

Shoreham Harbour Joint Area Action Plan

Councils Response to Representations on the Proposed Main Modifications

Consultee		Rep No	Comments	Councils' response
1	Hove Civic Society REP/JAAP/PM/01	1	In response to modification 4: In support. Welcomes introduction of references to the Shoreham Heat Network and the marine source heat pump and gas CHP technologies.	Comments noted and support welcomed
2	Sussex Police REP/JAAP/PM/02	1	Suggest making developers aware or requiring a specific standard of Secured by Design via a planning condition.	Comments noted. Councils suggest additional modification to supporting text.
3	Highways England REP/JAAP/PM/03	1	Satisfied that the JAAP's policies will not materially affect the safety, reliability and/or operation of the Strategic Road Network. Would like to be consulted on any future modifications which have the potential to impact upon the network.	Comments noted.
4	Environment Agency REP/JAAP/PM/04	1	In response to modification 2: In support. Supports the inclusion of the term 'natural environment' into the wording of the vision.	Comments noted and support welcomed.
		2	In response to modification 4: In support. Supports referencing 'subject to appropriate environmental permits' in the wording of this section.	Comments noted and support welcomed.
		3	In response to modification 7: In support. Support the addition of the new section '3.6.7' to clarify the requirement for sequential and exceptions tests. Also support modifications to section 3.6.8 which clarifies the position with regards the responsibility for delivery and	Comments noted and support welcomed.

		maintenance of flood defences in the Western Harbour Arm.	
	4	In response to modification 8: In support. Support the modifications to Policy SH6 (1) with regards to flood risk management evidence and policy, in consultation with relevant authorities such as the Environment Agency.	Comments noted and support welcomed
	5	<p>In response to modification 11. In support with amendment. Not considered to be sound due to it not being 'effective' or 'consistent with national policy'.</p> <p>Support modified wording to Policy SH7 (4) and to Policy SH7 (7) which ensure that the plan is effective at conserving and protecting biodiversity. It also ensures compliance with Paragraph 018 of the Planning Practice Guidance. Precise suggested wording is suggested in section 7 of their response to main modification 11 in rep form.</p> <p>Support the modifications in section 3.7.2. Suggest that 'EclA' is added in brackets after 'Ecological Impact Assessment' to highlight that this is different from Environmental Impact Assessment (EIA).</p> <p>Proposed section 3.7.3 - support the addition of this wording referencing that Adur DC are developing a strategy to ensure protection of intertidal habitats in the Adur Estuary. Suggest that consideration is given as to whether the 'intertidal habitat strategy' should also be included as a clause in the main policy SH (7). Precise wording suggested is shown in section 7 in response to main modification 11 in the rep form.</p> <p>The main modifications wording was not written to be consistent with the <i>Guidance Note for Applicants within Adur DC That Have Developments That Have the Potential to Cause Significant (Harmful or Negative) Impacts to Intertidal Habitats</i>, as this document has been</p>	<p>Comments noted and support welcomed.</p> <p>Councils suggest additional modification to supporting text to include acronym (EclA).</p> <p>Councils do not support additional modification to Policy SH7 at this stage and do not consider that the plan, as modified, is unsound.</p> <p>Adur District Council, the Environment Agency, Natural England and Sussex Wildlife Trust have jointly prepared a guidance note for development that has potential to impact on intertidal habitats. This clearly reiterates the council's commitment to the mitigation hierarchy (as set out in national policy).</p> <p>The councils recognise that there has been some loss and harmful impact to intertidal habitats as a result of development in Adur (not exclusively relating to the sites allocated in the JAAP). The council is working with these organisations and the South Downs National Park Authority to identify potential areas for habitat creation both within the Adur LPA</p>

			<p>adopted since their drafting. Suggest offering clarity to applicants by referencing the 'intertidal habitat strategy' as a clause in the policy (SH7) with wording that is consistent with the Guidance Note. Also suggest referring to <i>Intertidal Habitat Strategy</i> within this policy so that applicants are clear on which issues they need to consider.</p> <p>Suggest that partner names are removed from the wording because a formal partnership does not exist and they have no control over the production and delivery of the strategy.</p>	<p>area, and within the parts of Adur within the South Downs National Park.</p> <p>The councils have decided that the approach to protecting intertidal habitats will form part of the Green Infrastructure Strategy which is currently being prepared. This will be adopted as supplementary planning guidance, giving greater weight to the council's approach. The councils consider that this is both effective and consistent with national policy.</p> <p>Main modification 11 is not intended to suggest a formal partnership; rather, that the council has been working closely with these organisations. This has continued since the modification was agreed. At their request, the councils suggest an additional modification to remove reference to the Environment Agency and Sussex Wildlife Trust. Nevertheless, the councils expect to continue working closely with these organisations on these and other matters.</p>
5	Historic England REP/JAAP/PM/05	1	No comments to make.	Comments noted.
6	Sustrans REP/JAAP/PM/06	1	<p>In response to modification 3.9.5 & 3.9.7. Support with amendment. Legally compliant, however not sound (as not consistent with national policy).</p> <p>Little reference for developments to include facilities and access for</p>	<p>Comments noted and support welcomed.</p> <p>The specific paragraphs referred to in the representation relate to place-making and the quality of design of the public realm elements.</p>

		<p>people to cycle. References NPPF para.110 which states that development applications should first give priority to pedestrian and cycle movements.</p> <p>Suggest adding specific reference to requiring adequate cycle parking and access routes for people cycling. Could also include desirability of access to NCN2 and also reference to infrastructure proposed in the Local Cycling and Walking Infrastructure Plan (LCWIP).</p>	<p>As such they do not refer to facilities for walking and cycling. However, the councils consider that these are addressed elsewhere in the plan.</p> <p>Policy SH5(3) requires the layout and streetscape of allocations to be designed to give priority to pedestrians and cyclists.</p> <p>Policy SH4(4) requires development to contribute to the measures identified in the Shoreham Harbour Transport Strategy, including better cycling and pedestrian routes and facilities.</p> <p>Adur & Worthing Councils are currently developing an LCWIP. This will not cover the part of the regeneration area in Brighton & Hove. The Shoreham Harbour Transport Strategy identifies key walking and cycling routes and has been agreed by the project partners. The LCWIP will incorporate some of these proposals</p> <p>West Sussex County Council has recently completed a feasibility study for a high quality segregated cycle route along the A259 between Shoreham-by-Sea and the Brighton & Hove boundary. Brighton & Hove City Council is working on the connection between this, and the existing seafront cycle route from Hove Lagoon. It is anticipated that the</p>
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				<p>NCN2 cycle route would be rerouted to use this new cycle link, whilst retaining the current route as alternative provision. The councils have been working closely with Natural England on the route and delivery of the England Coast Path through the area.</p> <p>The councils consider that the plan is consistent with national policy. The councils suggest an additional modification to include reference to the emerging LCWIP.</p>
7	Natural England REP/JAAP/PM/07	1	In response to modification 2. Support. Welcomes insertion of 'natural environment' to the 'Vision'.	Comments noted and support welcomed.
		2	<p>In response to modification 11. Support with amendment. Legally compliant but not Sound (as it is not 'effective').</p> <p>Recommend amendments to wording of Policy SH7. Precise wording suggested in section 6 in rep form. Support modified wording in Policy SH7 with regards to 'like-for-like' compensatory habitat. Policy SH7 should be modified to bring it into line with the <i>Guidance note for applicants within Adur DC that have developments that have the potential to cause significant (harmful or negative) impacts to intertidal habitats</i>, by referencing the intertidal habitat strategy with wording consistent with guidance note.</p> <p>Suggests some wording to be added as a clause within Policy SH7. Precise wording is provided in section 7 of NE's response to modification 11.</p> <p>Support amendments to supporting text in para. 3.7.2.</p>	<p>Comments noted and support welcomed.</p> <p>See response to representation REP/JAAP/PM/04.</p>

			Support addition of supporting text in para. 3.7.3. The strategy referred to here should be added as a clause in Policy SH7.	
8	Sussex Wildlife Trust REP/JAAP/PM/08	1	In response to modification 2. Support.	Comments noted and support welcomed.
		2	In response to modification 16. Support.	Comments noted and support welcomed.
		3	In response to modification 22. Support.	Comments noted and support welcomed.
		4	<p>In response to modification 11. Support with amendment. Unsound because it is not 'positively prepared'.</p> <p>Support the proposed main modification made to clause (4) of policy SH7 to ensure it reflects section 165 of the NPPF (2012). Welcome the proposed main modification to clause (7) and the proposed like for like compensation.</p> <p>Suggest that main modification 11 does not entirely secure a commitment to a compensation strategy in the policy wording of SH7 clause (7). It is imperative that a consistent and practical strategy is drawn up to address matters where avoiding habitat loss is not possible. Suggest that to ensure the plan is positively prepared a commitment to the compensation strategy in policy wording would provide clarity and commitment to this approach.</p> <p>Support the modification made to section 3.7.2. and seek a minor change to the main mod proposed to ensure that Ecological Impact Assessment has its acronym EclA in brackets to ensure that there is no confusion with an Environmental Impact Assessment (EIA).</p> <p>Support 3.7.3 referencing the fact that Adur DC is developing a strategy to ensure the protection of intertidal habitats in the Adur Estuary and identify suitable locations for compensatory habitat creation. Would</p>	<p>Comments noted and support welcomed.</p> <p>See response to representation REP/JAAP/PM/04</p>

			<p>like to see commitment to the compensation strategy within the policy wording for SH7 as this carries most weight.</p> <p>Would like their name to be removed from the JAAP as they believe that their involvement does not constitute a formal partnership.</p>	
9	<p>Southern Water</p> <p>REP/JAAP/PM/09</p>	1	No comments to be made.	Comments noted
10	<p>Marine Management Organisation</p> <p>REP/JAAP/PM/10</p>	1	<p>Support with amendment.</p> <p>Under section 1.10.11 in the Proposed submission Shoreham Harbour Joint Area Action Plan, there is reference to the South Marine Plan in line with MCAA: 58(3). "A public authority must have regard to the appropriate marine policy documents in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area". However, in your action plan the South marine plan is stated as being "prepared", which is no longer the case. The South inshore and offshore marine plans were adopted in June 2018 and should be referenced as such in your plan, in line with MCAA: 58(3).</p>	<p>Comments noted and support welcomed.</p> <p>Councils suggest minor modification to update reference to marine plan.</p>
11	<p>South Downs National Park</p> <p>REP/JAAP/PM/11</p>	1	No comments to be made.	Comments noted.

Additional modifications proposed by the councils

Additional Modification Number	Reference	Amendment	Reason
80	JAAP	1.10.11 The Marine Management Organisation adopted is preparing the South Inshore Marine Plan in June 2018 . This covers the south coast and tidal rivers between Folkestone and the River Dart, Devon.	Factual update to reflect status of marine plan. In response to representation from Marine Management Organisation (REP/JAAP/PM/10)
81	Additional Modification 22	Footnote refers to paragraph 8 of the NPPF (2018). This is now paragraph 7 of the NPPF (2019). All other references to NPPF (2018) updated to refer to NPPF (2019).	Factual update to reflect revised NPPF (2019).
82	JAAP	New paragraph after 3.5.15 and subsequent paragraphs renumbered: Adur & Worthing Councils have committed to producing a Local Cycling and Walking Infrastructure Plan (LCWIP) to improve safe routes for walking and cycling, and seek funding to implement these. The LCWIP will incorporate proposals identified in this plan and the Shoreham Harbour Transport Strategy.	Modification is response to representation from Sustrans (REP/JAAP/PM/06)
83	MM - 11	Policy SH7 (4): All development applications must be accompanied by up to date ecological information to ensure no net loss and seek to provide a net gain to biodiversity, in particular to Habitats of Principal Importance (formerly known as BAP habitats). The indirect impacts of development, such as recreational disturbance, on designated nature conservation sites and other significant habitats must be considered. Appropriate mitigation must be identified, along with the means for its delivery and maintenance. 3.7.2 New development within the regeneration area harbour is expected to be outstanding from an environmental perspective and all opportunities to promote biodiversity need to be considered. The councils will require the submission of an Ecological Impact Assessment (EcIA) carried out in accordance with British Standards (BS42020:2013 Biodiversity – Code of practice for planning and development) and CIEEM guidance, or subsequent updates. Ecological impacts should be assessed and recommendations for appropriate mitigation, compensation and enhancement	Modification to policy corrects a missing word. Modification to supporting text 3.7.2 adds acronym (EcIA) for Ecological Impact Assessment in order to distinguish it from Environmental Impact Assessment (REP/JAAP/PM/04, REP/JAAP/PM/07, REP/JAAP/PM/08). Modification to supporting text 3.7.3 removes specific reference to Sussex Wildlife Trust and Environment Agency at their request (REP/JAAP/PM/04 , REP/JAAP/PM/08). In response to representations from Natural England, Environment Agency and Sussex Wildlife Trust

		<p>made. Negative impacts should be avoided wherever possible. It is possible to significantly reduce negative impacts of development on the ecology of an area through mitigation measures. Any potential wildlife habitats that will be lost or negatively impacted as a result of development will need to be compensated for and enhanced wherever possible.</p> <p><u>3.7.3 There is potential for development at the Western Harbour Arm to lead to loss of, or harmful impact to, intertidal habitats in the River Adur. Adur District Council is currently working with partners including Sussex Wildlife Trust and the Environment Agency to develop a strategy to address this issue, and identify suitable locations for compensatory habitat creation. Nevertheless, developers will be required to demonstrate that impacts cannot be avoided before mitigation and/or compensatory measures are considered.</u></p>	(REP/JAAP/PM/04, REP/JAAP/PM/07, REP/JAAP/PM/08).
84	JAAP	<p>3.9.3 Improvements to the public realm (streets and public spaces) provide an opportunity to enhance the quality, character and distinctiveness of the harbour. Good use of ‘natural surveillance’, natural and artificial light and careful siting of buildings and street furniture can improve the layout of an area, reduce perceived and actual crime and opportunities for anti-social behaviour, and make an area more pleasant to use. <i><u>Secured by Design provides further guidance on incorporating crime prevention measures into development.</u></i></p>	In response to representation from Sussex Police.