



West Sussex County Council and the
South Downs National Park Authority

Joint Minerals Local Plan

Proposed Modifications

What is this Representations Period about?

Public examination hearings were held for the West Sussex Joint Minerals Local Plan in September 2017. During the hearings, discussions revealed a number of modifications to the Plan were likely to be necessary before the Planning Inspector could confirm the Plan as **sound** and **legally compliant**. The Plan must be subject to this representations period to allow the legal compliance and soundness of these modifications to be scrutinised.

This pack contains a guidance note explaining how representations should be made at this stage, the form required for submitting representations, and the Authorities' Statement of Representations Procedure, which sets out details of the consultation including where relevant documents can be viewed. **You are advised to read the Guidance Notes on the following pages before completing this form.**

All representations should be received no later than 5pm on Friday 9 March 2018.

Why do we have to plan for minerals?

West Sussex County Council (WSCC) and the South Downs National Park Authority (SDNPA) are responsible for preparing a minerals plan for West

Sussex that considers the need for minerals and how best to supply them. Once complete, the Joint Minerals Local Plan will provide a basis for making decisions about planning applications for mineral developments. The Joint Minerals Local Plan sets out a vision to 2033 on how and where mineral development can take place, which will ensure that communities, the environment, the economy and the special character of West Sussex are protected.

What has happened previously?

The Plan builds on a series of evidence gathering and consultation exercises from 2014–2017. These include a call for minerals sites, consultation on a suite of background papers and on sites, and the production of various evidence documents, consultation on the draft West Sussex Joint Minerals Local Plan during summer 2016 and a representations period on the Proposed Submission draft Plan in early 2017. The plan was submitted for examination in May 2017 and the modifications are the result of dialogue with participants and the Inspector during the examination hearings. A Statement of Consultation (regulation 22) was produced for the submission of the Plan that sets out what previous consultation has been undertaken. This is available within the Examination Document Library, along with other background information, available at www.westsussex.gov.uk/mwdf



For further information please contact us:
Strategic Planning (ref Minerals Local Plan)
West Sussex County Council
County Hall, Chichester, PO19 1RH
Email: mwdf@westsussex.gov.uk
Phone: **01243 642118**

1. Introduction

The West Sussex Joint Minerals Local Plan Modifications have been published following the public examination hearings held on the Plan in September 2017. Discussions revealed a number of modifications to the Plan were likely to be necessary before the Planning Inspector could confirm the Plan as sound and legally compliant. The plan must be subject to this final representations period, to allow the legal compliance and soundness of the proposed modifications to be scrutinised.

Please note, this representations period relates to the proposed modifications only. The opportunity to submit representations about the wider Plan ended with the close of the Proposed Submission Draft (Regulation 19) representations period in March 2017.

The Planning and Compulsory Purchase Act 2004 states that the purpose of the examination is to consider whether the Plan complies with legal requirements and is 'sound'.

- **Legal compliance:** If you are seeking to make representations on the way in which the Authorities have prepared and published the Plan, your comments or objections should relate to a matter of legal compliance.
- **Soundness:** If it is the actual content of the Plan on which you wish to comment, your representation should relate to whether you think the Plan is sound. In order to be sound, the Plan must be:
 1. positively prepared
 2. justified
 3. effective
 4. consistent with national policy

The period for making representations runs from **15 January 2018 to 5pm on 9 March 2018**, after which representations will not be accepted.

2. Legal Compliance

The Planning Inspector will first check that the modifications meet the legal requirements of The Planning and Compulsory Purchase Act 2004 (amended by the Localism Act 2011) and The Town and Country Planning (Local Planning) (England) Regulations 2012 before moving on to consider tests of soundness.

If you are seeking to make representations on the way in which the Authorities have prepared the modifications, it is likely that your comments or objections will relate to a matter of legal compliance.

The Planning and Compulsory Purchase Act 2004 can be viewed at: www.legislation.gov.uk/ukpga/2004/5/contents

The Town and Country Planning (Local Planning) (England) Regulations 2012 can be viewed at: www.legislation.gov.uk/uksi/2012/767/introduction/made

You should consider the following before making a representation on legal compliance.

2.1 Local Development Schemes

Preparation of the Plan modifications should be in accordance with the current Local Development Schemes (LDS) for the Authorities. The LDS for West Sussex is available at: www.westsussex.gov.uk/mwdf/mwds

The LDS for the South Downs National Park Authority is available at: www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/

2.2 Statement of Community Involvement

The process of public engagement for the Plan modifications should be in general accordance with the Statement of Community Involvement (SCI) which is available at: www.westsussex.gov.uk/mwdf/sci

The SCI for the South Downs National Park Authority is available at: www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/evidence-and-supporting-documents/statement-of-community-involvement/

2.3 Town and Country Planning (Local Planning) (England) Regulations 2012

The modifications should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes public participation to scrutinise the proposed modifications

2.4 Sustainability Appraisal

The Authorities are required to publish a Sustainability Appraisal when they publish a Plan. This should identify the process by which the Sustainability Appraisal has been carried out, the baseline information used to inform the process, and the outcomes of that process.

An updated Sustainability Appraisal, taking account of the modifications, is available on our website.

2.5 National Planning Policy

The modifications should have regard to national planning policy, and where relevant, planning practice guidance:

- The National Planning Policy Framework (NPPF) is available at: www.communities.gov.uk/publications/planningandbuilding/nppf
- Planning Practice Guidance (PPG) is available at: <http://planningguidance.communities.gov.uk/>
- NPPF Technical Guidance is available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf

2.6 Sustainable Community Strategies

The modifications should have regard to any sustainable community strategy for its area. The West Sussex Sustainable Community Strategy is available at: www.westsussex.gov.uk/about-the-council/strategies-plans-and-policies/strategies/sustainable-community-strategy/

2.7 Duty to Co-operate

In addition the Authorities are expected to have followed the 'Duty to Co-operate' requirements set out in Section 110 of the Localism Act 2011 available at www.legislation.gov.uk/ukpga/2011/20/contents

The Duty to Cooperate requires ongoing constructive and active engagement on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic matters.

The Authorities evidence on how the requirements of the Duty to Co-operate have been met can be found on our website: www.westsussex.gov.uk/mwdf

3. Soundness

If it is the actual content of the proposed modifications which you wish to comment on or object to, it is likely that your comments or objections will relate to soundness. To be sound, the modifications should be:

3.1 Positively Prepared

This means the modifications should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.

3.2 Justified

This means that the modifications should be based on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area.
- Research/fact finding: the choices made in the plan are backed up by facts.

The evidence to support the Plan is available online at: www.westsussex.gov.uk/mwdf

With the proposed modifications, the Plan should provide the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence. The Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource sustainability objectives will be achieved.

3.3 Effective

This means the Plan should be deliverable over the plan period and should embrace elements such as:

- No regulatory or national planning barriers to delivery.
- Delivery partners who are signed up to it.
- Coherence with neighbouring authorities' strategies.
- Based on effective working with other authorities and public bodies to plan for issues with cross-boundary impacts .

The Plan should be flexible to deal with changing circumstances, which may involve minor changes in response to monitoring outcomes or more significant changes in response to problems such as sites not coming forward as planned.

Although it is important that policies are flexible, the Plan should make clear that major changes may require a formal review, including public consultation.

Policies and targets contained in the Plan will be monitored in the West Sussex Minerals and Waste Annual Monitoring Reports.

3.4 Consistent with National Policy

As well as being a matter of legal compliance, the Plan's consistency with national policy is also a matter of soundness (relevant national policy is explained in section 2.2 of the Plan). Where there is a departure from national policy, the Authorities must justify this approach.

If you feel the Authorities should depart from national policy with regard to a proposed modification in order to meet a clearly identified and fully justified local need, then please explain why and support this with evidence.

If you think the modifications now mean that the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

1. Is the issue already covered by any national planning policy? If so, it does not need to be included as national policy should not be repeated.
2. Is the issue covered by any other policies in the Plan? If so, there is no need to repeat existing policies.
3. If the policy is not covered elsewhere, why is the Plan unsound without the policy?
4. If the Plan is unsound without the policy, what should the policy say?

4. General Advice

If you wish to make a representation seeking a change to a proposed modification to the Plan, you should explain why the document is not sound with regards to the legal compliance check and the four tests of 'soundness' as set out above (see Part B of the response form).

You should try to support your representation with evidence showing why and how the Plan modifications should be changed. Representations should include all the information, evidence and supporting information necessary to justify the representation and any suggested changes.

There will not normally be a subsequent opportunity to make further submissions based on the original representation made at this stage. After this stage, further submissions will be only at the request

of the Planning Inspector, based on the matters and issues he identifies for further examination hearings.

Where there are groups who share a common view on the soundness and legal compliance of the proposed modifications and wish to make representations, please send a single representation on behalf of the group. If you are working as a group, please inform us who you are representing and how the representation has been authorised.

Please be aware that your representation cannot be treated as confidential. As well as being sent to the Planning Inspector, copies of all representations will be made available on the County Council's website. Therefore, anyone will be able to view all representations made. Paper copies may also be made publicly available at West Sussex County Council offices, County Hall in Chichester. Personal contact details will be removed from copies of representations published electronically.

5. What happens after you have made your representation?

After 09 March 2018, the Authorities will submit all representations on the proposed modifications to the Planning Inspector. The Planning Inspector will consider all representations and will either require further hearing sessions for the purpose of further examining the representations, or he will issue his final report on the Plan, including necessary modifications.

If further hearing sessions are required, information will be made available on the time and location of these on our website.

Once the Inspectors Report is issued, the Authorities will consider whether to adopt the Plan as modified, or not. If the Plan is adopted, it will become part of the statutory 'development plan' for West Sussex.

If you need this information in an alternative format then please contact us on 01243 642118, and we will do our best to assist you.