

**Planning Committee**

**29 November 2016**

**Proposed Submission Draft of the West Sussex Joint Minerals Local Plan (Regulation 19 stage)**

**Report by Strategic Planning Manager**

**Executive Summary**

A West Sussex Joint Minerals Local Plan is being prepared by the County Council, in partnership with the South Downs National Park Authority, to cover the period to 2033. Once adopted, the West Sussex Joint Minerals Local Plan will replace the saved policies in the adopted West Sussex Minerals Local Plan (2003). A draft Joint Minerals Local Plan was the subject of informal public consultation from 14 April to 17 June 2016 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The results of the consultation (see Appendix A) and further technical work have informed the preparation of the Proposed Submission Draft of the Plan (Appendix B). The Plan sets out the background, the spatial context and the strategy and policy context within which it has been prepared. It contains a Vision and strategic objectives, the strategies and policies, the strategic minerals site allocations (and their accompanying development principles), and implementation and monitoring information.

Once approved by both Authorities, the Proposed Submission Draft Plan will be published for an eight week period under Regulation 19 (of the above Regulations) to allow formal representations to be made about: (a) whether it has been prepared in accordance with all the legal requirements; and, (b) whether its contents are 'sound'.

Representations made during the representations period will help a Government appointed independent Planning Inspector determine whether the Plan is legally compliant and 'sound'. Following the examination of the Plan, the Inspector will report on whether the Plan is sound and, if it is, it will be adopted by both Authorities when it will become part of the statutory 'development plan' for West Sussex.

Following approval by both Authorities, the Proposed Submission Draft will be the most up-to-date statement of the County Council's land-use planning policy for mineral development and it should be given appropriate weight in the determination of planning applications.

**Recommendation**

That the Committee consider the Proposed Submission Draft (attached as Appendix B) and inform the Cabinet Member for Highways and Transport about its views on its contents before it is submitted to County Council in December 2016 for approval.

**1. Introduction**

- 1.1 A West Sussex Joint Minerals Local Plan is being prepared by the County Council, in partnership with the South Downs National Park Authority, to cover the period to 2033.
- 1.2 Informal public consultation on the content of a Minerals Local Plan and relevant background, which included potential minerals sites, was undertaken in July/August 2014. Following consideration of the responses received, further targeted consultation on possible sites in March 2015, and the results of technical work and dialogue with other Minerals Planning Authorities, a draft Joint Minerals Local Plan (JMLP) was prepared. The draft JMLP was the subject of informal public consultation earlier this year, in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.3 The results of the informal consultation and further technical work have informed the preparation of the Proposed Submission Draft of the Plan. Following approval by the County Council (and the SDNPA), the Proposed Submission Draft will be published for an eight week period for formal representations on 'soundness' and legal compliance from 16 January 2017 under Regulations 19 and 20.

**2. Scrutiny by the Environmental and Community Services Select Committee, and work of the Task and Finish Group**

- 2.1 The preparation of the Proposed Submission Draft Plan has been the subject of scrutiny by a Task and Finish Group (TFG) appointed by the Environmental and Community Services Select Committee.

Membership of the TFG comprised:

- Heidi Brunsdon (Member for Imberdown)
- Graham Jones (Member for Felpham)
- Roger Oakley (Member for Worthing East, resigned from the TFG in May 2016)
- Simon Oakley (Member for Chichester East)
- John Rogers (Chairman, Member for Cissbury)

- 2.2 The TFG has acted as a critical friend, providing robust challenge as the Plan has been developed, meeting with officers a total of nine times, including a meeting with SDNPA members. The Group was also able to undertake certain aspects of its work 'virtually', reviewing material and commenting/questioning between meetings, via email.

The TFG considered evidence, and had input, in respect of areas including:

- Detailed background papers on key topics;
- Mineral Sites Study (including site visits);
- Development of strategic policy options;
- Development of development management policies;
- Development of the vision and strategic objectives;
- Consideration of sites following technical assessments;

- Consideration of feedback arising from the informal public consultation, and how this was addressed within the Proposed Submission Draft Plan.
- 2.3 The TFG endorses the Proposed Submission Draft Plan attached as Appendix B of this report. The TFG also endorses the process of its preparation.
- 2.4 The draft Joint Minerals Local Plan was considered by the Environmental and Community Services Select Committee on 16 November 2016. The recommendation of the Committee to the Cabinet Member for Highways and Transport was that *“Ham Farm as a site, not be included for further consideration within the Draft Minerals Local Plan”*.
- 2.5 In response, the Cabinet Member understood the concerns expressed by local residents and by the Select Committee but he did not consider that it would be appropriate to delete the Ham Farm site allocation. This was because there was no substantive evidence to suggest that the issues could not be mitigated or satisfactorily addressed at the planning application stage, and removal of the site allocation would put the soundness of the JMLP at risk with regard to the requirement to plan for a steady and adequate supply of aggregate minerals. However, he did ask officers to strengthen the development principles for the Ham Farm site to ensure that the Committee’s concerns were covered in full; this has been done in the version of the Plan attached as Appendix B.

### **3. Informal Consultation on the Draft Plan**

- 3.1 Following approval by the Cabinet Member for Highways and Transport (and the SDNPA) in March 2016, informal public consultation on a draft JMLP was undertaken from 14 April to 17 June 2016. This included discussion about the two proposed site allocations for mineral development at the relevant County Local Committees (CLCs) as well as discussions with district and borough councils, parish councils, landowners, developers, resident and community groups.
- 3.2 The consultation process involved the following:
- Approximately 3,000 individuals and organisations were notified about the consultation either by email or letter;
  - hard copy documentation and notices were made available for inspection at council offices and libraries;
  - media coverage by press, TV and radio;
  - presentations to meetings of the Chanctonbury County Local Committee and North Mid Sussex County Local Committee;
  - in response to many queries about the allocation of Ham Farm an ‘FAQs’ note was prepared and published on the County Council website and a well attended exhibition was held at the Steyning Centre on 23 May 2016; and
  - attendance at a meeting of the West Sussex Planning Policy Officers Group.

- 3.3 A total of 744 responses were received during the consultation with the following breakdown:
- 672 responses submitted by individuals (including parish councillors and from local businesses)
  - 73 by organisations (minerals industry, county, district & borough and parish councils, government bodies, community and environmental organisations).
- 3.4 During the consultation, the County Council processed seven requests for information made under the Environmental Information Regulations 2004. All the requests related to the proposed site allocation at Ham Farm, near Steyning.
- 3.5 Appendix A to this report summarises the key themes raised in consultation responses, during meetings and at the exhibition:
- responses did not demonstrate overwhelming support for the vision, however of the organisations that responded there was general support
  - there was general support for the strategic objectives amongst organisations, though overall, just over half of responses did not support the objectives. Some comments noted apparent conflicts between them (for example, an apparent contradiction between the strategic objectives to minimise traffic movements and seeking a managed retreat from mineral working in the SDNP);
  - concerns with the approach to soft sand and likelihood of securing sufficient supplies from other areas;
  - contrasting comments about the approach to mineral working in the SDNP and the lack of site allocations within the SDNP for both soft and silica sand;
  - many objections to the Plan's approach to hydrocarbon development, particularly the potential for hydraulic fracturing (or 'fracking') to be used and requests for policies to enhance the level of protection against potentially adverse impacts;
  - contrasting comments about the strength of policies safeguarding mineral resources and infrastructure, including railheads and wharves in Shoreham and Littlehampton Ports;
  - many comments were received from members of the public opposed to the allocation of the Ham Farm site and a related petition with 4,000 signatures was also received. Key concerns related to the following:
  - transport issues, including congestion, traffic and pedestrian safety, concerns about increases in heavy goods vehicles and traffic noise and pollution;
  - landscape, water environment, natural habitat and heritage impacts;
  - impacts on the quality of life for local residents and businesses, for example, from vehicle emissions and dust from quarrying. Also, a restrictive covenant exists on part of the proposed site allocation which prohibits activity liable to be a nuisance to, or lessen the value of, the adjacent Wappingthorn Manor;

- cumulative impacts resulting from nearby existing quarries;
- that there are other locations, including within the SDNP, better suited to the extraction of soft sand;
- the impacts of restoration using inert material;
- the proposer of the Ham Farm site suggested that the boundary be changed, especially as this would help address local concerns;
- some concerns about the allocation of the extension to West Hoathly brickworks largely related to impacts on the High Weald AONB and HGV movements;
- minerals operators requested the allocation of other sites, while also supporting the proposed site allocations; and
- the conclusion of the technical assessment of the Hambrook grouping of sites as 'acceptable in principle' was disputed.

3.6 All the responses to the public consultation have been taken into account, where appropriate, in the Proposed Submission Draft. The main changes to the Plan are summarised in paragraph 4.2, although none are considered to be substantive.

3.7 The Authorities also consulted on draft guidance that further explains the approach to Minerals Resource and Infrastructure Safeguarding; a related workshop was held on 29 June 2016. A key outcome of the consultation was the general view that the approach to safeguarding specific minerals should vary according to the scarcity and demand for that mineral. Amendments have been made to the guidance to address that point and the revised guidance will be published alongside the Proposed Submission Draft.

#### **4. Technical Work**

4.1 Further technical work has been undertaken to inform the preparation of the Proposed Submission Draft.

4.2 Forecasts of aggregate demand have been rolled-forward reflecting the average level of sales over the last 10 years (2005 to 2015) as well as other local factors (e.g. forecast levels of road maintenance and house building). This has resulted in a decrease to the forecast requirement. The Local Aggregate Assessment has been updated accordingly.

4.3 The Silica Sand Study, which considers the existence of silica sand in West Sussex, has been updated to take account of comments on the draft Plan and in particular, the claim that a site with the SDNP should be allocated as the mineral is of national significance.

4.4 Further transport assessment of the proposed site allocation at Ham Farm has been undertaken to address highway capacity and road safety concerns. The landscape assessment has also been updated to consider impacts associated with an amended boundary and consideration has also been given to the need for any changes to the Habitats Regulation Assessment.

- 4.5 A Sustainability Appraisal (SA) of the Proposed Submission Draft has been undertaken, taking account of the amended policies and the amended boundary of the proposed Ham Farm site allocation. The extent of the amendments to the policies and the boundary of the Ham Farm site allocation have not resulted in any changes to the SA scores presented in the Draft JMLP SA Report (Reg. 18 stage). Therefore, there are no recommendations arising from the SA of the Proposed Submission Draft which might require further changes to the Plan.
- 4.6 A full copy of the SA Report (Reg. 19 stage) will be published with the Proposed Submission Draft and will be available to inspect in the Members' room.
- 4.7 The Mineral Site Selection Report has been reviewed and updated. In particular the report includes an assessment of the suitability of other areas of soft sand resource within the County but outside the SDNP. The assessment concludes that these areas do not offer suitable deliverable opportunities for mineral development.
- 4.8 A Statement of Common Ground (SOCG) between Adur District Council, Brighton & Hove City Council and West Sussex County Council has been signed which covers joint working towards the regeneration of Shoreham Port.
- 4.9 Further information has been obtained about the reliance on imports of soft sand from other areas. This matter is also being considered in conjunction with other South East England Minerals Planning Authorities and a further SOCG, initiated by the Authorities, is being prepared that sets out jointly agreed matters and principles that each MPA in the south east should take into account when planning for soft sand supplies. This includes recognising constraints on supplies caused by National Park and AONB designations.
- 4.10 No substantive changes have been made to the strategies or policies of the Plan as a result of the further technical work.
- 4.11 The only substantive changes that have been made to the Plan are an amendment to the boundary of the proposed site allocation at Ham Farm (that reduces the size of the site) and safeguarding of two temporary wharves at Shoreham Port (see Appendix B).

## **5. Proposed Submission Draft**

- 5.1 As identified above, the only substantive changes that have been made following the consultation on the draft Plan and further technical work are:
- the amendment to the boundary of the proposed site allocation at Ham Farm, near Steyning; and,
  - the specific safeguarding of the two temporary wharves in the western harbour arm of Shoreham Port.
- 5.2 Other changes to the Plan are as follows:
- incorporation of the outputs of the updated Local Aggregate Assessment with demand forecasts to 2033 revised downwards accordingly;

- amendments to clarify the Vision and Strategic Objectives in Chapter 2;
- amendments to Chapters 3 and 4 to provide more detail and update the minerals and spatial context;
- factual updates to Chapter 5: Strategy and Policy Context including more detail about the Shoreham Harbour Joint Area Action Plan;
- various amendments to the strategic minerals supply policies in Chapter 6 to clarify the approaches taken to the supply of different minerals;
- amendments to Policies M1 and M2 to clarify how proposals should demonstrate the need for additional working of sharp sand and gravel and soft sand respectively;
- amendments to Policies M4, M5 and M6 to clarify what 'small scale' extraction means;
- additions to Policies M7a and M7b to clarify certain aspects regarding protection of the environment with regard to proposals for onshore hydrocarbons;
- amendments to Policy M9 and supporting text to clarify when non-mineral development overrides the safeguarding of a mineral resource;
- amendments to the supporting text to Policy M10 about safeguarding minerals infrastructure from non-mineral development;
- amendments and additions to the development principles for the proposed site allocations;
- in Chapter 8, the inclusion of information concerning the nature and extent of Planning Obligations and how the Authorities can use this mechanism to manage development;
- amendments to some of the supporting text and the development management policies in Chapter 8 to clarify their purpose and provide further information;
- amendments to the Mineral Safeguarding Area maps to ensure the boundaries of key settlements are accurate; and
- amendments and additions to the Glossary to help with interpretation of the Plan.

5.3 The changes outlined above have been incorporated into the version of the Plan being considered by this Committee. Other minor changes have been made throughout to improve the Plan's clarity of meaning.

***Purpose***

5.4 The Proposed Submission Draft covers the period to 2033 (see Appendix B). It sets out the background, the spatial context and the strategy and policy context within which it has been prepared, the vision and strategic objectives, the strategies and policies, the strategic waste site allocations (and their accompanying development principles), and implementation and monitoring information.

5.5 The Proposed Submission Draft is the most up-to-date statement of the County Council's (and the SDNPA's) land-use planning policy for mineral

development in West Sussex. Following approval by both Authorities, the policies in the Proposed Submission Draft will be given appropriate weight in the determination of planning applications for mineral development.

- 5.6 When adopted by both Authorities, it 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 mineral development.

### ***Contents***

- 5.7 Given that the West Sussex Joint Minerals Local Plan covers part of the South Downs National Park, the Authorities have sought to ensure that it is consistent with the Plans prepared by the SDNPA jointly with Hampshire and with East Sussex (and Brighton and Hove) and which cover the other parts of the National Park.
- 5.8 Section 110 of the Localism Act deals with the need for authorities to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. In support of this 'duty to cooperate', the National Planning Policy Framework refers to planning authorities demonstrating evidence of having effectively cooperated in planning for strategic cross boundary issues. The legal test is used to assess whether there has been cooperation in the preparation of local plans.
- 5.9 Accordingly, both Authorities are continuing to engage with adjoining mineral planning authorities and others in the region (and, as appropriate, those elsewhere) to ensure that planned supply of minerals is co-ordinated, as far as is possible, whilst recognising that provision by the minerals industry is based on commercial considerations. In particular, the Proposed Submission Draft recognises the need for a consistent approach to be taken by the Authorities and others to the supply of soft sand in light of its uneven distribution across the south east and its location proximate, or within, National Parks and Areas of Outstanding Natural Beauty.

### ***Strategies***

- 5.10 The following strategies have been finalised taking account of technical work and discussions with the minerals industry, consultees, and resident and community groups and the results of public consultation:
- **Provision of land won sharp sand and gravel** - safeguard existing permitted reserves and make provision for additional reserves only if needs cannot be met from other sources in West Sussex including landings of marine won aggregate landed at ports in West Sussex.
  - **Provision of land won soft sand –**
    - Rely on existing reserves and suitable windfall sites being granted planning permission including sand extracted prior to non-minerals development.
    - A site allocation (Ham Farm).

- Increasing levels of imports, in order to facilitate a 'managed retreat' from working soft sand within the SDNP with no allocation of extensions to existing sites, or new sites, within the SDNP.
- **Provision of silica sand** - include a criteria-based policy, against which any proposals can be considered. This strategy accords with national policy as adequate provision for silica sand is being made elsewhere to meet national demands and there is no specific requirement for West Sussex to meet any identified shortfall.
- **Provision of chalk** - to safeguard existing quarries and to include a criteria-based policy for small scale proposals, including extensions to existing sites and new sites.
- **Provision of clay** - allocate an extension to West Hoathly brickworks claypit to maintain supplies to the brickworks and allow extensions, or new sites, if existing supplies are exhausted or if a particular source of clay is required to enable appropriate blends to be made.
- **Provision of building stone** - meet demand from existing permitted quarries. Proposals for new small scale extraction (including extensions) will be judged against a criteria-based policy.
- **Provision of hydrocarbons** – proposals will be acceptable under criteria-based policies provided that there is no unacceptable impact, and any use of high volume hydraulic fracturing does not take place within, or have an unacceptable impact on, the SDNP, Areas of Outstanding Natural Beauty (AONB), or other protected areas. Major oil and gas development not involving high volume hydraulic fracturing should only take place within the SDNP or AONB in exceptional circumstances and when it is in the public interest.
- **Mineral processing and ancillary activities** - allow processing of excavated or imported material on sites which have a clear link to the site where the material has been excavated or imported, until such activity ceases. Proposals for secondary processing, such as concrete batching and coated roadstone production, will be judged against criteria-based policies that protect communities and the environment from unacceptable impacts.
- **Safeguarding mineral resources** – generally safeguard according to distribution of mineral and demand as follows; the entire sand (including silica sand) and gravel and Wadhurst clay resources; active and inactive chalk quarries; Weald clay and building stone resources, excluding those in urban areas.
- **Safeguarding minerals infrastructure** – generally safeguard existing minerals infrastructure and prevent incompatible development near to it.

### ***Strategic Mineral Site Allocations***

- 5.11 As outlined above, only two new site allocations are proposed to be included in the Plan. A new soft sand site at Ham Farm, near Steyning, and an extension to the West Hoathly claypit. Development principles for both sites have been established that identify specific issues that will need to be addressed at the planning application stage, as and when proposals come forward.

- 5.12 In response to the existence of the restrictive covenant, the proposer of the Ham Farm site has sought to provide assurances that the site is 'deliverable'. In doing so, the proposer has suggested that the site allocation be reduced in size although it would still include land covered by the covenant. However, given the uncertainty that would remain about site deliverability (due to the inclusion of part of the site within the covenanted land), it is proposed to amend the proposed site allocation to exclude the area where the covenant could be enforced. The potential output from the site would be reduced from 850,000mt to 725,000mt which would still make a valuable contribution to the supply of soft sand in the County. The development principles have been strengthened to ensure that the working of the site would not result in any unacceptable impacts.
- 5.13 The proposed extension to the claypit at West Hoathly brickworks would guarantee the continued operation of the brickworks, and so safeguard associated employment. Although Wadhurst clay reserves exist in East Sussex, there is no guarantee that the permission needed to allow exports of clay from reserves in East Sussex would be allowed. It is not anticipated that allocating the site will result in any intensification of activity on the site which could lead to additional vehicle movements. Development principles have been included to ensure appropriate restoration of the site which will need to comply with the policies in the Plan concerning restoration.
- 5.14 Sites for sharp sand and gravel extraction were previously considered. However, none of these sites are proposed to be allocated as the demand for this material is being met from marine-won sources and the current landbank exceeds 70 years. Therefore, there is no evidence to justify allocating sharp sand and gravel sites within the Plan.

## **6. Next Steps and Timetable**

- 6.1 Further minor changes may be made to the Plan as it progresses towards approval by County Council on 16 December 2016. The South Downs National Park Authority, at its meeting on 29 November 2016, will authorise SDNPA officers to agree any minor changes to the Plan that arise as a result of the consideration of the Proposed Submission Draft by this Committee.
- 6.2 Following approval by both Authorities, the approved Proposed Submission Draft will be published from 16 January 2017 to 13 March 2017 to allow representations to be made about (a) whether it has been prepared in accordance with all the legal requirements, and (b) whether its contents are 'sound'.
- 6.3 Following consideration of the representations received, minor amendments may be made to the Proposed Submission Draft and it will be formally submitted to the Secretary of State for independent examination.
- 6.4 If, following consideration of the representations, substantive changes to the Proposed Submission Draft Plan are required, the Plan will be redrafted and reconsidered by the Authorities and then published for a new period for representations on legality and soundness.

- 6.5 An independent Inspector appointed by the Government will consider the representations made on the Proposed Submission Draft and examine matters relating to legal compliance and 'soundness'. The examination will include consideration of the final SA.
- 6.6 As part of the examination, the Inspector may indicate that changes need to be made to the submitted Plan to make it 'sound' and suitable for adoption. The Authorities will then consult on any modifications before submitting them to the Inspector. Following the examination, the Inspector will report on whether the modified Plan is 'sound' and legally compliant and, if it is, it will be adopted by both Authorities and form part of the statutory 'development plan' for West Sussex.
- 6.7 Table 1 outlines the timetable for preparing the JMLP which is reflected in the latest Minerals and Waste Development Scheme.

**Table 1. Timetable for preparing the JMLP**

<b>Key Stage</b>	<b>When</b>
Public 'call for sites'	March/April 2014
Public engagement: Background Papers (x5)	June – July 2014
Public engagement: Mineral Sites Study	August – September 2014
Analysis of responses and revision of updated documents	September- December 2014
Preparation of evidence, site assessment, options, Draft Plan	January 2015 – January 2016
Member (WSCC and SDNPA) Approval of draft Plan	February – March 2016
Public consultation on Draft Plan	April - May 2016
Analysis of responses and revisions to Draft Plan	June – October 2016
Approval of Proposed Submission Plan by County Council and SDNPA	October – December 2016
Public representations on soundness and legal compliance of Proposed Submission Plan (Reg 19)	16 January to 13 March 2017
Submission of Plan to Government	April - May 2017
Public Examination Hearing	July – October 2017
Approval of any substantive changes by cabinet member key decision and SDNPA	November 2017
Public representations on soundness and legal compliance of and Main Modifications	December 2017 – January 2018
Inspectors Report	April 2018
Adoption by County Council	May 2018

## 7. Conclusion and Recommendation

- 7.1 The draft Plan has been prepared following consideration of the results of the informal public consultation and the further technical work. Two substantive changes (set out in paragraph 5.1 of this report), and a number of minor changes have been made to the Plan as a result, and it is considered that the Proposed Submission Draft is a 'sound' document that it should be taken forward for approval.
- 7.2 It is **recommended**, therefore, that the Committee consider the Proposed Submission Draft (attached as Appendix B) and inform the Cabinet Member for Highways and Transport about its views on its contents before it is submitted to County Council in December 2016 for approval.

## 8. Equality Duty

- 8.1 An Equalities Impact Report (EIR) has been completed undertaken and is attached as Appendix C to this report. Two actions have been identified:
- (1) to ensure reasonable attempts are made to engage the views of individuals and/or groups covering the protected characteristics identified in the EIR and identify any resultant mitigation measures related to these protected characteristics resulting from the representations period.
  - (2) - to ensure that Proposed Submission draft JMLP representations period information and related documentation is made available in alternative formats (different languages, larger print, audio, etc.) and this is publicised. [NO]

## 9. Risk Management Implications

- 9.1 The current West Sussex Minerals Local Plan was adopted in 2003 and so did not take into account current national planning policy (the National Planning Policy Framework). In light of this decisions based on this plan may be subject to appeal and there is a greater risk that any defence of Council decisions will be unsuccessful. Progressing the JMLP will help ensure the Authorities have appropriate control of mineral development and it may make it easier to resist undesirable proposals for development.
- 9.2 The lack of up-to-date site allocations for mineral development generates uncertainty for communities and the minerals industry about the acceptability 'in principle' of sites and creates more pressure on the planning application process. Progressing the JMLP and allocating strategic sites for mineral development lessens the likelihood of 'planning by appeal' which takes control away from the County Council and has important resource implications.
- 9.3 Progressing the JMLP and allocating strategic sites will help ensure that the County continues to be supplied with the minerals it needs for its future development and prosperity.

**10. Crime and Disorder Act Implications**

There are no identifiable Crime and Disorder Act implications.

**11. Human Rights Act Implications**

The High Court decided that Article 6(1) of the Convention which requires a fair hearing by an impartial tribunal does not apply to the Local Plan making process as no determination of civil rights is involved.

**Michael Elkington**

Strategic Planning Manager

**Appendices**

A – Summary of Public Consultation on the Draft Joint Minerals Local Plan

B – [Proposed Submission Draft of the Joint Minerals Local Plan](#)

C - [Equalities Impact Report](#)

**Background Papers**

None

**Contact:** Rupy Sandhu ext. 26454

**Appendix A: Summary of Public Consultation on the Draft Joint Minerals Local Plan (Reg.18).**

**(A) County Local Committees**

***Chanctonbury County Local Committee (CLC) (6 June 2016)***

The meeting considered the Draft Joint Minerals Local Plan and in particular the proposed allocation of Ham Farm for mineral working. Points raised by Members of the CLC and members of the public were as follows:

- Concern about the impact the site would have on traffic in the area, noting that traffic was already heavy at certain points of the day. There was concern that the allocation could lead to an increase in accidents on the A283, particularly on the safety of cyclists. Officers noted that the 2015 traffic report on the site concluded that there would not be a severe impact to traffic, and it was necessary to demonstrate a severe impact for sites to be ruled out on transport grounds.
- the number of vehicular movements, and the impact on traffic and residents in the area was questioned and it was felt that assumptions made as part of the Transport Assessment for the proposed allocation ought to be challenged. The process for calculating vehicular movements was explained by officers that calculations were based on an 11 hour working day (7:00-18:00), five and half days per week as it is standard industry practise for sites to operate on Saturday mornings. However, officers agreed to investigate how the traffic flow figures were calculated, and whether they were an average;
- restoration plans were queried and in particular whether analysis had been undertaken on where the restoration material would come from. Officers confirmed that the amount of inert material arising in the County far exceeds the amount required for the progressive restoration of the Ham Farm site;
- concern about impacts on the visitor economy and local businesses, such as Alderwood Ponds;
- whether soft sand could be supplied from other sources, including the use of marine dredged aggregates. Officers explained that there was currently no evidence from the minerals industry that soft sand could come from marine sources during the plan period;
- the land at Ham Farm was mainly used for the production of maize to feed a nearby Anaerobic Digestion plant, and that maize would have to be brought in from other areas if this plan were to go ahead.
- Concern about the impact on house prices and quality of life (with reference to noise and dust) in the area for residents;
- some adjoining buildings are listed;
- the viability of the site was questioned, and concern raised that borehole testing had been undertaken by the operator and landowner rather than the Council. Officers confirmed that borehole data provided by the operator indicates that the sand within the site is between 5-15 metres deep.
- the appropriate use of the land was discussed, and whether this was the best site in the County for this.
- other sites, irrespective of whether they were within the South Down National park, should be considered.
- In response to comments officers also confirmed that a hydrogeological report had not as yet been prepared and that this would be required at planning application stage.

The CLC recommended that the Cabinet member for Highways and Transport ensures that all residents' views are addressed as part of the consultation process and further agreed that although the development principles address relevant issues, they be fairly and properly applied.

***North Mid Sussex County Local Committee (15 June 2016)***

Officers attended the North Mid Sussex CLC on 15 June 2016, during which a short presentation was given about the JMLP, and specifically about the proposed site allocation of an extension to the West Hoathly Brickworks site at West Hoathly.

Points raised by Members were as follows:

- Support expressed for the objection submitted by West Hoathly Parish Council to the allocation of the extension to the West Hoathly Brickworks site that included specific concerns about the impact on the High Weald Area of Outstanding Natural Beauty and the potential increase in vehicular movements.
- The ability to place limits on the size of vehicles using the brickworks. On this point, officers in attendance explained that as the brickworks has planning permission granted by Mid Sussex District Council, it may be difficult to impose limits on traffic movements but that this would be investigated.
- The allocated area of land was very large in proportion to the additional clay supply it would produce (2-3 years) and Members queried the balance of environmental damage against commercial benefit. Officers advised that the Council have had communications with the Woodlands Trust to look at what mitigation could be put in place, such as buffer zones to ensure the protection of ancient woodland.

**(B) Summary of Comments**

***Vision and Objectives***

1.1 Comments were received on the appropriateness of the vision and objectives from a wide range of stakeholders. The comments received requested changes to the vision and objectives which reflected responses to specific issues outlined below.

***Approach to Soft Sand Supply (Policy M2)***

1.2 Comments on the approach to supplying soft sand were received from organisations including neighbouring Mineral Planning Authorities (MPAs) and the minerals industry.

1.3 A summary of the issues raised is as follows:

- The approach for soft sand is to rely on existing permitted reserves, the allocation of only one site and increasing imports from other areas. This is not sustainable and is a risky approach to take as it has not been demonstrated that an increase in imports is likely to occur;
- More soft sand sites should be allocated to meet the needs for West Sussex;
- As the majority of the soft sand deposit in West Sussex is within the SDNP, it would be difficult not to identify sites in the SDNP;

- Maintenance of the landbank from sites solely outside the National Park is not practical;
- There is no evidence to support the claim that soft sand can be supplied by other quarries in the south east;
- A number of MPAs have suggested that they may not be able to contribute to meeting the need for soft sand in West Sussex;
- Soft sand does not tend to travel over distances greater than 30 miles and there is too much reliance on soft sand travelling 45 miles. Such movements are questionable economically and environmentally;
- The Plan prioritises protection of the SDNP above protection of AONBs;
- The word “and” should be added to each criterion in policy M2;
- The Plan ignores national policies regarding the supply of minerals, economic and sustainable development; and
- In light of the shortfall in soft sand provision, the Authorities should delete criterion a) of policy M2 (concerning the maintenance of a seven year landbank).

***Approach to Silica Sand Supply (Policy M3)***

- 1.4 Comments on the approach to supplying silica sand were received from organisations including neighbouring MPAs and the minerals industry. These are summarised as follows:
- The Plan may fail the test of soundness as it fails to realistically assess the current reserves of silica sand within the UK and therefore dismisses potential sites put forward without proper consideration;
  - A number of sites in Central Bedfordshire have ceased production of silica sand and the industry is undertaking a re-evaluation of reserves;
  - There is less certainty that Norfolk would be able to meet any shortfall in the national demand for silica sand, especially glass sand, than would be the case if specific site allocations were available to meet the requirements. The Authorities should reconsider the need for silica sand extraction within West Sussex (i.e. the SDNP); and
  - It is noted that silica sand is a nationally important mineral and as such, the national importance of silica sand and the scarcity of resources should form part of the criteria-based policy which should be more proactive.

***Approach to Oil and Gas Supply (M7a and M7b)***

- 1.5 Approximately 67% (499) of the responses received were concerned with the Plan’s proposed approach to the supply of oil and gas (497 in opposition of which 420 were of a standard template response, with 2 additional oil and gas industry responses received). Comments covered the following main areas:
- Hydraulic fracturing should not be allowed;
  - Oil and gas supply is incompatible with European and national government’s climate change obligations, and policies (including the NPPF) and onshore supplies contribute minimally to our energy security;
  - The policies should be generally less permissive and more robust with respect to:
    - Protection of: communities; groundwater; designated landscape and protected features;
    - Production of waste;
    - Potential indirect impacts on protected areas;

- Transportation of oil/gas and water to the site; and
- Light pollution.
- Health impact assessments should be sought;
- Protected areas should be protected from developments directly adjacent to, or under them at any depth;
- Stringent monitoring should be required and there should be no assumption that other regulatory bodies will “operate as intended”;
- Time frame for completion of restoration should be specified and requirement be included to guarantee funds, to ensure restoration takes place; and
- Development may contaminate the land.

### ***Safeguarding Minerals***

1.6 Comments received on mineral resource safeguarding mainly concerned the following matters:

- Concern about the requirement to show Minerals Safeguarding Areas (MSAs) on Policies Maps (prepared by District & Borough Councils as part of Local Plans) as they cover a broad area. A similar approach to EA flood maps is suggested instead. The industry should be consulted on more detailed safeguarding maps;
- Strengthen clause (b) to positively protect mineral resources and specifically b (iii)<sup>1</sup> to ensure that minerals safeguarding is given due consideration against the need for non-mineral development;
- Consultation within urban areas is not considered appropriate as mineral development is already sterilised and it would be unfeasible to extract in these areas;
- An additional clause is suggested to ensure development permitted close to mineral safeguarding areas does not prejudice the ability of the mineral to be worked; and
- Support for the approach to safeguarding silica sand as it is a nationally important mineral.

### ***Mineral infrastructure safeguarding (Policy M10)***

1.7 A number of responses were received from the industry and Local Planning Authorities regarding the approach to infrastructure safeguarding. The approach was also discussed at the workshop held on 29 June.

1.8 The main matters raised were:

- The policy does not go as far as it could in comprehensively safeguarding sites from potential noise sensitive development coming forward;
- Wharves in the Western Harbour Arm of Shoreham Harbour should be safeguarded temporarily, until regeneration proposals come forward;
- Railway Wharf, Littlehampton, forms part of a proposed Economic Growth Area within the Submission Draft Arun Local Plan (currently in examination) and the supporting text should acknowledge this as it could impact the wharf;
- Concerns about the safeguarding of Ardingly Rail Depot and Chichester Rail Sidings; and

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<sup>1</sup> This allows non mineral development to take place in a Minerals Safeguarding Area where the overriding need for the development outweighs the need to safeguard the mineral.

- Support has been shown by LPAs that have signed the Statement of Common Ground on safeguarding wharves at Shoreham Harbour.

***Allocation of Ham Farm (Soft Sand)***

- 1.9 Approximately 23% (179) of the responses received were concerned with the proposed Ham Farm allocation (158 comments opposed, 16 in support and others neutral). The main comments concerning this matter were as follows:
- Soft sand should be sourced from other areas;
  - There will be an unacceptable impact on unspoilt countryside in particular the South Downs National Park, views from Chanctonbury Ring and the site will be an eyesore for the village of Steyning until 2033;
  - There will be impacts on historic buildings including the Grade 1 listed Wiston House and the 'numerous listed buildings' within the house's grounds including Wappingthorn Manor;
  - The economic impact will be large due to detrimental impact on tourism;
  - The site will have an adverse impact on roads causing congestion and road safety issues;
  - The number of vehicular movements, and the impact on traffic and residents in the area will be greater than assumed in the Transport Assessment;
  - The site access will require removal of a section of established trees/vegetation;
  - The site will impact on the hydrology and hydrogeology including the adjacent Alderwood Ponds;
  - The site will cause air, light and noise pollution and impact adversely on health and amenity;
  - House prices/property values will suffer;
  - Concern about the impact on the visitor economy;
  - The land should be used to grow maize for the Anaerobic Digestion Plant at Wappingthorn Farm;
  - There is insufficient inert material in West Sussex to restore the site;
  - There may be issues of cumulative effect if the site is developed alongside the Rock Common and Sandgate Park sites; and
  - Requests for other sites to be considered, irrespective of whether they were within the SDNPA.
- 1.10 A key matter raised was the existence of a restrictive covenant on part of the Ham Farm site that might prevent quarrying in this location.

***Allocation of West Hoathly Brickworks***

- 1.11 Approximately 2% of the responses were concerned with West Hoathly Brickworks (4 in opposition, 6 in support and 3 others). A summary of the comments received is as follows:
- Concerns with the impact on the High Weald AONB;
  - Concerns about increased HGV traffic and impact on the road network;
  - The District Council request full involvement, alongside the Parish Council, in discussions about restoration of the site; and
  - Strengthening of the development principles is required.

***Other non-allocated sites***

**Horncroft**

- 1.12 Five comments were received concerning the Horncroft site as a potential site for silica sand extraction. In depth comments, prepared by mineral planning consultants, were received both promoting the site and arguing against its inclusion as a site allocation.

**Hambrook Grouping of Sites**

- 1.13 10 responses were received in relation to the Hambrook Grouping of sites, which had been assessed for the extraction of land-won sharp sand and gravel. The Hambrook Grouping of sites are considered acceptable in-principle, but were not allocated in the draft Plan as the need for sharp sand and gravel is already being met from existing sites and marine won sources.
- 1.14 The comments received are concerned with the view that the grouping is assessed as 'acceptable in-principle' in the Mineral Site Selection Report and should be re-classified as not acceptable in principle. The main areas of comment are as follows:
- Not consistent with the vision and strategic objectives of the draft Plan;
  - Not well related to the Lorry Route Network, and the local roads are not suitable for HGVs;
  - The proposals would have an unacceptable impact on the character of the area, and would therefore fail against Policy M12 in the draft Plan;
  - The proposals would result in noise, vibration and air pollution caused by HGVs;
  - Concerns over the impact on neighbouring land uses;
  - No evidence of the viability of resources or landowner support; and
  - Inconsistencies in the Mineral Site Selection Report.

**Bunton Manor Farm (Dudman Group)**

- 1.15 This is a soft sand site that was ruled out due to concerns related to impacts on views from Chanctonbury Ring and the South Downs Way. A summary of comments from the potential operator (Dudman) are as follows:
- The site lies outside the SDNP, therefore satisfies elements of the vision and strategic objectives;
  - Overemphasis of the landscape impact and insufficient examination of potential mitigation measures has been included in landscape assessments. Detailed landscape matters would be considered at planning application stage and visual impact issues would be overcome; and
  - Reference made to cumulative impacts due to Rock Common sandpit, however development of this site could be delayed until Rock Common is completed.

***Non-allocated soft sand sites within the SDNP***

- 1.16 As part of the site selection process, soft sand sites within the SDNP, which were assessed as 'acceptable in principle', were ruled out as they were considered not to have passed the 'exceptional circumstances' and 'public interest' tests (as required by NPPF Para 116). Responses were received which questioned this approach and these are summarised below:

**Land to the East of West Heath Common**

- 1.17 A summary of comments from the potential operator (Cemex) are as follows:
- Site should be included due to the clear need for the plan to allocate additional soft sand supplies;
  - The site can be worked and restored without significant harm to the character or purpose of the SDNP;
  - The site would contribute to the local economy in terms of jobs and local building materials;
  - The site would enhance the SDNP in terms of landscape, biodiversity and recreation opportunities;
  - The existing quarry has been operational for many years without detrimental effect on the former AONB, and now the SDNP; and
  - The proposed site should be included as it will be able to meet the exceptional circumstances and public interest tests for major development in a protected landscape, as set out in the NPPF.

**Minsted West**

- 1.18 A summary of comments from the potential operator (Dudman) are as follows:
- Landscape concerns have been over-emphasised and insufficient examination of potential mitigation measures has been included in the assessment. The existing site and the proposed extension are well screened by mature woodland. The current site is being restored;
  - The Minerals Site Selection Report (MSSR) makes reference to HRA in 2010/11, which concludes differently regarding sediment impact in 2015 assessment;
  - The site is deliverable, and the landowner supports extraction from this area; and
  - The site contains silica sand which is of national importance and so the test of exceptional circumstances is met through the need for development in terms of national considerations.

**Chantry Lane Extension**

- 1.19 A summary of comments from the potential operator (Dudman) are as follows:
- Although the site is within the national park there is a potential access outside the SDNP, directly on to the A283 that would mean the Chantry Lane access would no longer be required. The landscape assessment considers significant impact, however in the absence of detail this is premature and misleading and mitigation would be proposed with any planning application.
  - Allocation would allow preservation of a mature woodland.
  - The site satisfies elements of the vision and objectives and would provide a significant proven reserve of soft sand.

- 1.20 It should be noted that owners of a soft sand site within the SDNP (known as Severals West), that was considered in the MSSR and ruled out on grounds of failing the exceptional circumstances test, did not submit any comments.