

Shoreham Harbour Joint Area Action Plan

Examination Hearings

19 September 2018 – 14:00

Agenda – Day 1 PM

Please note:

- All participants are encouraged to familiarise themselves with the hearing statements (and any additional evidence) produced by the Councils and other parties in respect of the matters addressed at this session. These are available on the examination website.
- Most references to questions refer to those posed by the Inspector in the schedule of Matters, Issues and Questions (already circulated)
- The hearing will run until around 17:00, with a mid-afternoon break.

Inspector's opening

Matter 3: Shoreham Port, economy and employment (Policies SH2, SH3, CA1, CA2, CA3, CA5, CA6, CA7)

Issue: Whether the Plan has been positively prepared with regard for the activities and requirements of Shoreham Port and justified in respect of the quantitative and qualitative mix of floorspace and land proposed for economic development?

1. How will the Plan relate to the Shoreham Port Masterplan 2016? Are there any consistencies or conflicts between the two documents? If so, how would they be addressed? Having regard to the Councils' proposed modification MM13, briefly explain how the Plan would enable potential implications for the safety of navigation arising from development proposals to be addressed?
 - Having regard to the Councils' response to the MIQ, to be effective, should the proposed modification MM13 make explicit reference to lighting?
2. What is the current status of the emerging West Sussex Joint Minerals Plan? Would the Plan adequately safeguard minerals wharves within the Plan area?
3. Would the total area of employment land proposed to be allocated reflect the requirement for the area identified in the ALP and the B&HCLP(1)? Are the boundaries of the proposed employment areas justified?

- Would the proposed modification to the boundaries of CA2: Aldrington Basin site AB1, to include part of the adjoining land, currently identified as a protected employment area, known as Mackleys Wharf, ensure that the boundaries of the proposed employment area would be justified?
4. Does the Plan reflect a clear understanding of business needs within the area and the likely changes in the market? Will the land and floorspace proposed be sufficient, suitable and available to meet the identified existing and future needs for all foreseeable types of economic activity over the plan period? How will the Plan policies provide sufficient flexibility to respond to future changes? How would any shortfall be addressed?
- The Councils' response to the MIQ suggests that the approach taken in relation to meeting employment needs within the Plan area is considered to be realistic, having regard to the identified constraints and the need to accommodate competing demands. Are the Councils satisfied that this approach would not constrain economic growth and would be able to respond positively to changes in demand in the future?
5. What methodology has been used for site selection and are the criteria clear, robust and justified?
- Whilst recognising that the process of site selection was iterative, how were the individual sites proposed to be allocated for employment development initially identified?
6. The Plan identifies a need for the protection of certain employment sites, in Policies CA2(5) and CA3(5). How is it proposed to secure this protection, having regard to changes of use potentially permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015?
- The Councils' response to the MIQ indicates that the impact of permitted development on employment land is monitored and reported. Has a trigger been identified in relation to seeking the introduction of an Article 4 direction to remove permitted development rights, if considered necessary?
7. What mechanisms are proposed to secure training and job opportunities for local residents through development proposals? If the use of planning obligations is envisaged, are the Councils satisfied that these would meet the requirements of regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010?
- The Councils' response to the MIQ indicates the proposed use of planning obligations to secure training and job opportunities for local residents. The response indicates that such obligations have been used successfully in the past. Whilst recognising this, could the Councils explain why they consider that such obligations would

meet the requirements of Regulation 122, in particular the need for the obligation to be necessary to make the development acceptable in planning terms, and to be fairly and reasonably related in scale and kind to the development?

- In relation to Regulation 123, how would the issue of pooled contributions be addressed?

8. Any other questions in relation to this matter

Matter 4: Housing and community (Policies SH2, CA2, CA3, CA7)

Issue: Whether the Plan has been positively prepared in respect of the scale and mix of housing to meet the identified needs of different groups in the community over the plan period?

Need and Demand

9. Having regard to the policies of the ALP and B&HCP(1), does the Plan adequately address the needs for all types of housing and the needs of different groups in the specific local community of the Plan area, in accordance with NPPF paragraphs 50 and 159?
- The Councils' response to the MIQ proposes a modification (MM3) to Objective 4 in this respect. Would the proposed modification ensure that the Objective would be positively prepared and effective?
10. Does the Plan make sufficient provision for inclusive design and accessible environments in accordance with NPPF paragraphs 57, 58, 61 and 69?
- Do the Councils consider that requirements for inclusive design and accessible environments will be satisfactorily addressed by existing or emerging policies of the ALP, B&HCP(1) and B&HCP(2)? To ensure that it is positively prepared and effective, is it necessary to make reference to inclusive design and accessible environments within the Plan?

Supply

11. Does the Plan identify a supply of available, suitable and deliverable land sufficient to meet the housing requirement identified in the ALP and B&HCP(1) for the harbour area over the plan period? Are the identified and allocated sites either deliverable (years 1-5) or developable (years 6-10 and beyond)? What methodology was used

for site selection and are the criteria clear, robust and justified? How has the housing capacity of individual sites been calculated?

- How were the individual sites proposed to be allocated for housing development initially identified?
- What process was used to assess whether the identified and allocated sites are either deliverable or developable?

12. How will the Plan contribute to the delivery of a 5 year supply of housing land within the Councils' administrative areas on adoption and throughout the lifetime of the Plan?

- How have the lead-in times and build out rates been derived, indicated in Appendix 4 to the Councils' response to the MIQ?

13. What has been the extent of housing delivery since the start of the plan period? Are the rates of planned housing development within the Plan area realistic and achievable in the context of previous rates of development and economic circumstances? Should the Plan include a housing trajectory setting out anticipated delivery across the plan period? How would any shortfall in delivery be addressed?

- The Councils' response to the MIQ indicates that a housing trajectory for each local authority area will be provided and updated annually as part of the AMR for each Council. To enable effective monitoring of the Plan, should these include a specific trajectory for the Plan area?

14. Any other questions in relation to this matter

Matter 7: Place making and design quality, character areas and site allocations (Policies SH9, SH4, SH8, CA1-7)

Issue: Whether the Plan will be effective in enabling the regeneration of the Harbour and neighbouring communities, with high quality development, for the benefit of existing and future residents, businesses, port-users and visitors?

15. Would the Councils' proposed modifications MM8 and MIN71 ensure that all character areas are appropriately identified and priorities expressed within the plan? Does the Plan clearly identify what will and will not be permitted and where, with a clear indication of how a decision maker should react to a proposal? Do the policies of the Plan

provide sufficient detail on form, scale, access and quantum of development in each character area? (NPPF p157)

- Are the Plan policies sufficiently robust to ensure that the overall design of proposed development would respond appropriately to local context and be effective in supporting high quality development, avoiding unacceptable negative impacts?

16. Would Policy CA7 be effective in managing the scale and height of development within the Western Harbour Arm character area?

- Are the likely parameters of development and the constraints identified in Policy CA7 (6-8) justified?

17. Are the location and significance of heritage assets appropriately identified within the Plan? How would the Plan assist prospective developers and decision makers in assessing the impact of proposals on the setting and significance of heritage assets?

18. Is the mix of development uses proposed appropriate and deliverable? Do the policies of the Plan provide sufficient flexibility in the mix of development proposed, to support delivery, respond to changing circumstances and address issues of viability?

19. Policy SH9(4) requires contribution for public art, where appropriate. What criteria would be used to assess whether this would be appropriate? What mechanism is proposed to secure this requirement? If it is intended to use planning obligations, are the Councils confident that this would meet the relevant tests for obligations under Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010?

- The Councils' response to the MIQ addresses the issue of pooled contributions in relation to Regulation 123. Would the modifications proposed enable the policy to be justified, effective and consistent with national policy? Would proposed modification MM11 be sufficient to ensure compliance with Regulation 122? Would the proposed modification MM10 enable a potential developer to have a clear understanding of the likely requirements of the policy?

20. Policy SH9(5) refers to standards for amenity space. How have these standards been defined? Has appropriate account been taken of the need for effective delivery of development?

- The Councils' response to MIQ indicates that no specific policy requirements currently exist in relation to external space standards. What mechanism is proposed to ensure clear guidance is provided to a prospective developer on the extent and quality of amenity space likely to be required for the development proposed?

21. Any other questions in relation to this matter