

## Examination Hearings

**20 September 2018 – 10:00**

### Agenda – Day 2 AM

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 13:00, with a mid-morning break.

#### Inspector's opening

#### **Matter 5: Sustainable travel, flood risk and sustainable drainage (Policies SH5, SH6, SH7, CA1)**

#### ***Issue: Whether the Plan positively and effectively addresses identified transport and flood risk constraints?***

1. Would the mitigation measures identified in the Shoreham Harbour Transport Strategy 2016 adequately address the travel demands and additional traffic generated by the Plan proposals? What evidence exists to support this?
  - The Councils' response to the MIQ refers primarily to mitigation and developments within Adur District. Would the mitigation measures also address likely impacts in Brighton & Hove?
  
2. How is the Shoreham Adur Tidal Walls Scheme likely to affect flood risk considerations within the Plan area? What is the status of the *Brighton Marina to River Adur Coastal Strategy Study* and the *Rivers Arun to Adur Flood and Erosion Management Strategy 2010*? What influence, if any, would these documents have in the consideration of development proposals?
  
3. The *Shoreham Harbour Flood Risk Management Guide Supplementary Planning Document* sets out the approach to the management of flood risk within the Plan area. How did the consideration of flood risk influence the distribution of development and inform the site allocation process? To be

effective, should Policy SH6 explicitly address the issue of change of use of land or buildings?

- The Councils' response to the MIQ refers to the Sequential and Exception Tests undertaken for the ALP and the B&HCP(1). How did consideration of flood risk inform the site selection process within the proposed allocations in the Plan?
  - How did consideration of flood risk influence the distribution and type of development identified within the proposed allocations in the Plan?
  - Would the Councils proposed modifications MM5, in relation to the raising of occupied storeys of buildings to 5.4m AOD, be necessary to ensure that Policy SH6 (6) would be effective and consistent with national policy? Is the proposed alteration to paragraph 4.7.18 also intended to be the subject of a proposed modification? Would this proposed modification to Policy SH6 (6) be consistent with the requirements in Policy SH6 (4) and (5)?
4. Would the Councils' proposed modification MM6 be effective in ensuring that development proposals will be required to take into account the most up-to-date assessment of flood risk and the management and mitigation required?
5. Does the Plan clearly identify responsibility for the provision and maintenance of flood risk mitigation measures considered necessary for new development? What effect will these measures have on the viability and delivery of development? How will their effect on the design of new buildings influence other considerations, such as the visual impact of development?
- To support the effective delivery of development, should the Plan be more explicit in identifying responsibility for the provision of flood risk mitigation measures?
  - The Councils' response to the MIQ recognises that the provision of flood risk mitigation will be a significant cost to developers. What evidence exists that this essential cost will not have an unacceptable adverse effect on the viability of development within the Plan area?
6. Would the requirements for sustainable drainage set out in parts 13 and 14 of Policy SH6 be adequate, feasible and viable for different types and

locations of development? If so, what evidence is there to support this conclusion?

- The Councils' response to the MIQ indicates that the developer will be expected to demonstrate to the satisfaction of the Councils and the Environment Agency that the risks of surface water runoff and water pollution have been mitigated. What criteria will be used to make this assessment?
- Having regard to Policy SH6 (13), would the Councils proposed modification MM6 to Policy SH6 (15), concerning basement parking, be necessary to make the policy effective and consistent with national policy?

7. Any other questions in relation to this matter

**Matter 6: Natural environment, biodiversity, green infrastructure, recreation and leisure (Policies SH7, SH8, CA2, CA4, CA5, CA6, CA7)**

***Issue: Whether the policies of the Plan would support the positive management of environmental assets and natural resources, make appropriate provision for green infrastructure and open space, and enable the effective delivery of appropriate recreation and leisure development?***

1. Briefly explain how the potential effects of the Plan's policies and proposals on protected species have been assessed.
2. Would the Councils' proposed modification MM7 enable the Plan to make appropriate reference to compensatory actions, where adverse impacts on biodiversity cannot be avoided or mitigated, including in relation to compensatory habitat? How are the Councils seeking to resolve constraints in identifying appropriate compensatory habitat?
  - The Councils' response to the MIQ indicates that constraints to identifying appropriate compensatory habitat may require such habitat to be provided away from the site. What evidence exists to support this view? What work has been undertaken to identify constraints or opportunities for compensatory habitat delivery? From the evidence available, would the proposed modification MM7 to Policy SH7 (7) be effective and justified?
3. To be effective, having regard to the Councils' proposed modifications MIN61 and MIN68, is it necessary for Policy CA4(2) to refer to the delivery of proposed enhancements to vegetated shingle and further habitat creation at Portslade and Southwick beaches, and for Policy SH7(4) to

specify an approach for the assessment of the biodiversity impacts of development proposals?

- To be effective, is it necessary for proposed modification MM7, concerning Policy SH7 (4), to specify the standard to which the required ecological assessment should be produced?
4. Policy SH8(1) requires development proposals to provide high quality multifunctional public open space or green infrastructure on site. Would the delivery of this requirement for all development proposals be reasonably achievable?
- Would the Councils proposed modification MM9 to Policy SH8 (1) be effective in satisfactorily removing the potential conflict of this policy with others in the Plan, whilst prioritising on-site provision wherever possible?
  - Given the range of elements and scales of green infrastructure potentially available, would Policy SH8 (1) support the effective delivery of development within the Plan area?
5. Would Policy CA6(4) adequately address the potential opportunities for redevelopment of existing leisure and recreation uses within the Plan area? Would Councils' proposed modifications MIN30 and MIN78 ensure consistency with national policy, in relation to the provision of recreational and leisure facilities and services to meet the identified needs of both new and existing communities?
6. Policy CA5(3) refers to complimentary waterside facilities. Does the Plan provide a clear explanation of what type of facilities these are expected to be?
- The Councils' response indicates that it is likely the SPA would deliver the proposed reconfiguration of the marina. Nonetheless, to ensure effectiveness, should paragraph 4.5.31 identify the potential improvements as the complementary waterside facilities referred to in Policy CA5 (3)?