



**Brighton & Hove  
City Council**

**ENVIRONMENT CABINET MEMBER  
MEETING  
ITEM 101 – APPENDIX 2**

**4.00PM, TUESDAY, 27 JANUARY 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**



## ITEM 101 – APPENDIX 2

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# Interim Planning Guidance for Shoreham Harbour



## 1. INTRODUCTION

- 1.1 For some considerable time there has been an aspiration to regenerate the Shoreham Harbour Area, and this is an objective that Brighton & Hove City Council (BHCC), Adur District Council (ADC) and West Sussex County Council (WSCC), the three responsible planning authorities, have supported, and continue to support. The objectives of regeneration are reflected in previous and emerging planning policy documents for the area, notably the BHCC saved local plan policies, and the emerging ADC and BHCC core strategies. At regional/sub-regional level, these aspirations are identified in the South East Plan, the Regional Economic Strategy (RES), and most recently have been recognised by designating the area as a New Growth Point in the government's Growth Points programme.
- 1.2 Previous regeneration approaches have not progressed for a number of reasons, but there is now a new opportunity to secure an effective and deliverable regeneration programme, and an ambitious timetable has been established to make quick progress in establishing a new framework for regeneration. At the heart of this programme is the commitment to prepare and adopt a Joint Area Action Plan (JAAP) within a 2 ½ year time frame. The timescale is a requirement of the Growth Points programme. This Interim Planning Guidance (IPG) aims to ensure that this programme and the future planning and regeneration of the area is not prejudiced by premature development, pending the emergence of the JAAP on this timetable.
- 1.3 The JAAP will be subject to public consultation in June 2009, when 'Issues and Options', together with a preferred option will be published. The plan will then be reviewed and taken forward to examination. As the plan moves from initial consultation to enquiry it will be increasingly relevant as a basis for development decisions, and this Interim Planning Guidance will be applied accordingly.

## 2. STATUS OF THE DOCUMENT

- 2.1 Although this interim guidance does not constitute a formal Supplementary Planning Document (SPD) as part of the Local Development Framework (LDF), its authority rests on the policies in the South East Plan that promote the regeneration of Shoreham Harbour, the saved BHCC Local Plan policies and the relevant policies in the emerging LDFs of the Councils involved in producing the JAAP. It has also been subject to stakeholder consultation prior to approval and adoption.

### 3. VISION FOR THE HARBOUR

- 3.1 The bid for acceptance on the Growth Points programme established aspirations for a new high-quality exemplar sustainable development at Shoreham Harbour comprising a mix of residential, employment, community, education, leisure and ancillary retail development to support the regeneration objectives of increasing housing and employment opportunities and skills in the area. Raising the environmental quality of the wider area along the A259 corridor is also a key objective.

### 4. OBJECTIVES

- 4.1 The regeneration objectives for Shoreham Harbour are set out in the Growth Point Bid. They provide for the creation of a high quality mixed-use community around a consolidated and modernised port with the capacity to deliver the following key outputs and outcomes:

- The provision of a significant number of new homes with a mixture of tenure and housing types
- The provision of a significant number of new jobs, many of which will be in high-value sectors
- New retail and leisure facilities and a high quality network of public open space across the area including a significantly improved public beach
- New community facilities including health, education and skills training
- Regeneration for the existing adjacent communities and town/district centres
- Renewable energy and zero-carbon development
- A network of high quality public transport improvements
- Consolidation of port activity

- 4.2 The JAAP will test the acceptability and deliverability of these aspirations.

- 4.3 Policies in the South East Plan (Proposed Changes by the Secretary of State) document designate Shoreham Harbour as a Strategic Development Area (SDA) with potential for significant growth through redevelopment and regeneration. The Plan recognises Shoreham harbour as a unique regeneration opportunity within the Sussex Coast sub-region which has the potential to make a significant contribution to economic growth, regeneration and housing ambitions of a wider area. The proposed Plan sets out the following objectives for Shoreham Harbour:

- To develop and co-ordinate with other agencies delivery mechanisms to unlock and implement strategic sites with economic development potential including Shoreham Harbour
- To provide 10,000 dwellings (subject to more feasibility work)

- 4.4 The Regional Economic Strategy produced by the South East England Regional Development Agency (SEEDA) sets out the following objective:
- To invest in the long-term sustainable growth of key ports and to explore future prospects for smaller ports such as Shoreham
- 4.5 The JAAP will also ensure that the regeneration of Shoreham Harbour will be consistent with the objectives of Minerals and Waste policies in West Sussex and East Sussex and Brighton & Hove, to ensure sustainable minerals and waste development.
- 4.6 Adur District Council, Brighton & Hove City Council, and West Sussex County Council all supported the bid for Growth Point status, recognising that a significant amount of work still needs to be carried out to establish the development potential of the Harbour area.

## 5. INTERIM PLANNING GUIDANCE AREA

- 5.1 The Interim Planning Guidance (IPG) boundary is not necessarily coterminous with the JAAP boundary. The IPG boundary takes the following factors into account:
- The area needs to encompass sites where development might compromise the emerging objectives of the JAAP
  - The area extending from the A259 to the railway line is included to ensure that the regeneration of the waterfront is linked to the regeneration of the adjoining neighbourhoods, particularly Fishersgate and South Portslade where the JAAP will need to address issues of deprivation
  - The need to encompass the main transport routes that run through the Harbour area including the railway line. This area also includes parts of Air Quality Management Areas in Adur and South Portslade, where the major contributor to the poor air quality is traffic congestion.
  - Development within this area could provide contributions towards infrastructure needed to realise the long-term goals for the Harbour, subject to thresholds (see section 8).
- 5.2 The IPG boundary is identified in appendix 1.

## 6. POLICY FRAMEWORK

### **Draft South East Plan (Proposed Changes) Document (July 2008)**

- 6.1 Although the South East Plan has not yet been adopted it has been through the examination process and found sound, subject to modifications. It therefore, at this stage, carries a significant amount of

weight. The Plan identifies Shoreham as a regionally significant port and a Strategic Development Area.

- 6.2 Policy **H1** Regional housing provision (Table H1b) identifies 10,000 net additional homes to be delivered within the SDA of Shoreham Harbour with an annual average of 500 homes.
- 6.3 Policy **SCT3** emphasises the need to develop and co-ordinate with other agencies delivery mechanisms to unlock and implement strategic sites with economic development potential, including Shoreham Harbour.
- 6.4 Policy **SCT5** states that provision will be made for a net increase of at least 70,300 dwellings in the housing stock for the period 2006-2026 in the sub-region including 10,000 dwellings at Shoreham Harbour.

### **Brighton & Hove City Council**

Core Strategy Revised Preferred Options (June 2008)

- 6.5 Preferred Option DA7 –Shoreham Harbour and South Portslade – sets out, subject to further work being undertaken, the aim to create a highly sustainable neighbourhood adhering to the latest standards for sustainable development including, amongst other things, new and higher quality jobs, new homes with a mixture of tenure and housing types, new retail, leisure and community facilities with a high quality network of public open space, and modernised and consolidated port activity.

BHCC Local Plan saved policies

- 6.6 BHCC Local Plan saved policy EM12 makes provision for interim development control in the context of earlier regeneration policies for the Harbour, anticipating that these would be superseded by an SPD. These policies are broadly sound as a new basis for interim planning guidance, but their interpretation needs to reflect the new regeneration aspirations for the harbour.

### **Adur District Council**

Core Strategy

- 6.7 The Adur Core Strategy was withdrawn from the examination process in October 2007 following concerns from the Planning Inspector regarding the delivery of future development in the district, particularly in respect of Shoreham Harbour and Shoreham Airport. The Core Strategy is currently being revised and consultation on a new draft will take place in June 2009 in parallel with the JAAP.

## Saved Local Plan policies

- 6.8 With regard to interim development at Shoreham Harbour, saved policies in the Adur Local Plan that specifically relate to the Harbour recognize its primary function as a commercial port (policy AE7) and its integral role in the local economy but allow for non-port related uses where port-related use is impracticable or where wider benefits may be secured as a result (AE8). Recreational uses at the Harbour are also allowed for, subject to certain considerations (AR13).
- 6.9 The Local Plan also includes a number of other saved policies relating to, amongst other things, design, heritage, renewable energy, dwelling mix, affordable housing, transport, and biodiversity.

## Minerals and Waste Policies

- 6.10 Minerals issues in the harbour area are subject to the policies of the West Sussex Minerals Local Plan (2003) and the East Sussex and Brighton & Hove Minerals Local Plan (1999) and emerging Waste and Minerals Development Framework. With respect to Shoreham harbour, these policies aim to safeguard sufficient capacity for the movement of minerals (e.g. landing marine-dredged aggregate) and waste (e.g. exporting metal for recycling).
- 6.11 Policy 40 of the West Sussex Minerals Local Plan aims to safeguard and improve wharves in West Sussex and specifically safeguards five areas within Shoreham Harbour as minerals wharves. Policy 8 of the East Sussex and Brighton & Hove Minerals Local Plan safeguards wharves in Hove. Both policies are 'saved' under the Planning and Compulsory Purchase Act. Protected wharves are identified in appendix 2.
- 6.12 In line with national and regional policy, studies are being prepared by consultants to inform decisions about current and future need for wharfage in West Sussex and Brighton and Hove, including at Shoreham. An appropriate policy approach that reflects the studies will need to be incorporated in the emerging Minerals and Waste Core Strategies and the proposed Area Action Plan for Shoreham Harbour. As an interim measure, development affecting protected wharves will need to demonstrate that the wharf is redundant for minerals use, and that the use does not prejudice the objectives of the Minerals Local Plans or Waste Local Plans, or else be subject to a Planning Obligation to secure equivalent wharfage capacity elsewhere within the harbour.

## 7. INTERIM DEVELOPMENT

- 7.1 As the AAP moves through its formal stages the proposed changes to the South East Plan in respect of Shoreham Harbour, SEEDA's growth points bid and policies in Brighton & Hove and Adur's emerging Core

Strategies provide some indication as to the types of uses that are likely or unlikely to be consistent with the objectives of regeneration of the Harbour in the interim period.

- 7.2 Broadly speaking, the regeneration objectives for the harbour, as articulated in the New Growth Points Bid suggest the delivery of a mixed use development, including residential, leisure and business development, within the context of consolidated port uses within the central part of the harbour, primarily on the south side. The precautionary principle would therefore preclude development not consistent with these objectives on prematurity grounds while these objectives are tested through the JAAP process. Emerging JAAP policies and objectives will be material planning considerations with increasing weight as the plan progresses through its statutory stages.
- 7.3 However, it would be wrong to restrict development unnecessarily while the regeneration proposal is being delivered, and development which can take place without prejudice to the regeneration objectives should be encouraged. In many cases changes of use will not carry long term consequences and so may be acceptable. Development which is consistent with regeneration and emerging JAAP objectives will further be considered against extant policies such as saved Local Plan policies, and other material considerations, such as potential conflict with port use, and other policy considerations and may then be permitted.
- 7.4 Where development may be premature, but could reasonably be permitted temporarily without prejudicing the regeneration objectives or the emerging AAP objectives, time-limited permission of up to 5 years may be granted where it is appropriate.
- 7.5 It is also essential that the approach to development in flood risk areas set out in PPS25: Development and Flood Risk is followed. Both the Strategic Flood Risk Assessments for Adur and Worthing and Brighton & Hove have identified the majority of Shoreham Harbour as being located within a flood risk area and large parts of the Harbour are defined as functional floodplain (Flood Zone 3).
- 7.6 The Interim Development Policy distinguishes between the area immediately adjacent to the harbour (as defined by the Local Plan Harbour boundaries in the ADC and BHCC Local Plans), where the regeneration approach is more specific, and the wider IPG area where saved Local Plan policies will continue to apply. The boundaries are shown in appendix 1.

## 7.7 Shoreham Harbour Interim Development Policy

Development within the Shoreham Harbour Interim Planning Guidance area will be supported if it is consistent with the regeneration objectives as described in the Growth Point Bid.

Development may not be supported if it is likely to prejudice the emerging Shoreham Harbour Joint Area Action Plan and the regeneration objectives for the Harbour or adopted local planning policies.

The following considerations apply to respective forms of development:

### **Local Plan harbour area:**

**i)** Residential development, Community and Leisure facilities, ancillary Retail development, B1 business development and Tourism development may be supported in locations which are appropriate for the respective use and do not conflict with port use.

**ii)** New port-related uses and extensions to existing port-related uses may be supported in the central part of the harbour, particularly on the south side of the eastern arm.

**iii)** B2 (General Industrial) and B8 (Storage and Distribution) not requiring a port-side location will not normally be supported, unless for such temporary period as may not prejudice the regeneration objectives for the area, or the emerging AAP.

**iv)** Changes of use which provide for continued useful life of buildings and land and do not prejudice the regeneration objectives will be supported for a temporary period.

**v)** In considering proposals for development in the port the potential for the use or development of sites for minerals or waste will be a material consideration.

### **With regard to Minerals and Waste:**

**i)** Development of existing non-port related minerals and waste sites will only be supported if suitable and deliverable alternative sites are provided for the waste/minerals development.

**ii)** Development relating to wharves which are protected for minerals use will only be supported where it is demonstrated that the wharf is redundant for minerals use, and that the proposed use does not prejudice the objectives of the respective Minerals Local Plans, or where it is subject to a Planning Obligation to secure equivalent wharfage capacity elsewhere within the harbour.

All the above are subject to the provision that development will only be supported if it does not add to the environmental disadvantages suffered as a result of HGV traffic passing along the roads used for Port access and provided they do not generate unreasonable levels of noise, dust, fumes and other forms of pollution, and subject to compliance with PPS25: Development and Flood Risk.



National, regional, and saved local plan policies will also apply, subject to the emerging policies of the JAAP applying as appropriate.

**Elsewhere in the IPG area:**

Saved local plan policies will apply, subject to the emerging policies of the JAAP applying as appropriate. Development within the IPG area which comes forward in advance of the JAAP proposals being determined may be phased to allow for the completion of transport infrastructure and flood defence improvements and the potential relocation of the existing industrial and commercial uses.

## 8. INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS

8.1 The emerging JAAP for Shoreham Harbour will provide detail on the infrastructure requirements and developer contributions required. However, for larger-scale development proposals that might come forward within the IPG area prior to the adoption of the JAAP contributions will be sought for the provision of a range of infrastructure typically including:

- Transport
- Affordable housing (including accessibility issues)
- Social infrastructure (education, health, community and leisure facilities)
- Employment and training
- Open spaces, green links and landscaping
- Utility and waste services
- Flood and coastal defences
- Nature and marine conservation and biodiversity
- Public realm and public art (and maintenance thereof)
- Heritage and historic environment (possible improvements to Listed Building and other features of the Conservation Area)
- Air quality
- Sustainability measures such as:
  - o Green Infrastructure
  - o Sustainable Urban Drainage
  - o Renewable Energy and/or Carbon Capture and Storage
  - o Waste and Minerals development
  - o Water treatment and supply
  - o Transportation
- Policing and community safety
- Libraries and cultural facilities

8.2 The thresholds and policies for contributions will be as in the respective saved Local Plan policies until they are superseded by the JAAP. However, for development within the IPG area, contributions will be 'pooled' for infrastructure required specifically to achieve regeneration

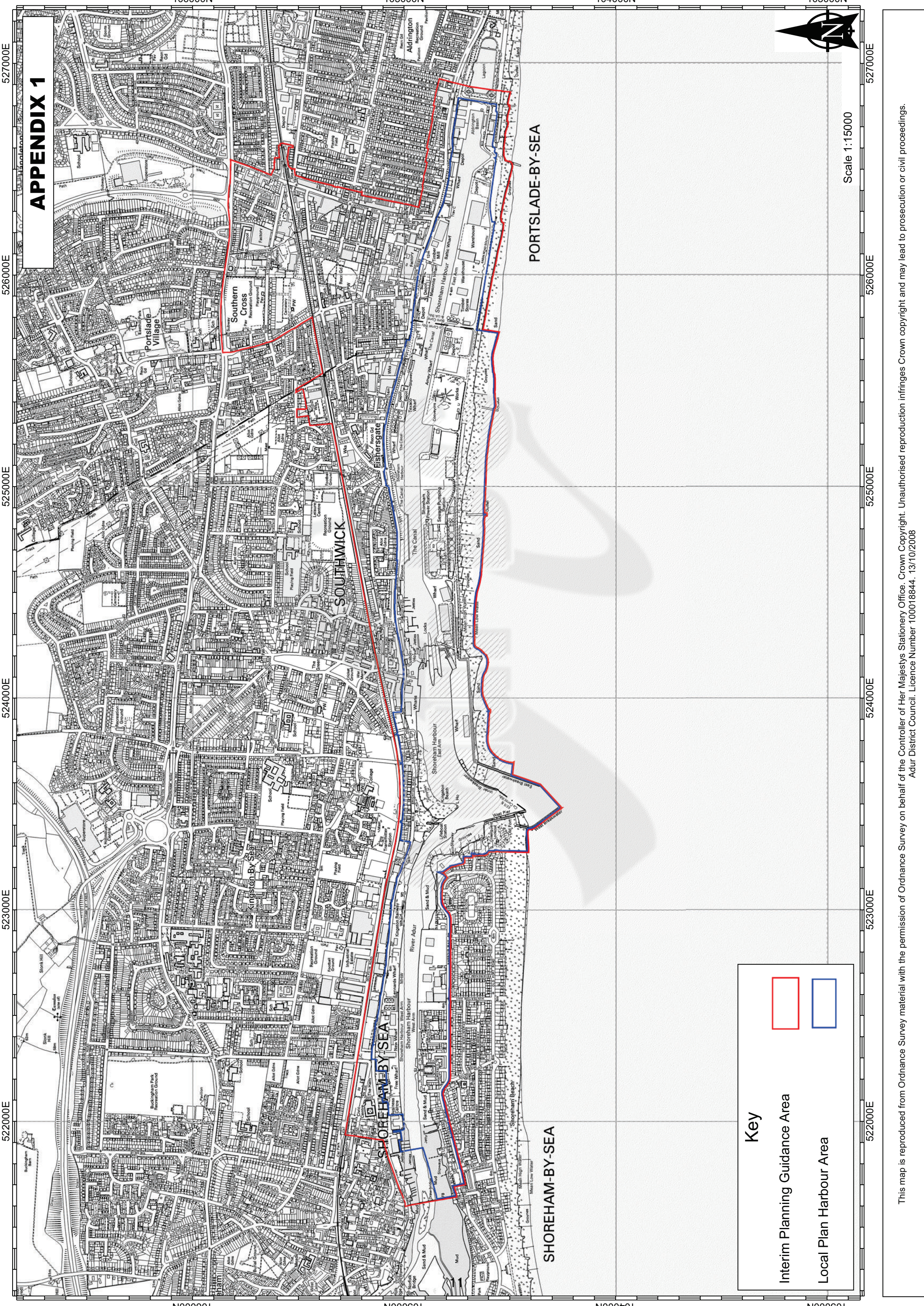
in the area. This approach is supported by policy CC7 of the South East Plan (Proposed Changes) document which states the following:

*‘The phasing of development will be closely related to the provision of infrastructure. In order to create confidence and assurance in the timely delivery of infrastructure in relation to new housing a more proactive approach to funding will be adopted. This will involve a joint approach by regional bodies, local authorities, infrastructure providers and developers. Consideration will be given to the pooling of contributions towards the cost of facilities, development tariffs, and local delivery vehicles.’*

### **8.3 Shoreham Harbour interim development contributions policy**

Development within the Interim Planning Guidance area will be subject to infrastructure contributions as justified in respective saved Local Plan policies, Planning Policy Statements and emerging JAAP policies. Where financial contributions are required they will be pooled by the Local Planning Authorities, and utilised as appropriate to implement the Joint Area Action plan infrastructure requirements.





**APPENDIX 1**

**Key**

- Interim Planning Guidance Area
- Local Plan Harbour Area

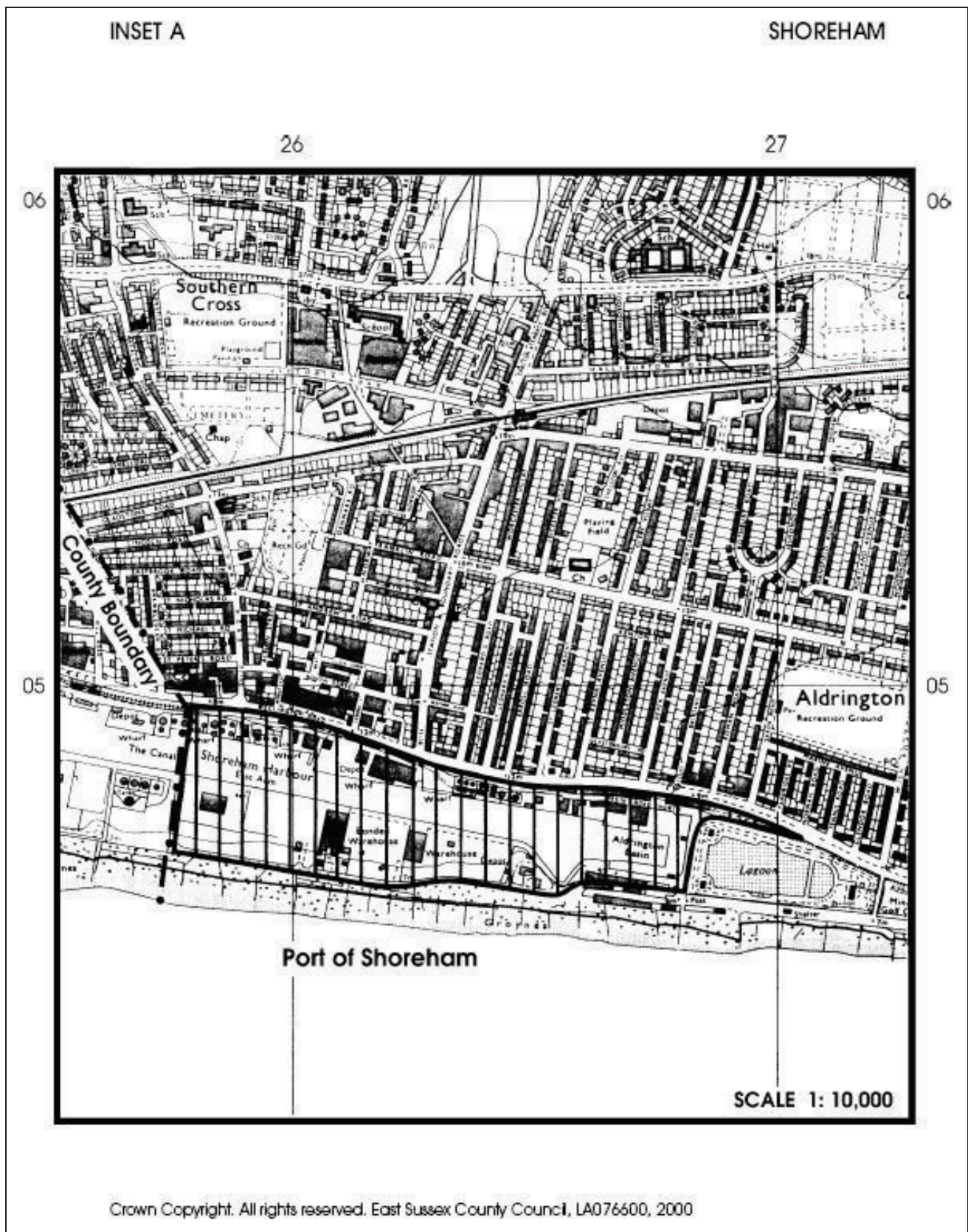
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## APPENDIX 2



East Sussex and Brighton and Hove Mineral Local Plan 1999

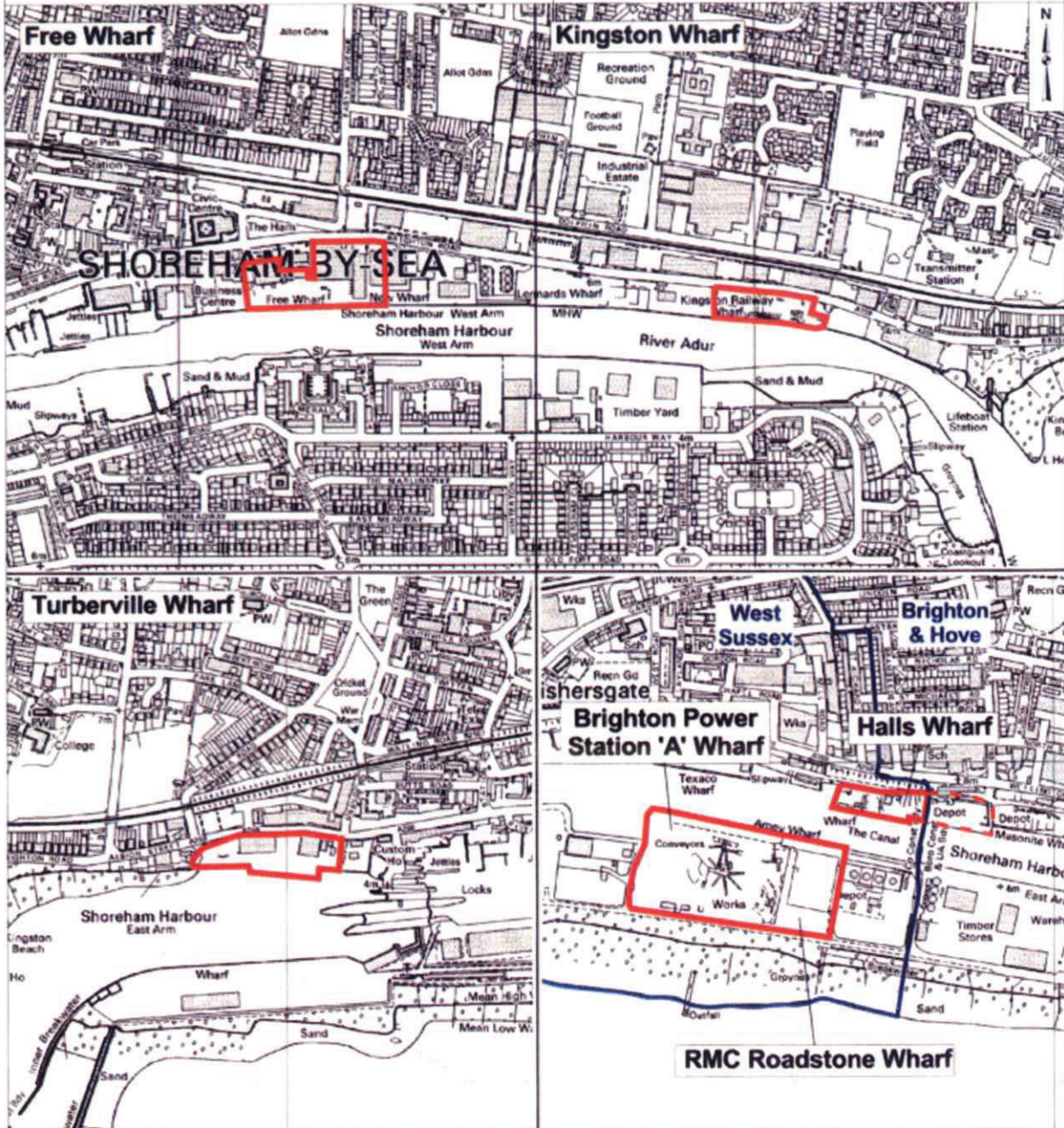





# APPENDIX 2

West Sussex Minerals Local Plan 2003

Safeguarded Site - Existing Minerals Wharves  
**SHOREHAM-BY-SEA**



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 Area to be Safeguarded

