

## Representation Form:

### Main Modifications to the Shoreham Harbour Joint Area Action Plan

#### PART B – Your representation

Please answer the questions below and clearly explain your comments in the relevant sections. Please complete a separate Part B for each representation. You may use as many additional sheets as necessary.

#### 3. Which document would you like to make a representation on?

Please indicate **one** document only:

- Proposed Main Modifications to the Shoreham Harbour Joint Area Action Plan (Please go to Question 2))
- Sustainability Appraisal Addendum (Please go to Question 8)

#### 2. Which Main Modification does this representation relate to?

Please provide a main modification number:

Main modification no:

#### 3. Do you support, support with amendments or object to the document:

Please indicate yes or no to each question:

- 3.1 Support
- 3.2 Support with amendment
- 3.3 Object

#### 4. As a result of this Main Modification, do you consider the Shoreham Harbour Joint Area Action Plan to be:

Please indicate yes or no to each question:

- 4.1 Legally compliant?  Yes  No
- 4.2 Sound?  Yes  No

#### 5. Do you consider the Shoreham Harbour Joint Area Action Plan to be unsound because it is not:

Please complete **only** if you indicated no to 4.2

- 5.1 Positively prepared?
- 5.2 Justified?
- 5.3 Effective?
- 5.4 Consistent with national policy?

#### 6. Why do you consider the Shoreham Harbour Joint Area Action Plan, as a result of this Main Modification, to be unsound, or not legally compliant?

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**Please be as precise as possible and refer to background and supporting documents if necessary. Please continue on a separate sheet if necessary.**

We support the addition of the words 'natural environment' into the wording of the vision.

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**Please set out suggested or revised wording to address the issue you have raised in question 5. Please explain why this change will make the plan sound or legally compliant. Please continue on a separate sheet if necessary.**

**8. Which part of the SA Addendum does this representation relate to?**

Please provide a paragraph number:

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Main modification no:	4, proposed new section 3.1.24
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We support referencing 'subject to appropriate environmental permits' in the wording of this section.

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We support the addition of the new section 3.6.7 to clarify the requirement for sequential and exceptions tests should there be windfall sites or sites which depart significantly from the terms of the allocation in the relevant Local Plan documents.

We support the modifications to what was section 3.6.7 (and now section 3.6.8) which clarifies the position with regards the responsibility for delivery and maintenance of flood defences in the Western Harbour Arm.

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We support the modifications to Policy SH6 (1) in particular the following wording '....guidance and must take account of the most up to date flood risk management evidence and policy in consultation with the relevant authorities, including the Environment Agency.'

This will ensure future proofing of this policy.

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Main modification no:	11
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We support the modified wording in the first sentence of Policy SH7 (4) regarding use of up to date ecological information. Please note there is a missing word so this should read 'All development applications must be accompanied **by** up to date ecological information to ensure.....'

We support the modified wording in Policy SH7 (7) 'Like-for-like compensatory habitat should be provided at or close to the site, subject to agreement with the relevant authorities, including Natural England and the Environment Agency.'

This modified wording is necessary to ensure that the plan is effective at conserving and protecting biodiversity including inter-tidal habitat like mudflats and saltmarsh which are listed as UK Biodiversity Action Plan Priority Habitats and saltmarsh which is now included in the list of 'irreplaceable habitats' under the revised NPPF 2018. In addition, the wording will ensure compliance with Paragraph 018 of the Planning Practice Guidance which states that an equivalent value of biodiversity is required. (Paragraph 018 below).

*'Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?'*

We support the modifications in Section 3.7.2 regarding the requirement for Ecological Impact Assessment and the clarification that negative impact should be avoided wherever possible. This is particularly important because several recent planning applications have come forward in the JAAP area with inadequate Ecological Impact Assessments and inadequate consideration of the mitigation hierarchy. This has caused delays to the planning process.

As a minor point, we suggest that EclA is put in brackets after Ecological Impact Assessment which will highlight that this is different from Environmental Impact Assessment (EIA).

Regarding proposed section 3.7.3 - we support the addition of this wording referencing the fact that Adur DC are developing a strategy to ensure protection of intertidal habitats in the Adur Estuary and identify suitable locations for compensatory habitat creation. We also however 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).

The Environment Agency, Natural England and Sussex Wildlife Trust in conjunction with Adur DC have developed the following - 'Guidance Note for Applicants within Adur DC That Have Developments That Have the Potential to Cause Significant (Harmful or Negative) Impacts to Intertidal Habitats'. This guidance note is being provided to applicants within the JAAP area and will be placed on Adur DCs web-site. The Guidance Note states the following '...Adur District Council are developing a strategy to address the issue of providing like-for-like intertidal compensatory habitat. Once the strategy is completed, the developer may wish to consider this strategic approach for the provision of like-for-like compensatory habitat'.

The Guidance Note has been conceived and developed since the proposed main modifications wording was drafted and therefore the main modifications wording was not written to be consistent with the Guidance Note. However the opportunity now exists to offer 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. We also note that Clause 1 in Policy SH7 refers to the

partnership preparing a green infrastructure strategy. It would therefore be consistent to have the 'intertidal habitat strategy' referred to in the policy to make it clear to applicants what strategies are being developed so they are clear what they need to consider when developing their projects.

Finally, in the current wording of proposed modification section 3.7.3, the Environment Agency is referenced as an organisation that Adur DC is working with to develop the strategy. We have attended a couple of meetings to offer our support and expertise and will continue to do so as time allows, however the current wording infers a more formal partnership which is not the case. There are a range of organisations that have attended the meetings to offer support including the South Downs National Park Authority, Sussex Ornithological Society and Natural England and these organisations are not referenced in the text. We suggest that partner names are removed from the wording because a formal partnership does not exist and we have no control over the production and delivery of the strategy.

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Based on the comments above, we suggest that the proposed modification section 3.7.3 is reworded as below:

‘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 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’.

We suggest that consideration is given to adding the following wording as a clause within Policy SH7 (it would follow well after clause 7):

‘Adur District Council will develop a strategy to address the issue of providing like-for-like intertidal compensatory habitat. Once the strategy is completed, the developer may wish to consider this strategic approach for the provision of like-for-like compensatory habitat.’

Alternatively, the wording in section 3.7.3 could be moved to the main Policy SH7.

Please also see the minor suggested amendments in Section 6 above.

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