and discharge of the water required for marine source heat pumps?

Councils' response:

19.1 Shoreham Harbour Regeneration Partnership, along with ADC, WSCC and SPA have formed the Shoreham Heat Network Partnership to progress the heat network project. This is set out in an MoU between the project partners (ADD REF). The Heat Network Delivery Unit (HNDU), part of the Department for Business, Energy and Industrial Strategy (BEIS), awarded funding for heat mapping, energy masterplanning, and techno economic feasibility studies. These funds are administered by ADC, under a seperate MoU between the Council and BEIS.

[4] See paragraphs 148 and 149 of the NPPF 2018

19.2 HNDU supports local authorities through the stages of heat network development. Commercialisation, construction, operation and maintenance of heat networks are supported by the Heat Network Investment Project (HNIP).

19.3 The Heat Network Partnership has commissioned expert advice from the Carbon Trust and Sustainable Energy Ltd. The reports to date are the Shoreham Heat Network Study (SED01/02) which includes heat mapping and energy masterplanning; and the Shoreham Harbour District Energy Feasibility Study (SED01/01) which addresses the outline techo-economic feasibility of the proposed network. The detailed techno-economic feasibility is currently nearing completion.

19.4 Preparation of these studies has involved a detailed process of identifying and investigating potential heat sources and demands, in order to develop the most feasible and viable option. In terms of energy technologies, this included gas CHP, ground source heat pumps, river source heat pumps, marine source heat pumps and biomass heating. The recommended scheme utilises a combination of marine source heat pumps, with gas CHP meeting peak and back up demands.

19.5 The extent and coverage of the network has also been investigated in detail. Given the additional costs associated with the retrofit of existing residential blocks of flats, the focus of the project is on new development. This makes the delivery of the network more feasible and viable. The proposed network will serve the new development sites allocated in the Plan at the Western Harbour Arm. It will also serve adjacent development sites, such as the former Adur Civic Centre, and has the potential to extend further into Shoreham-by-Sea town centre as development opportunities arise. For sites outside the Shoreham Harbour Regeneration Area, Policy 19 of the ALP requires development to connect to heat networks where feasible and viable.

19.6 Development at the Western Harbour Arm is expected to be high density, and to include a range of uses, both residential and commercial. This creates a high density of heat demand, which is spread across different times - due to different uses demanding space heating and hot water at different times.

19.7 It is significantly more cost effective to connect buildings designed from the outset with a centralised heating system, than to retrofit existing buildings, or those that do not have a centralised system. For this reason, the Councils have included in Policy SC7 (6-7) a requirement for buildings to be connection ready. This has already been agreed at the planned development at Free Wharf (site WH5).

19.8 The consultants have considered a number of potential locations for the abstraction and heat pumps to be located. One of these is the ADC owned Old Customs House. This was previously in community use, although it is currently vacant and in a poor state of repair. This location is well placed for abstraction as it is at the mouth of the River Adur, and close to an existing structure, the Middle Pier, which could serve as an abstraction point below the intertidal zone.

19.9 Whilst there are advantages to locating all the required plant in a single energy centre at this location, the project partners are mindful of the impact this may have on Kingston Beach (designated as a village green), local residents and the setting of the lighthouse. Therefore, it may be appropriate to disperse some plant elsewhere in the proposed network, thus reducing the size and impact of the energy centre. The legal agreement with the developer of Free Wharf has allowed for the potential adoption of plant by the heat network. This will be considered further during detailed project.

19.10 There are numerous commercial structures under which a heat network can be constructed and operated. These include fully private, fully public sector, a joint venture, or in partnership with community groups. These are being explored in greater depth through the current detailed feasibility work.

19.11 The projected rate of return on the proposed network is likely to be too low for a private investor to deliver the project alone. However, a combination of grant funding from HNIP and public sector investment by ADC and/or WSCC significantly improve the rate of return. This degree of public sector involvement will also ensure that the planned network is operated for the public benefit, and is able to meet the objectives of reducing CO_2 emissions, reducing fuel costs and generating income for the councils.

19.12 Although it is too early for formal pre-application discussions regarding the required environmental permits, the project partners and consultants have held initial meetings with the EA. No objection in principle to the abstraction of water at this location has been identified, the Councils therefore consider it likely that permits would be granted, subject to addressing any potential impacts of this, such as on habitats in the River Adur.

19.13 The Councils' proposed modifications are intended to update the Plan with the current status of the heat network project. MM2 addresses the findings of the Shoreham Harbour District Energy Feasibility studies. MM5 and MM10 commit the Councils to supporting the development of district heat networks. MM11 adds a new area priority to reflect this commitment. MM12 provides a factual update to the background text. MM13 (clause 4) commits the Councils to supporting the development of the proposed heat network at the Western Harbour Arm, and reiterates the requirement for development to connect to the existing or future network in this location.

20. In relation to Policy SH2(8), how will new port infrastructure proposals be expected to demonstrate that the impacts of climate change have been considered in the location, design, build and operation of the proposal?

Councils' response:

20.1 Proposals will be expected to demonstrate that the impacts of climate change have been considered as part of the planning application, where this is required. As stated in paragraph 3.2.13 of the Plan, SPA has permitted development rights for development connected with the operation of the port. Where planning permission is not required, SPA will consider the impacts of climate change in accordance with its Environmental Policy Statement (LPD04/10).

20.2 SPA has a strong commitment to addressing climate change. It has EcoPort status in recognition of this. Development within the port, such as Lady Bee Enterprise Centre (Southwick Waterfront) considers climate change. New developments such as this use environmentally friendly building techniques, materials and technology. SPA's new sites feature solar panels and electric car charging points.

20.3 Much of the port infrastructure, such as sea defence groynes, is required and necessary to prevent the erosion of the land in this location. Planned improvements to the lock gates are required due to rising sea levels.

20.4 Improvements to infrastructure such as roads, and to the key facilities of the port such as cranes, are necessary for the continued success and future growth of the port. Increased port activity including ship movements around the coast of the UK brings a significant reduction in road movements, and environmental benefits.

21. Would the incorporation of a minimum standard of internal water use of no more than 110 litres per day be consistent with national policy in this regard?

Councils' response:

21.1 The councils consider that the incorporation of a minimum standard of internal water use of no more than 110 litres per head per day is consistent with national policy. The councils have a statutory duty to address climate change. This must take full account of water supply and demand considerations. In accordance with the PPG, the councils consider that there is a clear local need, and have therefore included policies requiring new dwellings to meet the optional requirement of 110 litres/person/day.

21.2 This optional standard is contained in policies in the adopted local plans for both Adur and Brighton & Hove. As such, the requirement for new dwellings to meet this standard is already established as adopted policy across the regeneration area. Therefore, the JAAP does not impose any additional requirement. However, the councils consider it appropriate to include the requirement in the JAAP for the avoidance of any doubt that new dwellings will be required to meet the optional standard.

21.3 The PPG sets out the process for establishing a clear need for the optional water efficiency standard. This is based on:

1. existing sources of evidence.
2. consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
3. consideration of the impact on viability and housing supply of such a requirement.

21.4 The Shoreham Harbour Regeneration Area is supplied with water from the Brighton Chalk Aquifer. The area is classified as highly water stressed. Climate change projections and assessments find that mean summer temperatures will increase, and summer precipitation will decrease. However, demand is likely to increase.

21.5 The Councils have consulted with the EA and with Southern Water. The EA is represented on the Planning Policy Subgroup which has overseen the preparation of the JAAP. The policy is necessary to meet the objectives of the South East River Basin Management Plan (RPD03/01). This specifically includes a policy in local plans requiring new homes to meet this standard.

21.6 The impact of this policy on viability and housing supply is addressed in relation to Question 18.

21.7 Representation REP/JAAP/PS/04 on the Proposed Submission JAAP included an objection to Policy SH1 (clauses 8 and 9). This argued that the clauses are unnecessary as water usage standards are set by building standards, and that the councils have not justified a different standard. The councils do not accept this argument. The full response to this objection is in full in the Consultation Statement (CSD05/01) (pp.16-18).

22. In relation to air quality, having regard to the Councils' response to my Initial Questions, what evidence is there that the Plan would not delay compliance or contribute to any future non-compliance with the Ambient Air Quality Directive (Directive 2008/50/EC)? How does the Plan consider the potential cumulative impact of a number of smaller developments on air quality, as well as the effect of more substantial developments, and the impact of point sources of pollution? On what basis has any forecasting been made and what level of margin is required to avoid any potential new non-compliance or delay in achieving compliance in air quality?

Councils' response:

22.1 As set out in the councils' response to the Initial Questions, air quality has been a consideration throughout the preparation of the JAAP.

22.2 Much of Character Areas 2 and 3 fall within the Brighton & Hove and Portslade Air Quality Management Area (AQMA) and a small part of Character Area 7 is within the Shoreham AQMA. These AQMAs were declared for exceedance of nitrogen dioxide (NO_2).

22.3 Both Adur District Council and Brighton & Hove City Council have adopted Air Quality Action Plans which identify actions to address air quality. The Brighton & Hove City Council Air Quality Action Plan (LPD02/18) was adopted in 2015, following the revision of the AQMA in 2013. The Adur Air Quality Action Plan (LPD01/10) was adopted in 2007. The council intends to produce an updated plan in the coming year. Both councils are making significant progress to achieving national air quality objectives.

22.4 Each council produces an Air Quality Annual Status Report (ASR). These explain the monitoring that the councils have undertaken and the actions that the councils have taken to improve air quality. According to its 2018 ASR (LPD02/20), Brighton & Hove City Council is compliant with all pollutants listed in the national Air Quality Strategy with the exception of NO_2. Within, and close to the regeneration area, air quality is monitored at the following points:

- Wellington Rd/Basin Road
- Trafalgar Road
- Wellington Road/Church Road
- Boundary Road/Station Road
- Vale Park (urban baseline)

22.5 Mean NO_2 concentrations have decreased significantly since 2010. Concentrations at the roadside locations are close to achieving the annual mean objective of 40µg/m3. Concentrations at Vale Park are well below this, although remain higher than in less urban areas of the city. The Council is not currently considering revocation of this part of the AQMA, although if NO_2 levels decrease this may be considered in future years.

22.6 In its 2018 ASR (LPD01/12), Adur District Council reports that all but one monitoring site achieved the annual mean objective of 40µg/m3. Concentrations at the Shoreham High Street monitoring station are well below this objective, although concentrations at the eastern and western extremities of the High Street AQMA were elevated, but below the annual mean objective, so are being kept under review. Despite this, the council does not intend to revoke the Shoreham AQMA. Instead, the measured levels will be kept under review. NO_2 concentrations at the Southwick AQMA are also below the annual mean objective. However, there has been a slight increase during 2017.

22.7 Proposals in the JAAP have been assessed through the sustainability appraisal process for their impacts on air quality under sustainability appraisal objective 7. This includes the cumulative impacts of the proposals in the plan. The appraisal finds that there is potential for mixed positive and negative impacts in the character areas where new development is proposed, and in relation to the area wide policies relating to new development of employment floorspace and residential dwellings.

22.8 Mitigation measures are included within the relevant character area policies (CA2, CA3, CA5, CA7), and through area wide policies (SH5, SH7, SH8). These include:

- Measures to reduce the need to travel by car, and to contribute to behaviour change (identified in the Shoreham Harbour Transport Strategy).
- Layout of developments designed to prioritise pedestrians and cyclists over vehicular traffic.
- Infrastructure enhancements, such as junction improvements and new pedestrian and cycle links.
- Provision of new green infrastructure, green corridors and improved open spaces
- Requirement that air quality impacts are considered and appropriate mitigation introduced.

22.9 Requirement that new development is set back from main roads to protect residents from vehicle emissions and prevent a canyoning effect.

22.10 The policies in the JAAP will be applied along with those in the Brighton & Hove City Plan or Adur Local Plan (as appropriate). Relevant policies in the Brighton & Hove City Plan Part One include:

- CP7 sets out the approach to infrastructure and developer contributions, including air quality management measures.
- CP8 requires all development proposals to demonstrate how the development reduces air pollution.
- CP9 requires all new major development proposals to include a Transport Assessment, and states the council's intention to produce a Freight Strategy for the city.
- CP18 requires a health impact assessment on all strategic developments in the city, and requires major developments to demonstrate how they minimise negative impacts and maximise positive impacts on health.

22.11 Relevant policies in the Adur Local Plan include:

- Policy 28 states that new development should contribute to the mitigation of air pollution.
- Policy 34 states that air quality assessment will be required in conjunction with development proposals where appropriate.

22.12 Additionally, the Sussex-wide Air quality and emissions mitigation guidance for Sussex authorities (2013) (RPD03/05) provides:

- A Sussex-wide approach for assessing potential air quality impacts from development and transport related emissions and provide a consistent approach to mitigating those impacts.
- Technical advice to local planning authorities on how to deal with planning applications that could have an impact on air quality.

This guidance is currently being reviewed and updated.

22.13 These policies apply across the whole of the relevant local plan area, including the parts of the regeneration area within each authority. Applications for major development in the plan area are required to address air quality, to contribute to implementing Air Quality Action Plan objectives and to demonstrate that appropriate mitigation measures are introduced.

22.14 Applicants are expected to carry out an air quality assessment following the methodology set out in the Air quality and emissions mitigation guidance for Sussex authorities, rather than using forecasting. This uses the most current DEFRA Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development. The application must include suitable mitigation measures for the air quality impacts.

22.15 Air Quality Officers at the relevant council are consultees on the proposed mitigation measures and advise whether or not the proposed measures are adequate. They consider the impact of air pollution on proposed development, thereby ensuring that any cumulative effect that could significantly impact on a development site is identified. We request that developers include a cumulative impact assessment in their air quality assessments. The onus is on the developer to demonstrate their proposals will not add to the cumulative impact.

22.16 Collectively, the measures outlined above ensure that the proposals in the JAAP are not likely to delay compliance or contribute to any future non-compliance with the Ambient Air Quality Directive (Directive 2008/50/EC). The JAAP itself does not stipulate that an air quality impact assessment should be submitted with development proposals. If such a requirement is considered appropriate a modification to Policy SH7 (13) could address this.

23. The Equality and Health Appraisal identifies the potential for the Plan to have negative effects on health and well-being, in relation to air quality and noise impacts from development. Mitigation through green infrastructure and transport improvements has been identified. What measures are proposed to ensure that the mitigation identified is undertaken in a timely manner and will be sufficient to outweigh the negative effects? Having regard to the Councils' proposed modification MM14, would the Plan be effective in ensuring that new development would be in appropriate locations and not give rise to unacceptable risks from pollution?

Councils' response:

23.1 Within the regeneration area, poor air quality and noise are largely the result of vehicular traffic movements through the area. There is a risk that the level of development proposed in the Plan could exacerbate the existing issues. The policies in the Plan, the Transport Strategy and the emerging Green Infrastructure Strategy are each part of the Councils approach to tackling the issues of air and noise pollution. As set out in response to Question 22, the onus will be on developers to provide an assessment of the impacts of their proposals, including cumulative impacts, and to include suitable mitigation measures. Planning conditions and obligations will be used to ensure that any mitigation identified is undertaken in a timely manner and is sufficient to outweigh the negative effects.

23.2 The Shoreham Harbour Transport Strategy provides a package of transport infrastructure improvements and travel behaviour change measures which are intended to reduce the use of the private car, and thereby reduce the level of air and noise pollution. This includes development contribution towards implementing the measures in the relevant. Air Quality Action Plans and Noise Action Plans. To further mitigate any other pollution risks, policy SH7 clause 14 states development within or adjacent to an Air Quality Management Area (AQMA), or that is likely to have an impact on an AQMA, will be required to provide a contribution towards implementing Air Quality Action Plan objectives, such as sustainable transport improvements.

23.3 The emerging Shoreham Harbour Green Infrastructure Strategy will be based on modelling which suggests the locations where green infrastructure may be able to provide ecosystem services, such as mitigating air quality and noise issues. The strategy will make recommendations as to the type of green infrastructure will be suited to each character area to provide the required ecosystems services.

23.4 There is already a requirement for development to be setback from the A259. Proposed modification MM14 clarifies the purpose of this setback. This is to avoid a canyoning effect in relation to air quality, provide space for a cycle route and green infrastructure improvements, and to protect residents from noise and air quality impacts.