

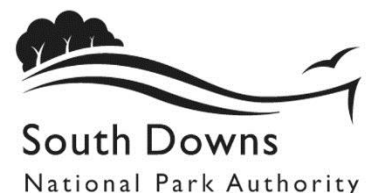
**Proposed Submission Draft West Sussex  
Joint Minerals Local Plan  
(Regulation 19)**

**Draft Minerals Safeguarding Guidance  
(including minor amendments following the  
Regulation 19 consultation)**

**May 2017**



Working in Partnership



## Contents

1.0.	Approach to Safeguarding Minerals Resources and Infrastructure .....	3
2.0.	Safeguarding Minerals Resources .....	5
3.0.	Safeguarding Minerals Infrastructure.....	8
4.0.	Consulting the MPA on proposed allocations in Local Plans and Neighbourhood Plans .....	11
	Appendix A: Minerals Safeguarding Policies included in the Draft JMLP .....	12
	Appendix B: Minerals Consultation Flow Chart.....	14
	Appendix C: Mineral Consultation Area Maps.....	16

## **1.0. Approach to Safeguarding Minerals Resources and Infrastructure**

### **1.1 Background**

#### *Introduction*

- 1.2. This document provides further guidance on how the safeguarding of minerals resources and infrastructure associated with minerals supply (e.g. wharves, railheads, processing plants) will take place in West Sussex. It explains how policies M9 and M10 on minerals resource and infrastructure safeguarding (see Appendix A), as set out in the West Sussex Joint Minerals Local Plan (JMLP), will be implemented in practice.
- 1.3. This is a final draft document that is being published alongside the Proposed Submission draft JMLP. The guidance will be finalised and published after the adoption of the plan by West Sussex County Council and the South Downs National Park Authority (programmed for 2018). A first draft of this document was published for consultation, alongside the draft JMLP, in spring 2016. Comments received have been taken into account and its contents have also been informed by a workshop involving local planning authorities and the minerals industry that took place in June 2016.
- 1.4. This Guidance explains:
- When and how District and Borough Councils are expected to consult the two Mineral Planning Authorities (MPA) in West Sussex (West Sussex County Council and the South Downs National Park Authority) in areas defined as the Minerals Consultation Areas (MCA);
  - When it might be useful to hold pre application discussions;
  - The mineral information to be provided where consultation with the MPAs is necessary;
  - The criteria for mineral extraction prior to the main development;
  - Particular requirements to protect minerals infrastructure;
  - When, and how, the two Mineral Planning Authorities should be consulted on proposed allocations for development (e.g. housing) in District and Borough Local Plans and Neighbourhood Plans.
- 1.5. Further advice on minerals safeguarding is included in the British Geological Survey Guide on safeguarding<sup>1</sup>.

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<sup>1</sup> British Geological Survey (2011). Mineral Safeguarding in England: Good Practice Guide.

### *Policy M9 (Safeguarding Mineral Resources)*

- 1.6. Sand (sharp, soft and silica) and gravel, brick making clay, building stone (sandstone) and chalk are regarded as economically important minerals in West Sussex and so it is important they are protected from sterilisation by surface development. The extent of the resources of these minerals that are to be safeguarded is shown as Mineral Safeguarding Areas<sup>2</sup> (MSA) on the policy maps in the JMLP.
- 1.7. The approach to safeguarding each mineral type differs (see 2.1 below) and is explained in the supporting text to policy M9 (Safeguarding Minerals) within the JMLP. Safeguarding covers existing and proposed minerals extraction sites, as well as identified unexploited mineral resources. District and Borough Councils should show the MSAs on their local plan policy maps (Planning Practice Guidance<sup>3</sup>). To ensure effective consultation with the MPA and to ensure safeguarded mineral resource areas are protected from non-mineral development, Mineral Consultation Areas (MCA) have been defined based upon the safeguarded areas (Appendix C).
- 1.8. As well as areas of mineral resource, any new minerals sites which are granted planning permission following the adoption of the JMLP, which are not located within an MSA, will be safeguarded by policy M9. A list of existing sites, which are safeguarded, will be maintained and published in the West Sussex County Council Annual Monitoring Report (AMR) each year. The latest AMR contains the latest list of safeguarded sites and can be viewed online at [www.westsussex.gov.uk/mwdf](http://www.westsussex.gov.uk/mwdf).

### *Policy M10 (Safeguarding Minerals Infrastructure)*

- 1.9. Certain types of infrastructure play an important role in the supply of minerals to West Sussex, particularly wharves and railheads, which are used for the importation of crushed rock and sand and gravel. Other infrastructure is used in the processing of minerals such as concrete batching plant.
- 1.10. The approach to safeguarding minerals infrastructure is set out in policy M10 (Safeguarding Minerals Infrastructure) in the JMLP. New and existing minerals infrastructure will be protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Safeguarded sites are therefore included within the MCA<sup>4</sup> to

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<sup>2</sup> A Mineral Safeguarding Areas is an area designated by a Mineral Planning Authority which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development (Paragraph 221. National Planning Practice Guidance).

<sup>3</sup> Planning Practice Guidance, paragraph: 005 Reference ID: 27-005-20140306

<sup>4</sup> Minerals Consultation Area – a geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development (Para. 221, Planning Practice Guidance).

ensure that the MPAs are consulted on proposals for non-mineral development, on or close to minerals infrastructure (See section 3.0.).

- 1.11. The MCA maps, which will be updated as necessary, are included in Appendix C. These show the mineral infrastructure sites that are safeguarded by policy M10, including:
- Oil and Gas sites (Hydrocarbon sites);
  - Concrete batching plants;
  - Asphalt plants;
  - Aggregate Recycling Sites;
  - Wharves and Railheads; and
  - Brickworks

## **2.0. Safeguarding Minerals Resources**

### *Safeguarded Minerals Resources in West Sussex*

- 2.1. The following minerals resources are safeguarded as described below
- Sharp sand and gravel – the resource (including urban areas);
  - Soft sand (including potential silica sand) – the resource (including urban areas);
  - Chalk – existing sites with permitted reserves;
  - Wadhurst Clay – the resource (including urban areas);
  - Weald Clay – the resource (excluding urban areas);<sup>5</sup>
  - Building Stone - the resource (excluding urban areas) (see 2.6 below).
- 2.2. All safeguarded areas will include a 250 metre buffer to protect the resources from inappropriate proximal development.

### *When to consult the Minerals Planning Authority*

- 2.3. To ensure that consultation takes place between the MPAs and Local Planning Authorities, MCAs will be defined. For minerals resources the MCAs will cover the same area as the MSA and issued to the District and Borough Councils as a GIS layer. Maps of the MCAs are included in Appendix C. The MCAs will be reviewed and updated on an annual basis and the GIS layer will be re-issued if new sites have become active, or sites have been redeveloped for other uses. As the MSAs form policy, these can only be changed through a review of the Plan.
- 2.4. The proposed process of consultation between the MPAs and Local Planning Authorities is illustrated in Appendix B.

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<sup>5</sup> Urban areas are based on the settlement boundaries as defined in the District and Borough Local Plans. The Mineral Consultation Areas will be updated periodically to ensure that any changes to settlement boundaries are taken into account.

### *Exceptions Criteria*

- 2.5. Local Planning Authorities will consult the MPA <sup>6</sup> on all planning applications that fall within the MCAs, except for the following:
- Residential applications for 10 units/0.5ha or less, or for non-residential, applications for 1000 sq m/1 ha or less;
  - Applications for development and extensions to existing buildings within the curtilage of existing development (residential and commercial);
  - Applications for Conservation Area Consent;
  - Applications for Listed Building Consent;
  - Applications for Advertisement Consent;
  - Applications for reserved matters including subsequent applications after outline consent has been granted unless minerals related issues have been raised at outline stage;
  - Minor amendments to planning permissions;
  - Prior Notifications (Telecoms, forestry, agriculture, demolition);
  - Certificates of lawfulness of existing use or development (CLEUD) and Certificates of lawfulness of proposed use or development (CLOPUD);
  - Applications for extensions of time;
  - Applications for works to trees.

### *Building Stone*

- 2.6. Building stone is extracted in West Sussex on a small scale. The Hythe Formation, Horsham Stone, Ardingly Sandstone and Cuckfield Stone are included in the building stone MSA for stone matching purposes. Due to the extent of the safeguarded resource and the low level of demand, District and Borough Councils should only consult the MPA on proposals that may lead to sterilisation of building stone resources that are important for the repair of historic buildings. A gazetteer of all stone quarries is available as part of the Strategic Stone Study<sup>7</sup> and will help District and Borough Councils identify whether a site is located close to (defined as within 250 metres) a quarry and whether they are linked to buildings of historic importance. The onus is on the applicant to undertake a Minerals Resource Assessment (see para. 2.6 to 2.7.) to determine whether the proposal will lead to mineral sterilisation and they are encouraged to identify whether there is a safeguarding issue early on in the planning process to ensure it is adequately addressed.

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<sup>6</sup> For planning applications within the South Downs National Park or applications that are determined by the County Council, consultation will take place internally.

<sup>7</sup> Historic England (June, 2015). The Strategic Stone Study: A Building Atlas of West Sussex (including part of the South Downs National Park).

### *Mineral Resource Assessment Information*

- 2.7. Applicants are strongly advised to undertake pre-application discussions with the MPA where the development site is underlain by a safeguarded resource. Pre-application discussions and advice should cover minerals safeguarding and the need for, and scope of, minerals resource assessments.
- 2.8. The need for a Minerals Resource Assessment (MRA) will be included on the local validation list (Local List). This means that, where it is required, a planning application cannot be validated unless it is accompanied by a MRA. It is down to the District and Borough Council to validate the MRA based on the information provided in this guidance. The MPA can provide advice on the content of the MRA and whether they address the policy requirements. A minerals resource assessment should be proportional to the size of the site and the scarcity of the mineral and may include the following:
- An assessment of the geological information about the site including quarrying history, Geological memoirs, mineral assessments and market appraisals;
  - Site investigations/borehole data (applicants may be required to carry out borehole testing if this information is not already available);
  - Consideration of other locations for the development that are outside the MSA;
  - Assessment of whether the proposal can be modified to avoid sterilisation;
  - Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resource ahead of the development;
  - An explanation of the viability of prior extraction and how it will be carried out (e.g. environmental impacts, timescales, availability of the market to deal with the increase in the mineral);
  - Discussions with potential 'users' of the mineral;
  - Building Stone - an assessment of quarries (including active, inactive and dormant), historic buildings using the stone and alternative supplies of the stone<sup>8</sup>.

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<sup>8</sup> Historic England (June, 2015). The Strategic Stone Study: A Building Atlas of West Sussex (including part of the South Downs National Park).

### *Prior Extraction*

- 2.9. Proposals for prior extraction will be considered as part of a proposal for non-mineral development overlying a safeguarded minerals resource and their suitability will be considered against the policies in the JMLP.
- 2.10. Proposals for prior extraction must not cause unacceptable adverse impacts to the environment or communities. Conditions will be included to control prior extraction including those which ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

## **3.0. Safeguarding Minerals Infrastructure**

- 3.1. Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production which is industrial in nature. Policy M10 therefore expects the presence of minerals infrastructure to be taken into account in decisions on proposals for non-minerals development made in the vicinity of such infrastructure.
- 3.2. Minerals Consultation Areas exist around all safeguarded Minerals Infrastructure (Appendix C). The MCA is defined by the site boundary<sup>9</sup> and will include a buffer zone of 250 metres to ensure that the impact of noise sensitive developments are taken into account. Noise sensitive developments include uses such as residential, medical and educational establishments.
- 3.3. Minerals infrastructure to be included in the MCAs in West Sussex includes:
  - Existing planned and potential wharves, railheads, associated storage, handling and processing facilities;
  - concrete batching facilities;
  - facilities for the manufacture of coated roadstone;
  - facilities for the handling processing and distribution of substitute, recycled and secondary aggregates material;
  - hydrocarbon exploration, appraisal and production sites; and
  - brickworks.
- 3.4. A list of safeguarded minerals infrastructure will be maintained in the Annual Monitoring Report and this will be reviewed and updated each

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<sup>9</sup> The boundary of site is that specified by the permission for the site.



year. The MCA maps will also be updated to include any new safeguarded sites.

#### *Exceptions Criteria*

3.5. Local Planning Authorities will consult the MPA<sup>10</sup> on all planning applications that fall within the MCAs, except for the following:

- Applications for development and extensions to existing buildings within the curtilage of existing development (residential and commercial);
- Applications for Conservation Area Consent;
- Applications for Listed Building Consent;
- Applications for Advertisement Consent;
- Applications for reserved matters including subsequent applications after outline consent has been granted unless minerals related issues have been raised at outline stage;
- Minor amendments to planning permissions;
- Prior Notifications (Telecoms, forestry, agriculture, demolition);
- Certificates of lawfulness of existing use or development (CLEUD) and Certificates of lawfulness of proposed use or development (CLOPUD);
- Applications for works to trees.

#### *Minerals Infrastructure Statement*

3.6. The need for the non-minerals development will be weighed against the need to retain the minerals facility and the relevant criteria in policy M10. For proximate development, consideration will be given to whether it can proceed without compromising the ability of the site to operate effectively. Information, which allows the MPA and LPA to make this assessment, should be submitted with an application which addresses the following matters:

- The distance of the proposal from the safeguarded site;
- Any existing screening from buildings or vegetation;
- Identification of pre-existing conditions such as background noise, light, odours, vibration, dust and other emissions;
- The potential for the site to deliver suitable mitigation including the identification of the means by which the development has introduced layout, design and other mitigation measures to mitigate potential effect on and from the safeguarded site;

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<sup>10</sup> For planning applications within the South Downs National Park or applications that are determined by the County Council, consultation will take place internally.

- Confirmation of pre-application consultation/engagement with the minerals infrastructure operator (to demonstrate a full understanding of the existing and potential future operation of the site, including hours of operation, level of activity and likely sources of noise, light, odours, vibration, dust and other emissions);
  - Where appropriate, a full assessment of issues such as noise and light;
  - Statement of the overall compatibility of the development with the minerals infrastructure.
- 3.7. Policy M10 sets out the circumstances when safeguarded minerals infrastructure may be replaced by non-minerals development. This includes ensuring that a suitable replacement site or infrastructure has been identified and permitted.
- 3.8. Replacement minerals infrastructure capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of minerals.
- 3.9. In the case of wharves, the following matters should be considered:
- The depth of the water at the berth;
  - the size of the berth for dredgers, barges or ships;
  - accessibility of the wharf at various stages of the tide;
  - the size and suitability of adjacent land for processing plant, weighbridges and stockpiles;
  - existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.
  - vehicular access and egress and the potential need for off-site highway improvements
- 3.10. Applicants are strongly advised to undertake pre-application discussions with the MPA where the development site is on, or within close proximity, to a site hosting safeguarded minerals infrastructure (within the MCA). It is also often appropriate to engage with the minerals infrastructure operator to gain a better understanding of the particular amenity issues associated with the site. Pre-application discussions and advice should cover whether the proposal would prejudice the operation of the safeguarded site, whether any mitigation measures would enable the development to go ahead without compromising the safeguarded site, the need to provide replacement capacity, if the proposal satisfies parts (a) (i) and (ii) of policy M10. The advice received should be reflected in the information submitted with the application.

## **4.0. Consulting the MPA on proposed allocations in Local Plans and Neighbourhood Plans**

- 4.1. District, Borough and Parish/Town Councils should have regard to the safeguarded areas and sites in the JMLP when identifying suitable sites for non-mineral development in their Local Plans and Neighbourhood Plans. If a potential site falls within a safeguarded area (including consideration of the criteria in paras. 2.3 to 2.5 and 3.5) further information should be sought from the site promoter of the allocation in the form of a Mineral Resource Assessment (para. 2.6. to 2.7.) or a Minerals Infrastructure Statement (para. 3.6 to 3.10) to address how the proposed allocation would comply with policy M9 or M10 of the JMLP. It is recommended that the need for this information is included as part of the considerations in the 'call for sites' exercise to ensure that minerals are considered at the earliest opportunity.
  
- 4.2. The MPA should be consulted on the proposals at an early stage in the plan making process. Taking into account the information provided by the promoter, the MPA will provide advice about whether development coming forward at the proposed allocation would affect safeguarded sites/resources. The MPA may make suggested policy wording to ensure that minerals safeguarding issues are adequately addressed at the planning application stage. If the proposed allocation/s does/do not comply with policies M9 and M10, the MPA is likely to raise an objection to the Plan.

## **Appendix A: Minerals Safeguarding Policies included in the Proposed Submission Draft JMLP**

### **Policy M9: Safeguarding Minerals**

- (a) Existing minerals extraction sites<sup>11</sup> will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.**
- (b) Sand and gravel, brick-making clay, building stone resources and chalk reserves<sup>12</sup> are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless:**
  - (i) Mineral sterilisation will not occur; or**
  - (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or**
  - (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.**

### **Policy M10: Safeguarding Minerals Infrastructure**

- (a) Development on, or near to, sites hosting permanent minerals infrastructure, that would prevent or prejudice its operation will not be permitted unless:**
  - (i) the site or infrastructure is no longer suitable for continued minerals use; or**
  - (ii) redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use; and,**
  - (iii) a suitable replacement site or infrastructure has been identified and is available;**
- (b) Where safeguarded infrastructure is situated within a host quarry, wharf or rail depot facility, it is safeguarded for the life of the host site.**

<sup>11</sup> The existing minerals extraction sites which are safeguarded by Policy M9 are listed in the Annual Monitoring Report

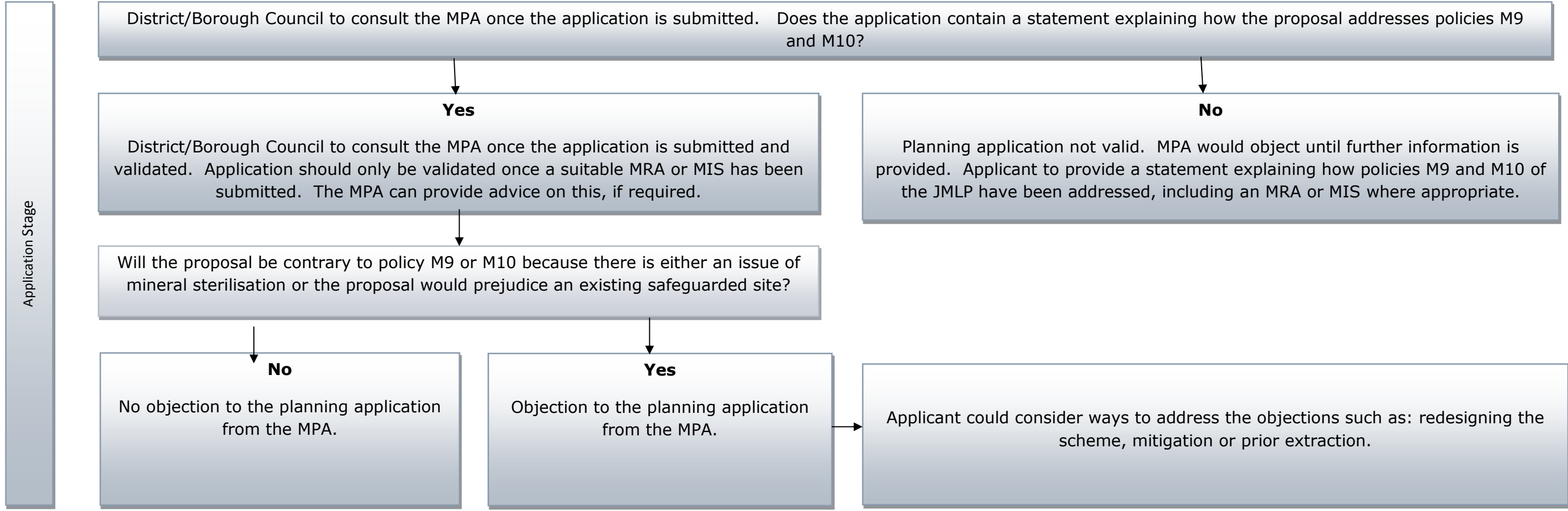
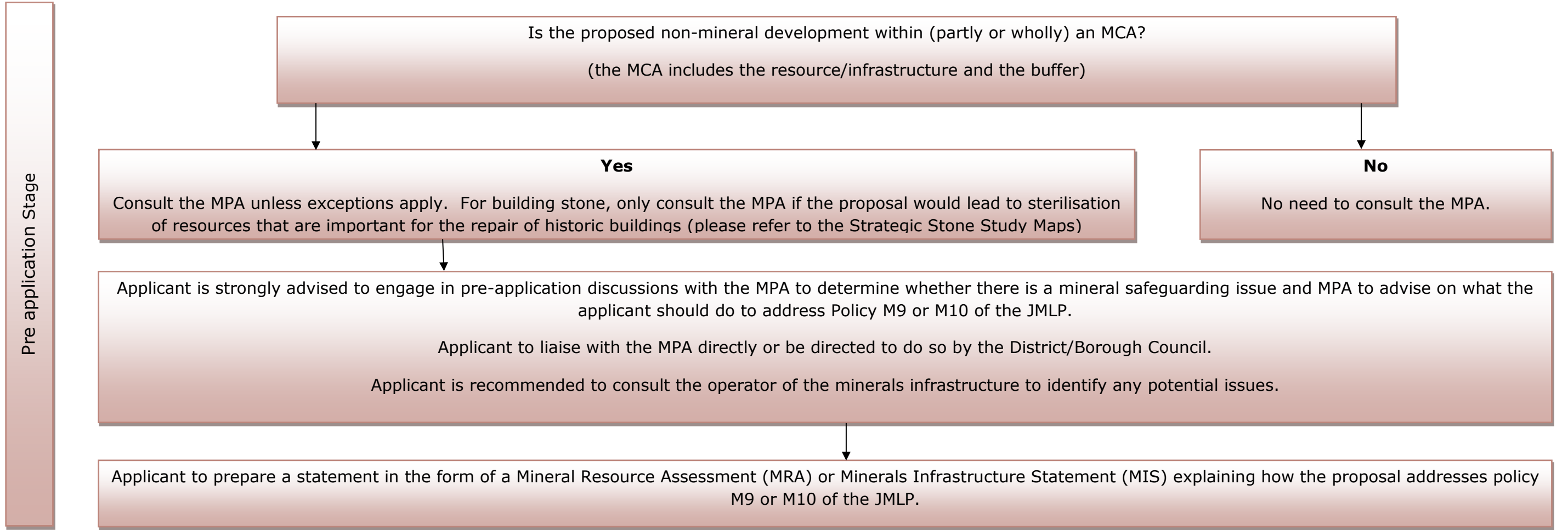
<sup>12</sup> Chalk reserves specified in the Annual Monitoring Report will be safeguarded.

- (c) The following permanent wharves and railheads are safeguarded for the purposes of mineral transportation:**
- (i) ARC Wharf, Shoreham (inset map 3)**
  - (ii) Turberville and Penneys Wharf, Shoreham (inset map 3)**
  - (iii) Halls Wharf, Shoreham (inset map 3)**
  - (iv) Rombus Wharf, Shoreham<sup>13</sup> (inset map 3)**
  - (v) Railway Wharf, Littlehampton (inset map 5)**
  - (vi) Chichester Railway Sidings (inset map 6)**
  - (vii) Ardingly Rail Depot (inset map 7)**
  - (viii) Tinsley Goods Yard, Crawley (inset map 8)**
  - (ix) Crawley Goods Yard (inset map 8)**
  - (x) Crawley Goods Yard (inset map 8)**
- (d) Development on, or near to, sites hosting temporary minerals infrastructure, that would prevent or prejudice its operation, will not be permitted, for the duration of the temporary permission, unless:**
- (i) the site or infrastructure is no longer in, or suitable for, continued minerals use; or**
  - (ii) redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use;**
- (e) The following temporary wharves are safeguarded for the purpose of mineral transportation:**
- (i) Kingston Railway Wharf (inset map 4)**
  - (ii) New Wharf (inset map 4)**

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<sup>13</sup> Rombus wharf is safeguarded for its potential to import minerals in future.

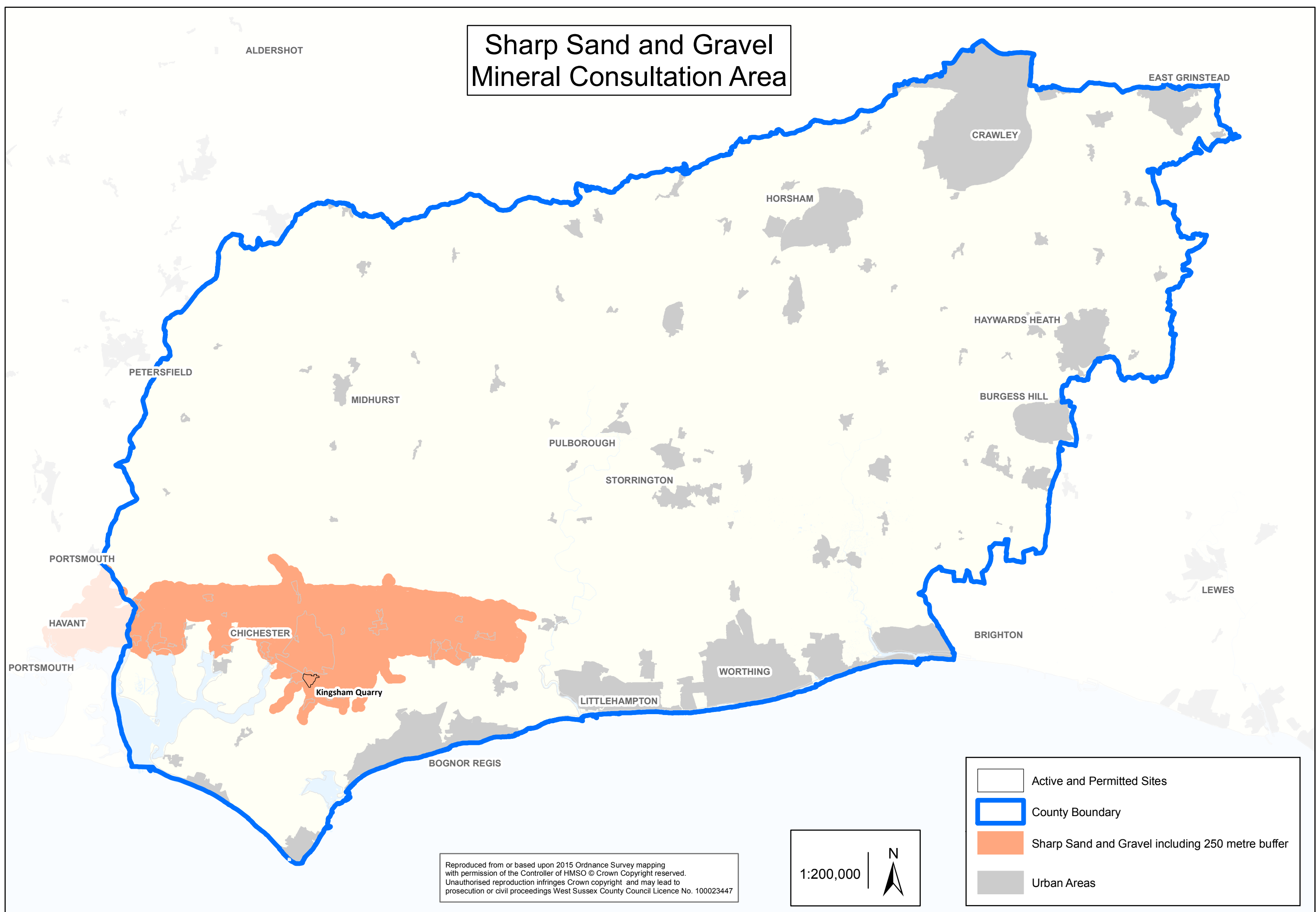
**Appendix B: Minerals Consultation Flow Chart  
(Applies to mineral resources and mineral  
infrastructure)**



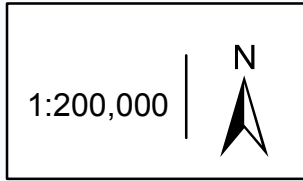
## **Appendix C: Mineral Consultation Area Maps**



# Sharp Sand and Gravel Mineral Consultation Area

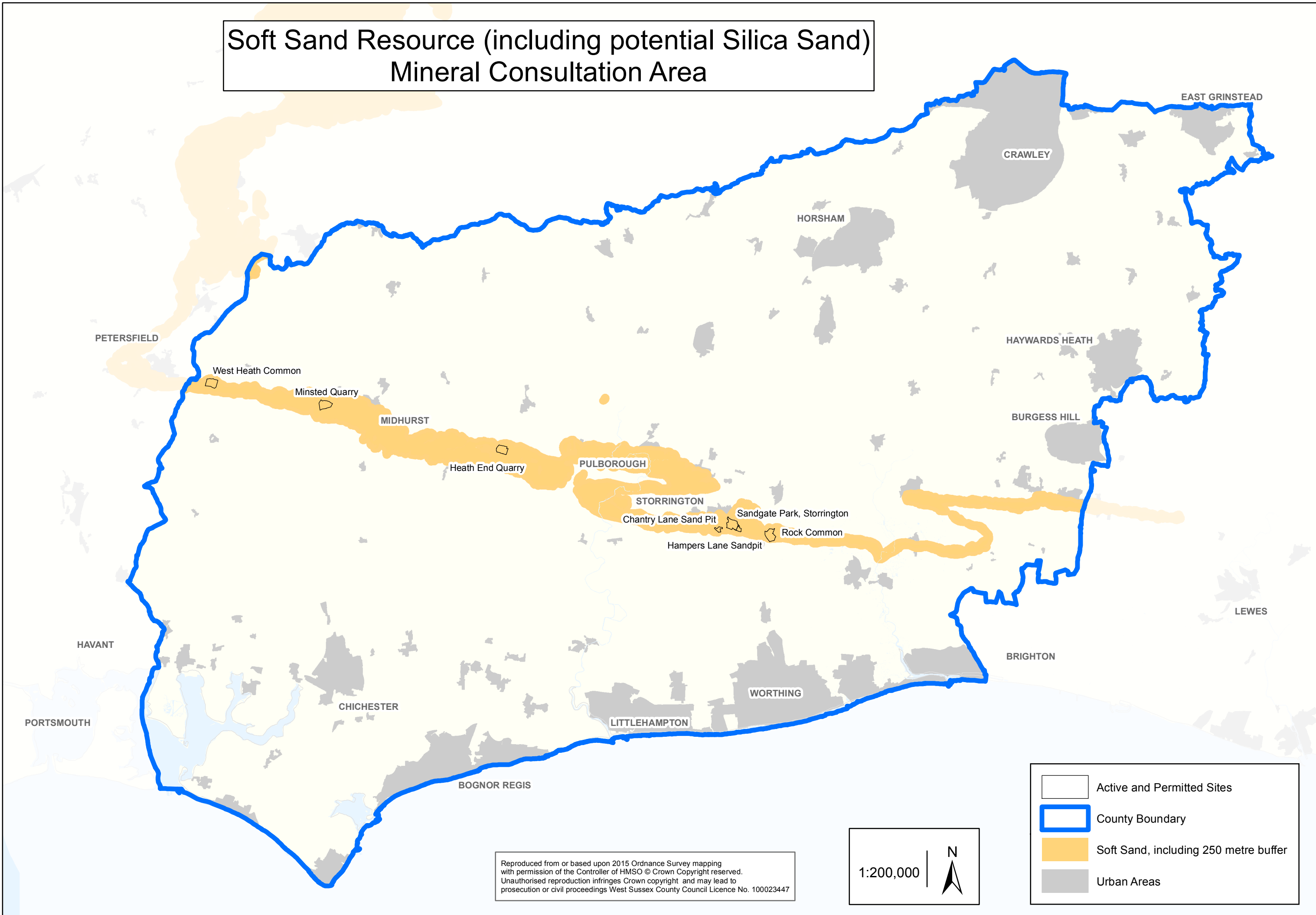


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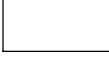



- Active and Permitted Sites
- County Boundary
- Sharp Sand and Gravel including 250 metre buffer
- Urban Areas

# Soft Sand Resource (including potential Silica Sand) Mineral Consultation Area

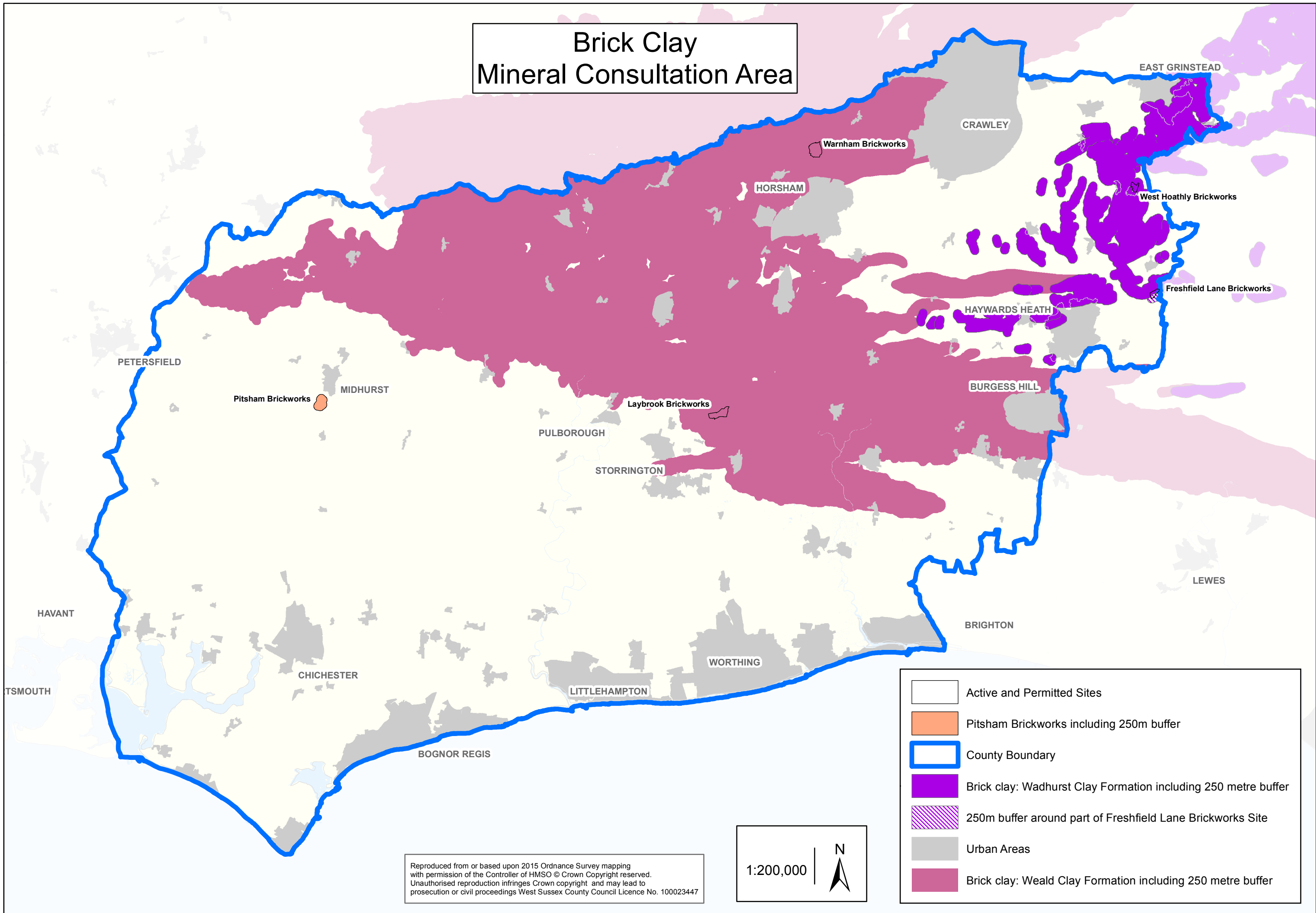


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-  Active and Permitted Sites
-  County Boundary
-  Soft Sand, including 250 metre buffer
-  Urban Areas

# Brick Clay Mineral Consultation Area



PETERSFIELD

Pitsham Brickworks

MIDHURST

PULBOROUGH

STORRINGTON

Laybrook Brickworks

HORSHAM

Warnham Brickworks

CRAWLEY

EAST GRINSTEAD

West Hoathly Brickworks

Freshfield Lane Brickworks

HAYWARDS HEATH

BURGESS HILL

LEWES

HAVANT

CHICHESTER

WORTHING

BRIGHTON

TSMOUTH

LITTLEHAMPTON

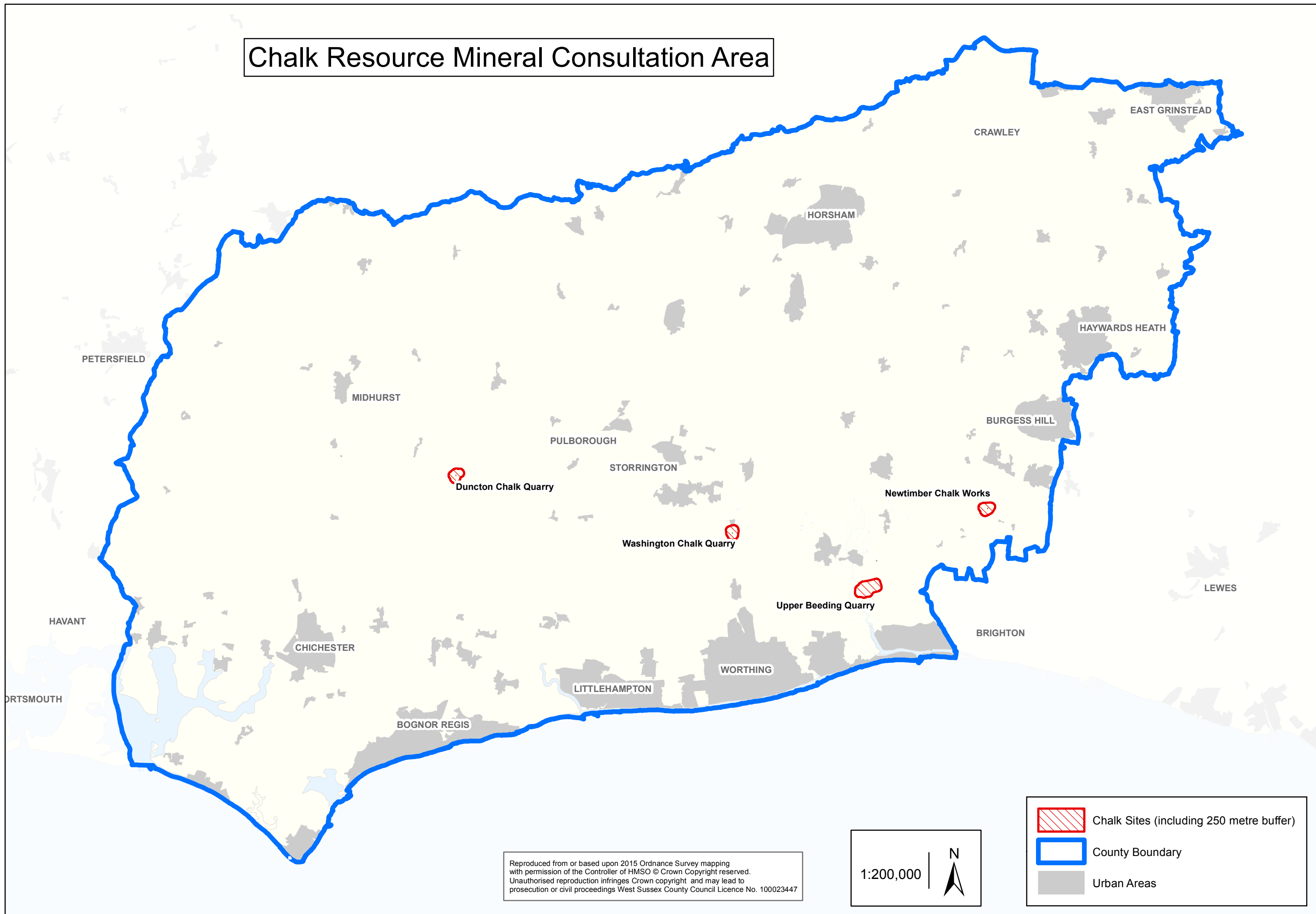
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- Active and Permitted Sites
- Pitsham Brickworks including 250m buffer
- County Boundary
- Brick clay: Wadhurst Clay Formation including 250 metre buffer
- 250m buffer around part of Freshfield Lane Brickworks Site
- Urban Areas
- Brick clay: Weald Clay Formation including 250 metre buffer

# Chalk Resource Mineral Consultation Area

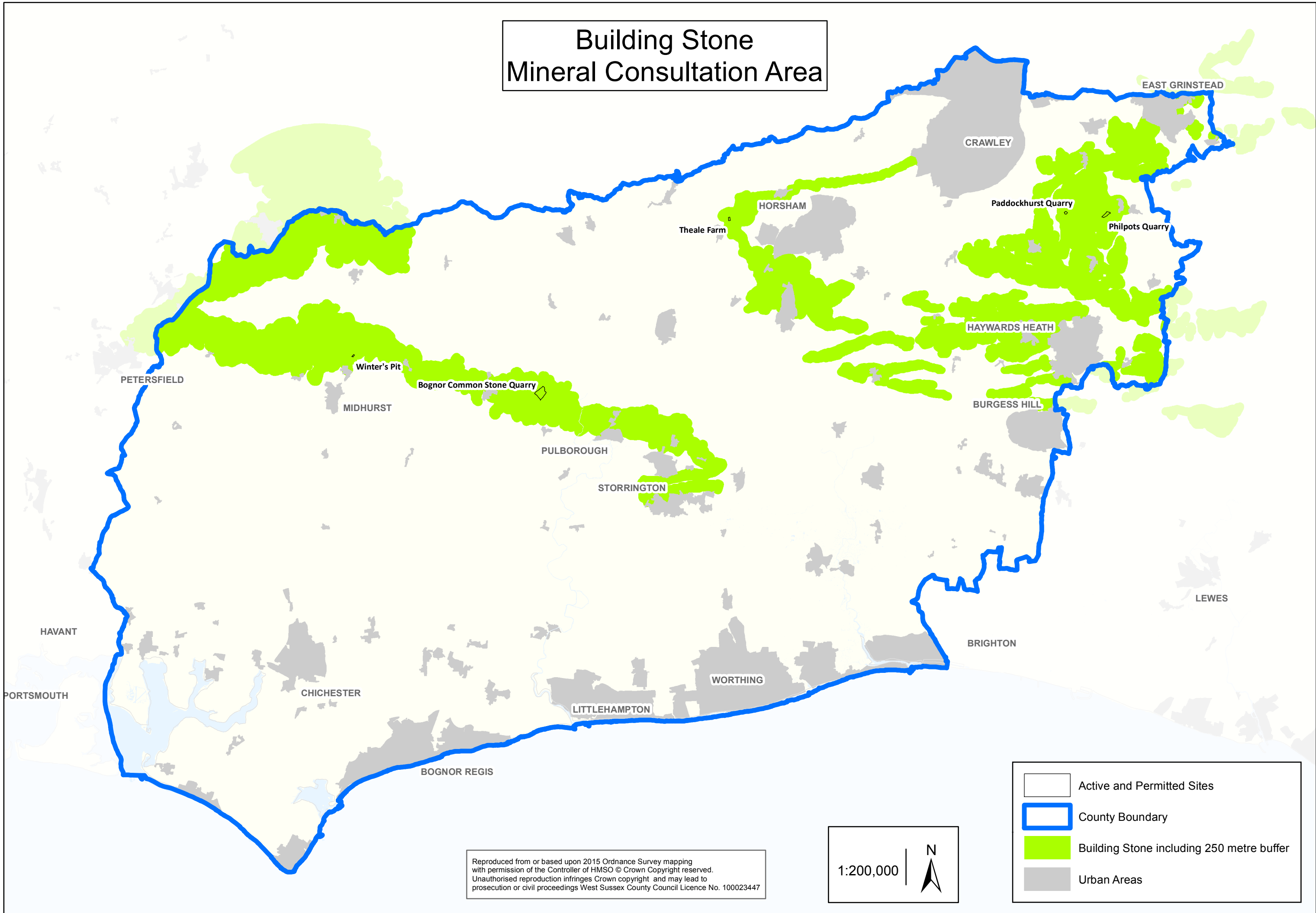


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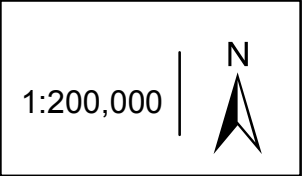


	Chalk Sites (including 250 metre buffer)
	County Boundary
	Urban Areas

# Building Stone Mineral Consultation Area

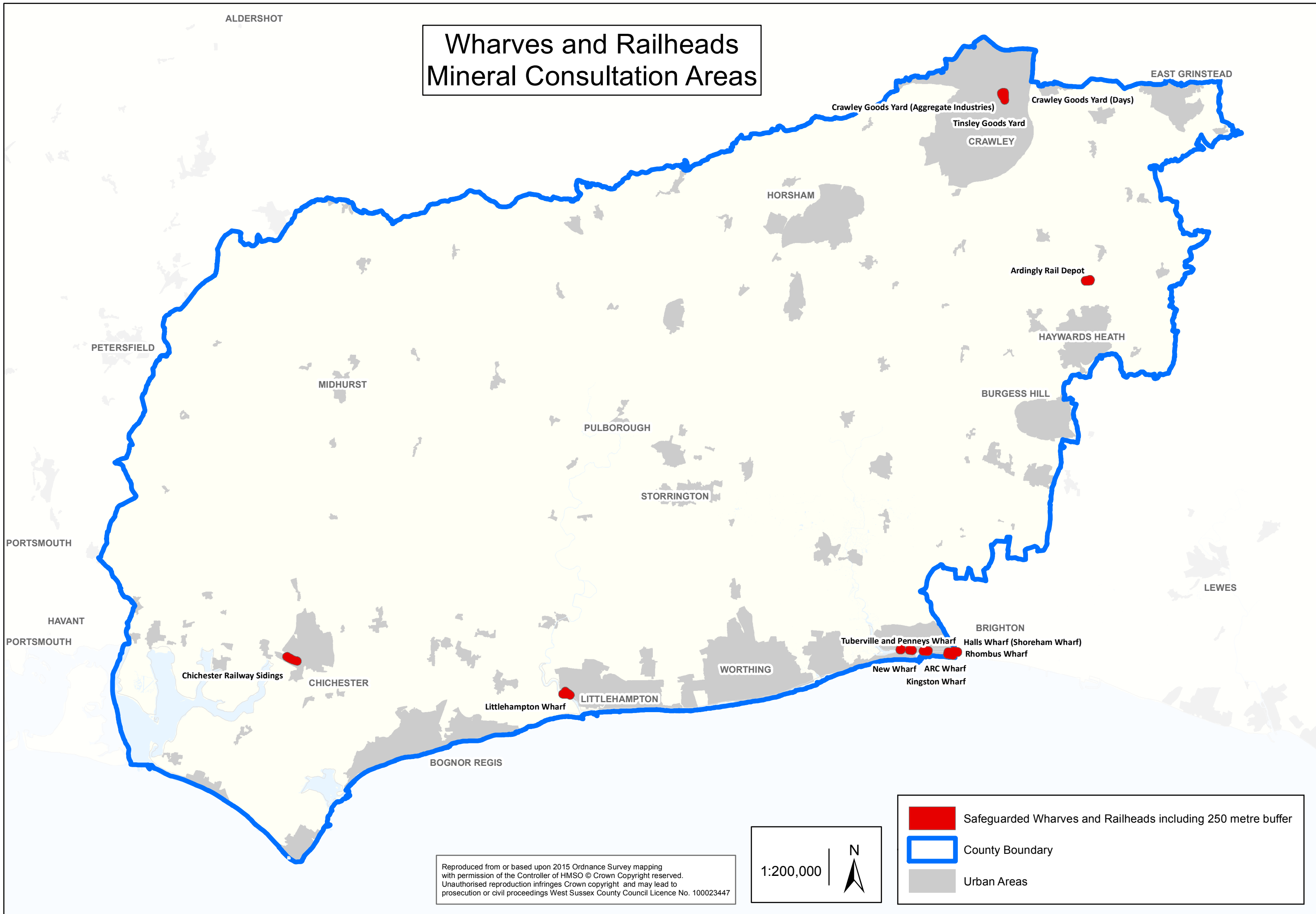


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- Active and Permitted Sites
- County Boundary
- Building Stone including 250 metre buffer
- Urban Areas

# Wharves and Railheads Mineral Consultation Areas



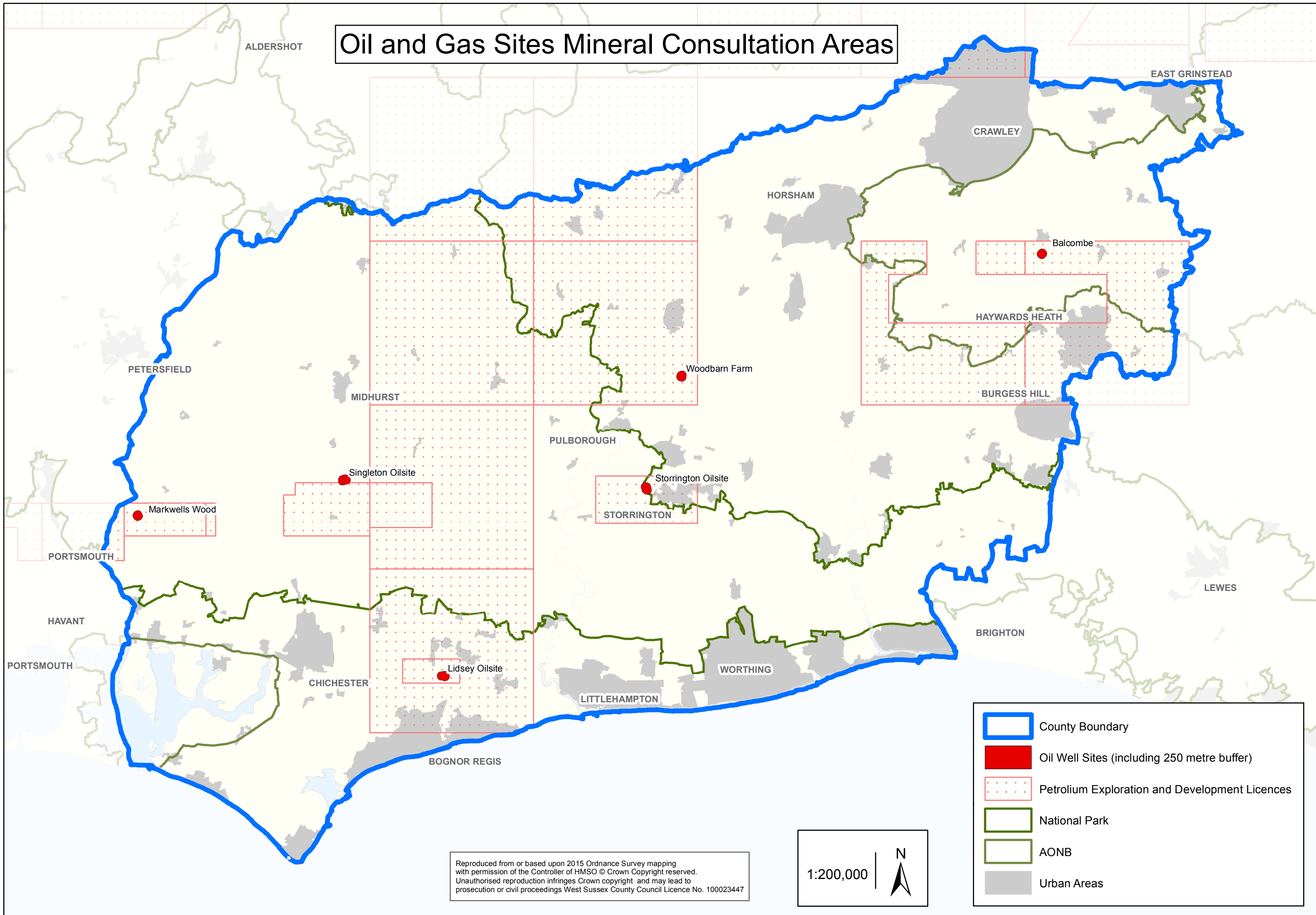
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	Safeguarded Wharves and Railheads including 250 metre buffer
	County Boundary
	Urban Areas









# Oil and Gas Sites Mineral Consultation Areas

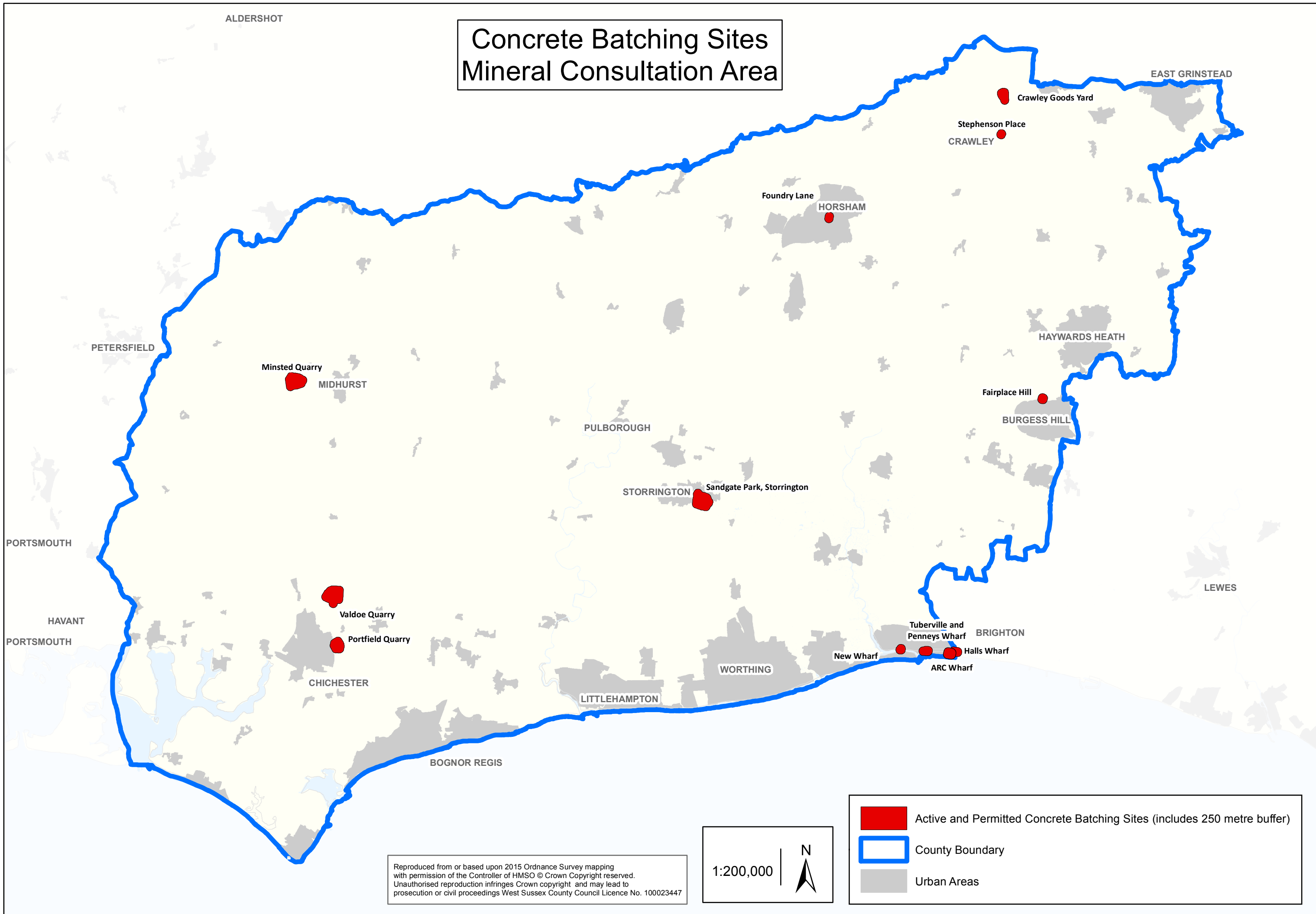


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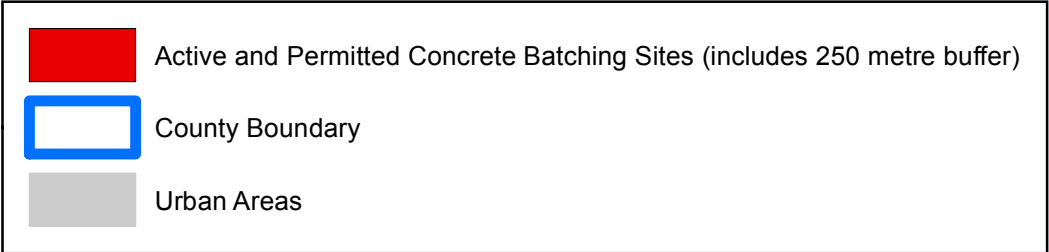


-  County Boundary
-  Oil Well Sites (including 250 metre buffer)
-  Petroleum Exploration and Development Licences
-  National Park
-  AONB
-  Urban Areas

# Concrete Batching Sites Mineral Consultation Area

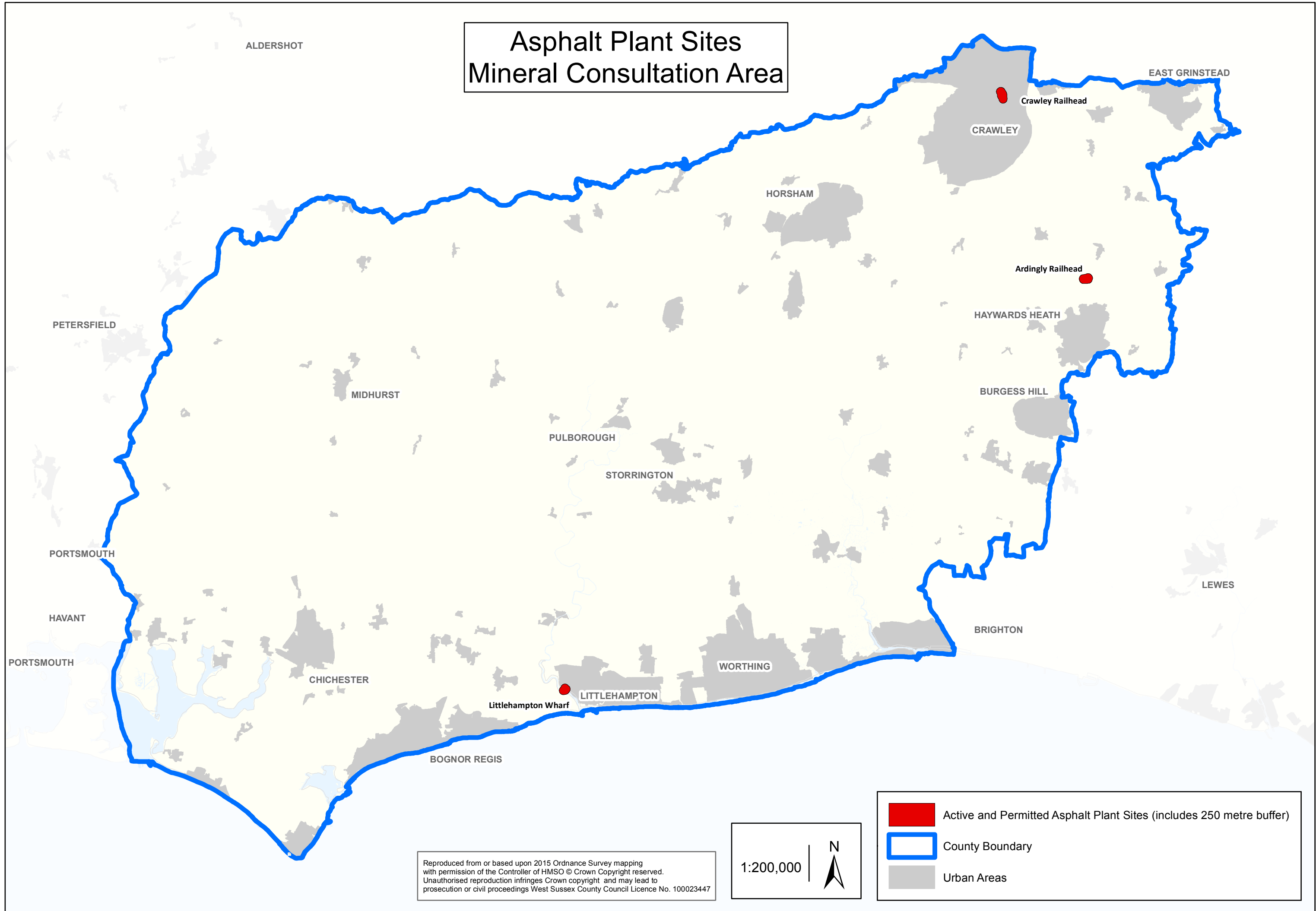


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# Asphalt Plant Sites Mineral Consultation Area

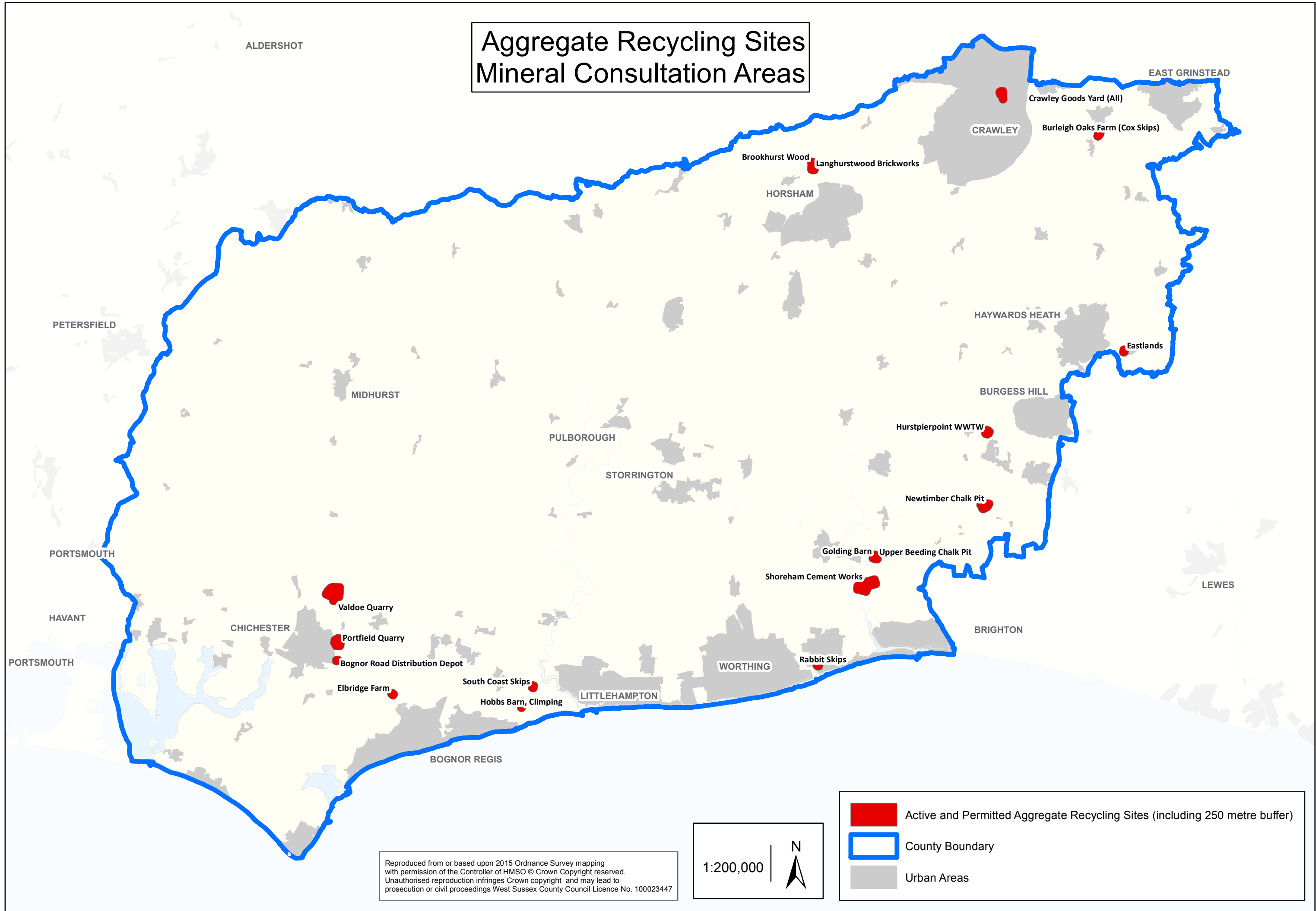


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	Active and Permitted Asphalt Plant Sites (includes 250 metre buffer)
	County Boundary
	Urban Areas

# Aggregate Recycling Sites Mineral Consultation Areas



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1:200,000

- Active and Permitted Aggregate Recycling Sites (including 250 metre buffer)
- County Boundary
- Urban Areas