

# **Statement of Common Ground between the Shoreham Harbour Planning Authorities and the Shoreham Port Authority**

## **August 2016**

### **1. Introduction**

1.1 The parties to this Statement of Common Ground are:

Adur District Council  
Brighton & Hove City Council  
East Sussex County Council  
West Sussex County Council  
South Downs National Park Authority  
Shoreham Port Authority

1.2 The Parties are responsible for the development of Local Planning Documents as relevant to this Statement:

- Brighton & Hove City Plan – Brighton & Hove City Council
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan;
- East Sussex, South Downs, and Brighton & Hove Waste and Minerals Sites Plan.
- West Sussex and South Downs National Park Joint Minerals Local Plan;
- Adur Local Plan- Adur District Council
- Shoreham Harbour Joint Area Action Plan (JAAP) – produced jointly by the Shoreham Harbour Regeneration Partnership comprising Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority.

1.3 Brighton & Hove City Council and West Sussex County Council are Mineral Planning Authorities, responsible for minerals planning in their parts of Shoreham Harbour, in line with the requirements of national planning policy. East Sussex County Council and the South Downs National Park Authority are neighbouring Mineral Planning Authorities, working in partnership with Brighton & Hove City Council on the preparation of mineral and waste planning policy documents which cover the part of Shoreham Harbour within Brighton & Hove. Shoreham Port Authority is responsible for the conservancy of the Port and is the main landowner. Adur District Council is the local planning authority for the area of Shoreham Harbour that is located within West Sussex, and is responsible (alongside West Sussex County Council) for local planning matters within the part of Shoreham Harbour within West Sussex .

- 1.4 Adur District Council, Brighton & Hove City Council, West Sussex County Council and Shoreham Port Authority are partners in the preparation of the Shoreham Harbour Joint Area Action Plan (JAAP). The vision contained in the draft JAAP for the next 15 years is to maximise the potential of Shoreham Harbour for the benefit of existing and new residents, businesses, port-users and visitors through a long term regeneration strategy. This will be achieved through working with local landowners and business to facilitate the redevelopment of key sites.
- 1.5 The aim of the JAAP is to deliver a series of appropriately located, high quality, sustainable, mixed-use developments including new housing, employment floorspace, leisure opportunities, improved public space and associated infrastructure including flood defences and transport improvements. The regeneration proposals will be facilitated by consolidating, reconfiguring and enhancing the operations of Shoreham Port.
- 1.6 A key issue for the Planning Authorities and Shoreham Port Authority is the presence of active and inactive mineral wharves and waste management facilities in the geographical area covered by the JAAP. Paragraph 143 of the National Planning Policy Framework requires local planning authorities to safeguard existing, planned and potential wharfage for bulk transport of minerals.
- 1.7 Policy WMP15 of the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan aims to safeguard existing, planned and potential railhead and minerals wharf facilities (including rail sidings), and their consequential capacity. In line with Policy WMP 15, in order for proposals for alternative uses at mineral wharves within Brighton & Hove to be acceptable, evidence would need to demonstrate that there would be no net-loss of capacity for handling minerals within the Port as a whole.
- 1.8 The West Sussex Minerals Local Plan (2003) safeguards the following wharves through Policy 40:
  1. Free Wharf;
  2. Kingston Wharf;
  3. Turberville and Penney's Wharf;
  4. Western part of Halls Wharf and
  5. Brighton Power Station 'A' Wharf and RMC Roadstone Wharf (now known as ARC Wharf and Rombus Wharf respectively).
- 1.9 Additionally, Policy 41 identifies a new wharf at Littlehampton.

1.10 It is envisaged that the regeneration project will bring forward proposals for alternative land uses on some of these sites alongside relocation of existing businesses, particularly away from the Western Harbour Waterfront area where mixed use development is proposed. Sufficient capacity to meet the current and future demand for transportation of minerals is to be provided at wharves elsewhere in the Port. This is dependent on a change to the West Sussex County Council policy on wharf safeguarding, which will be included in the new West Sussex Joint Minerals Local Plan and will be tested through an examination in public before it can be adopted in 2018.

## **2. Purpose**

2.1 The purpose of this Statement of Common Ground is to underpin effective cooperation and collaboration between the parties listed above in addressing strategic cross-boundary issues as they relate to planning for minerals infrastructure and safeguarding in Shoreham Harbour.

2.2 It sets out matters of agreement and commitment to a future policy approach, reflecting the spirit of co-operation between the parties to the Statement. It is, however, not intended to be legally binding or to create legal rights.

2.3 The Statement sets out the current evidence available to the parties at the time of preparation, the evidence will continue to build upon this evidence through the development of emerging Local Plans.

## **3. Aims**

3.1 The Statement has the following broad aims:

- to set out the commitment of each of the parties to an approach to mineral safeguarding in line with NPPF at Shoreham Harbour, recognising commercial considerations of the Port and the regeneration aspirations of the JAAP;
- to indicate the approach to be taken by all parties to delivering this commitment.
- to replace the Statement of Common Ground, signed by all above mentioned parties, in April 2014.

## **4. Limitations**

4.1 The Parties to the Statement recognise that there will not always be full agreement with respect to all of the issues on which they have a duty to

cooperate. For the avoidance of doubt, this Statement shall not fetter the discretion of any of the Parties in relation to any of its statutory powers and duties, and is not intended to be legally binding.

4.2 The approach to mineral safeguarding will be tested upon submission to the Secretary of State through an examination in public on the West Sussex Joint Minerals Local Plan and through implementation of Policy WMP15 of the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, and safeguarding policy in the draft East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan. The Shoreham Harbour JAAP will bring forward alternative land uses, facilitate regeneration and associated infrastructure.

## **5. Background**

5.1 The current West Sussex Minerals Local Plan was adopted in 2003. Policies 36 to 41 have been saved, safeguarding existing and potential wharves and railheads within the County. West Sussex County Council, in partnership with the South Downs National Park Authority, has commenced preparation of a new Joint Minerals Local Plan, which will replace the currently adopted version. To provide evidence for a new policy on wharf safeguarding, the County Council and South Downs National Park Authority commissioned a West Sussex Wharves and Railheads Study (February 2014) which investigated a range of potential scenarios and assessed them in respect of historic demand.

5.2 It was proposed that Scenario W3 of the Wharves and Railheads Study taken forward as the preferred policy approach, as this would safeguard dedicated mineral wharf capacity to cater for future demand in line with sales over the previous 10 years. This was set out in the SoCG signed in April 2014.

5.3 Following signing of the SoCG (April 2014), a number of updates and further work was undertaken, which resulted in the outcomes and scenarios of the Wharves and Railheads Study no longer being considered suitable. This includes;

- An update on wharf capacity at Shoreham, resulting in existing and operational capacity being increased from 1.89mtpa to 2.27mtpa. Discussions were undertaken with operators and SPA to ascertain that the data used in the Wharves and Railheads Study, dating back to 2008, was outdated;
- A change of approach in calculating aggregates demand, taking account of landings data (provided by The Crown Estate and SPA) for marine dredged aggregates, rather than sales data. The sales data does not provide a good baseline for calculating demand as a number of operators in Shoreham purchase aggregates from one another. This results in double

counting of aggregates which inflates the estimate of demand for wharf capacity. Landings data provides a better indication of historic demand for wharf capacity;

- Updated calculations of demand for aggregates, taking account of planned housing and highways development in neighbouring authorities (*other relevant local information*); and
- An updated Local Aggregates Assessment (LAA), which was subject to South East England Aggregate Working Party consideration in November 2015. The updated LAA (April 2016) sets out the anticipated demand through the Plan period for the Joint Minerals Local Plan.

5.4 The key headlines from the updated LAA (April 2016) are as follows;

- The ten-year average sales/landings of marine dredged aggregates and crushed rock at West Sussex wharves totals 1,021,190 tonnes per annum (2005-2014);
- The maximum expected demand, taking account of *other relevant local information* is 1,349,328 tonnes per annum to 2033; and
- The estimated operational capacity in West Sussex totals 2,274,000tonnes per annum.

5.5 Preparation of the Joint Minerals Local Plan has included the consideration of reasonable policy options for safeguarding wharves. These entirely replace the scenario options set out within the West Sussex Wharves and Railheads Study and are all capable of meeting anticipated future demand. Option W1 would not enable delivery of the emerging regeneration aspirations contained within the Shoreham JAAP.

5.6 The options considered for the JMLP are set out below;

- **Option W1:** Maintain current capacity by safeguarding all currently operational minerals wharves in West Sussex (2.27mtpa)
- **Option W2:** Safeguard wharves in the Eastern Harbour Arm at Shoreham and at Littlehampton (ARC Wharf, Halls Wharf, Turberville and Penneys Wharf, Railway Wharf) (1.95mtpa)
- **Option W3:** Safeguard wharves in the Eastern Harbour Arm at Shoreham and at Littlehampton (ARC Wharf, Halls Wharf, Turberville and Penneys Wharf, Railway Wharf) and seek safeguarding of Britannia Wharf in Brighton & Hove (2.20mtpa)
- **Option W4:** Safeguard wharves in the Eastern Harbour Arm at Shoreham and at Littlehampton (ARC Wharf, Halls Wharf, Turberville and Penneys Wharf, Railway Wharf) and seek safeguarding of potential wharves in Eastern Harbour Arm (Britannia Wharf and Rombus Wharf) in West Sussex and Brighton & Hove (2.49mtpa)

Brighton & Hove City Council has prepared a Waste and Minerals Plan (2013) in partnership with East Sussex County Council and the South Downs National Park Authority. Policy WMP15 aims to safeguard existing, planned and potential railhead and minerals wharf facilities (including rail sidings), and their consequential capacity. In line with Policy WMP15 of the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, in order for proposals for alternative uses at mineral wharves within Brighton & Hove to be acceptable, evidence would need to demonstrate that there would be no net-loss of capacity for handling minerals within the Port as a whole. The draft East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan provides a safeguarding policy area related to Policy WMP15 within which facilities to land, process and handle, and associated storage of minerals and their consequential capacity would be safeguarded. This could include use of flexible arrangements such as wharves within the safeguarding area which cater for a range of materials, including minerals, to compensate for the loss of capacity at a specific mineral wharf.

- 5.7 The Shoreham Harbour Interim Planning Guidance (August, 2011) was prepared by the Shoreham Harbour Regeneration Partnership. The Interim Planning Guidance states that a key factor in considering new development and changes of use in the Harbour area which will be taken into account is the impact of development on safeguarded wharves and existing waste facilities, and the extent to which the development contributes to meeting future needs for minerals imports and waste management.
- 5.8 The Shoreham Harbour Regeneration Partnership has prepared two Development Briefs for the proposed areas of change in Shoreham Harbour. The Western Harbour Arm Development Brief was adopted by Adur District Council in July 2013. The South Portslade Industrial Estate and Aldrington Basin Development Brief was adopted by Brighton & Hove City Council in September 2013. The brief states that Ferry Wharf (a wharf in Brighton & Hove), could be developed to provide modern employment floor space, subject to suitable mineral wharf capacity identified at the Port to replace Ferry wharf.
- 5.9 The Western Harbour Arm Development Brief states, in paragraph 5.2.5, for example, that: Adur District Council, Shoreham Port Authority, Brighton & Hove City Council, West Sussex County Council and East Sussex County Council are committed to working together to ensure that an appropriate policy approach is incorporated within the updated West Sussex Joint Minerals Local Plan and the JAAP; and that in the short term any applications for alternative development proposals on safeguarded mineral wharves or adjacent sites will need to clearly demonstrate that there will be no net-loss to capacity for the import of aggregates at the Port as a result of any proposals.

## **6. Agreements between the Parties**

- 6.1 The Parties recognise the importance of mineral wharf capacity at Shoreham Port and support the safeguarding of both specific sites and more general capacity for landing of minerals at the Port.
- 6.2 The parties recognise the importance of aggregate wharves at Shoreham to the supply of minerals to West Sussex, East Sussex, Brighton & Hove and other areas in the South-East. In particular, there is likely to be an increased reliance on minerals (both land won and marine dredged) landed at Shoreham from East Sussex and Brighton & Hove, resulting from both the potential reduced availability of land won sources within, and imports to, East Sussex, and the demand arising from planned development.
- 6.3 The parties recognise the role of Shoreham Port Authority in assisting with both the short and long term demand for mineral landings at potential wharves within the Port Operational Area.
- 6.4 The parties recognise the regeneration aspirations for the Harbour, to be delivered through the JAAP, which will broadly result in the redevelopment of the Western Harbour Waterfront for mixed-uses and the concentration of port activities on the Eastern Harbour Arm.
- 6.5 The parties recognise the conclusions of the West Sussex Local Aggregates Assessment (April 2016)

In examining the conclusions of the LAA and consideration of policy options, the parties recognise that Option's W2-W4 would all provide sufficient capacity to meet future demand for continued supply of aggregates through existing and potential wharves located within Shoreham Harbour. Options W2 and W3 would reduce the total capacity to land minerals, and therefore Option W4 is the preferred approach and has been included in the Draft Joint Minerals Local Plan (April 2016)

- 6.6 The Shoreham Port Masterplan includes a commitment to improvements to Port facilities, including the expansion of wharves through infilling activity, which would result in an increase in land, therefore an increase in throughput capacity. Infilling work is being considered at Turberville and Penneys Wharf and Britannia Wharf.

## Actions and Activities

### 6.7 In order to facilitate the JAAP process:

- West Sussex County Council and the South Downs National Park Authority have included Option W4, as Policy M10, in the Draft Joint Minerals Local Plan (April 2016). This will include both the safeguarding of specific sites, and also recognition of the importance of wharves on the Eastern Harbour Arm with potential to be used for minerals which could contribute to the capacity for handling minerals within the Port as a whole.
- In line with Policy WMP15 of the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, in order for proposals for alternative uses for wharves within Brighton & Hove to be acceptable, evidence would need to demonstrate that there would be no net loss of capacity for handling minerals within the Port as a whole. This could include the use of flexible arrangements, such as wharves which cater for a range of materials (common user terminals), including minerals, to compensate for the loss of capacity at a specific mineral wharf.

6.8 Shoreham Port Authority will use its best endeavours to facilitate the delivery of port improvement works which would increase the capacity of existing minerals wharves in the Eastern Harbour Arm as identified in the Port Masterplan (subject to securing the relevant permissions and commercial considerations);

6.9 In order to facilitate the development management process, particularly for Adur District Council, West Sussex County Council will seek to engage with the development management process in their role as the Mineral Planning Authority. Where applications seek redevelopment of sites on the Port, the County Council will base their response on the safeguarding approach as set out within the draft Joint Minerals Local Plan.

6.10 This approach is likely to result in redevelopment of two wharves that are currently safeguarded through the West Sussex Minerals Local Plan (2003) as opportunities arise. These wharves are Free Wharf and Kingston Railway Wharf.

6.11 These sites would not cease to be safeguarded until the adoption of the new West Sussex Minerals Local Plan, however once published, applications will be considered against policies in the Submission Draft JMLP. Those seeking to re-develop existing safeguarded wharves will be expected to provide evidence that there is sufficient capacity elsewhere to accommodate any loss of capacity on the site in question.

6.12 The Mineral Planning Authorities party to this Statement will continue to collaborate on these matters and evidence the approach set out within this through the preparation of Local Aggregate Assessments. The Mineral Planning Authorities will continue to liaise with other Mineral Planning Authorities in the South East in relation to the general matters set out in the Statement, in particular, the challenges associated with supply of aggregates from land won sources.

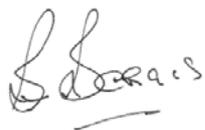
## **7. Timescale**

7.1 The Statement of Common Ground is intended to run from June 2016 until it is replaced by an updated Statement or until the adoption of the relevant Local Planning Documents being prepared by the Parties, particularly the West Sussex Joint Minerals Local Plan.

## **8. General**

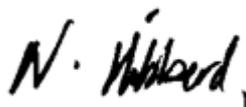
8.1 The terms of this Statement may be amended at any time by agreement in writing between the Parties.

## 9. Signatures



CLlr Brian Boggis  
Executive Member for Regeneration

**Adur District Council**



Nick Hibberd  
Acting Executive Director Economy,  
Environment & Culture

**Brighton & Hove City Council**



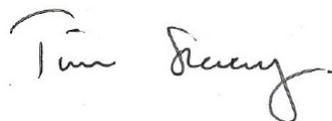
Rupert Clubb,  
Director of Communities, Economy  
& Transport

**East Sussex County Council**



CLlr John O'Brien  
Cabinet Member for Highways and  
Transport

**West Sussex County Council**



Tim Slaney  
Director of Planning  
**South Downs National Park  
Authority**



Peter Davies  
Development Director  
**Shoreham Port Authority**