

Proposed Modifications to the West Sussex Joint Minerals Local Plan

Background and Context

- 1** The West Sussex Joint Minerals Local Plan is being prepared by the County Council, in partnership with the South Downs National Park Authority (SDNPA), to cover the period to 2033.
- 2** Informal public consultation on the content of a Joint Minerals Local Plan (JMLP) and relevant background evidence was undertaken during spring/summer 2016. In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Proposed Submission Draft JMLP was published in January 2017 to allow representations to be made on its 'soundness' and compliance with legal requirements. At the end of May 2017, the JMLP was submitted to the Secretary of State for independent examination.
- 3** The hearing sessions for the examination took place in September 2017. During and following those sessions, the government-appointed Inspector indicated that changes needed to be made to the submitted Plan to make it 'sound' and suitable for adoption.
- 4** Accordingly, County Council and SDNPA officers have prepared a schedule of proposed modifications to the submitted Plan (including to a number of policies and the site allocations). This report sets out the background to the modifications which, subject to approval by the County Council on 15 December 2017, will be published to allow representations on their 'soundness' and compliance with legal requirements for an eight week period commencing in January 2018.

Proposal

Joint Minerals Local Plan

- 5** The County Council is required to prepare the JMLP, which covers the period to 2033. It sets out the background, the spatial context and the strategy and policy context within which it has been prepared. It includes a vision and strategic objectives, land-use strategies, use-specific and general development management policies, the allocation of sites for mineral extraction, and implementation and monitoring information.
- 6** The Proposed Submission Draft JMLP (January 2017) is currently the most up-to-date statement of the County Council's land-use planning policy for minerals. In accordance with a resolution of County Council in December 2016, it is being used to determine planning applications for minerals development.
- 7** When adopted by both authorities, the JMLP will become part of the statutory 'development plan' for West Sussex and it will provide the basis for making consistent land-use planning decisions about planning applications for minerals development.

Public Examination

- 8 As part of the public examination of the submitted Plan, the Inspector convened a public hearing from 19 September 2017, where he invited participants to comment on the legal compliance and soundness of the Plan. County Council and SDNPA officers, as well as consultants representing the authorities, were given the opportunity to respond to the comments. As necessary, the approach taken by the authorities was debated and there were discussions between the Inspector, the authorities and participants about potential changes to the Plan. The hearing was then adjourned by the Inspector on 28 September 2017.
- 9 During hearing sessions, the Inspector indicated that changes are needed to the submitted Plan to make it 'sound' and suitable for adoption. The Inspector noted two types of changes; significant 'Main Modifications', such as changes to policies and the site allocations; and additional minor modifications (such as typing errors, matters of clarification, or policy consolidation).
- 10 With regard to significant changes, the Inspector identified a number of modifications that he considered to be essential; that is, if they were not made, the Plan would be found unsound. The authorities were then invited to consider the text of the changes and to prepare a schedule of proposed modifications for public consultation.

Modifications to the West Sussex Joint Minerals Local Plan

- 11 Following the Inspector's advice to review elements of the JMLP, officers from both authorities have considered the Inspector's comments and his suggested changes, in particular the modifications that he considered to be essential with regard to soundness.
- 12 The schedule of modifications (**enclosed as [Appendix A](#)**) details all the changes to the submitted JMLP that are considered necessary. A version of the Submitted Plan incorporating and illustrating the modifications is **enclosed as [Appendix B](#)**.
- 13 The proposed modifications have been subject to Sustainability Appraisal, as required by the Planning and Compulsory Purchase Act (2004). The most important changes are identified below.

Soft Sand Strategy and Policy M2: Soft Sand

- 14 National policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates, by making provision to meet demand, as calculated within the Local Aggregates Assessment (LAA). The most recent data suggests a shortfall in the region of 2.36 million tonnes of soft sand. The soft sand resource in West Sussex is heavily constrained as it is almost entirely within the South Downs National Park. The evidence that underpins the JMLP shows that there are significant resources of soft sand outside of

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West Sussex (within the South East of England), and that minerals are travelling greater distances.

- 15** The strategy for soft sand extraction within the submitted JMLP was to plan for a declining amount of sand extraction within the South Downs National Park. National Parks have the highest level of protection, and any mineral activities, which are considered to be 'major development', can only take place in 'exceptional circumstances' and where it is in the 'public interest'.
- 16** In preparing the Plan, the authorities concluded that exceptional circumstances did not exist to justify the allocation of sites within the National Park to meet the identified shortfall. Therefore, the strategy for soft sand was to only allocate one site (Ham Farm, Steyning) outside the National Park, to safeguard existing sites, to rely on windfall development coming forward, and to rely on less constrained areas, outside of West Sussex, to meet demand.
- 17** During the hearing sessions, the Inspector raised two main concerns about the strategy for soft sand. First, he challenged the authorities' interpretation of national policy (as set out in the National Planning Policy Framework - NPPF) about how major development in National Parks should be treated in plan preparation. Second, the Inspector was concerned that there was not sufficient certainty that the shortfall at the end of the plan period would be met through windfall sites and by supplies from outside West Sussex. Accordingly, the Inspector indicated that the submitted strategy for soft sand, Policy M2, and the allocation of Ham Farm (under Policy M11) were unlikely to be justified and consistent with national policy.
- 19** To ensure the soundness of the JMLP the Inspector has suggested modifications as follows:
 - to delete references to planning for a declining amount of sand extraction from within the National Park;
 - to replace Policy M2 with new wording; and
 - to remove the Ham Farm allocation from Policy M11.
- 20** Policy M2, as modified, would allow unallocated sites to come forward and to be permitted, provided they are needed to meet the identified shortfall and to maintain a seven year landbank; this is likely to be towards the end of the plan period. Any application for extraction within the National Park would need to demonstrate that there were exceptional circumstances and that it would be in the public interest to permit such development.
- 21** Furthermore, the modified policy would require the authorities to commence a single issue soft sand review of the JMLP, to be submitted within two and a half years of the adoption of the current Plan. This partial review of the JMLP would re-consider all evidence related to soft sand, including the strategy, supply, demand, and the potential need for site allocations to meet the identified shortfall at that time.
- 22** By agreeing to the Inspector's suggested revisions to the Plan and

committing to a single-issue review at a later date, the authorities will be able to adopt the JMLP next year, which will ensure that the authorities have an up to date decision-making framework in place.

Policy M1: Sharp Sand and Gravel

- 23** Policy M1 has been amended to clarify that any applicants must demonstrate that their proposals are needed to ensure a steady and adequate supply of sharp sand and gravel, and to maintain the seven-year landbank, as required by national policy. This modification will ensure that the policy is effective, and consistent with the NPPF.

Policy M3: Silica Sand

- 24** Policy M3 has been amended to include a new clause to ensure that 'best use' of the silica sand resource is made, as required by the NPPF. High purity silica sand is a high value industrial mineral of national importance, particularly for specific industries, such as glass making. The silica sand resource in West Sussex is within the Folkestone Formation, the same formation within which soft sand is found. Therefore, there is a risk that high-grade silica sand is extracted and used as an aggregate rather than an industrial mineral. Ensuring the best use of a mineral is consistent with national policy.

Policies M7a and M7b: Hydrocarbon development

- 25** During the hearing sessions, a number of elements of Policies M7a and M7b were discussed, and a number of modifications are being proposed to ensure consistency with national policy and legislation.

Policy M11: Strategic Minerals Site Allocations

- 26** As set out above, the Inspector has suggested that the approach taken to planning for soft sand is unlikely to be justified and consistent with national policy and that, as a consequence, the allocation at Ham Farm, near Steyning is unlikely to be 'sound'. Therefore, together with the other changes identified in paragraph 19, it is proposed to remove the allocation from the JMLP. The allocation of the Extension to West Hoathly Brickworks for clay extraction is retained.

Development Management Policies

- 27** There are a number of proposed modifications to the following development management policies to ensure that the policies are consistent with national policy, and that they are effective for use in decision making:
- M13: Protected Landscape
 - M14: Historic Environment
 - M17: Biodiversity and Geodiversity
 - M19: Flood Risk Management
 - M22: Cumulative Impacts
 - M23: Design and Operation of Mineral Developments

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Next Steps

- 28 Following approval by the County Council on 15 December 2017 (and by the SDNPA), the schedule of modifications will be published for public consultation for eight weeks commencing in January 2018. The consultation is solely concerned with the 'soundness' of the modifications and therefore comments on other parts of the Plan will not be considered.
- 29 The modifications, and the representations received on them, will be submitted to the Inspector for his consideration. The Inspector will then finalise his report on the soundness of the JMLP and submit it to the Authorities. Before completing his report the Inspector may decide to reconvene the Hearings to consider the representations that have been made.
- 30 If no further modifications are recommended by the Inspector and a report is received indicating that the JMLP is sound, the JMLP (as modified) will be adopted by both authorities when it will become part of the statutory 'development plan' for West Sussex.

Recommended

- (1) That the Proposed Modifications to the West Sussex Joint Minerals Local Plan (Appendix A) be approved for public consultation on their soundness, followed by submission to the Inspector; and
- (2) That the West Sussex Joint Minerals Local Plan with proposed modifications (Appendix B) be approved for development management purposes.

Bob Lanzer

Cabinet Member for Highways and Infrastructure

Appendices

[Appendix A – Proposed Modifications to the Joint Minerals Local Plan](#)
[Appendix B – West Sussex Joint Minerals Local Plan \(as modified\)](#)

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Background Papers

None