

Report to	<b>South Downs National Park Authority</b>
Date	<b>18 September 2012</b>
By	<b>Director of Planning</b>
Title of Report	<b>Delegation of approval of significant main modifications to Waste and Minerals Plan for East Sussex, South Downs and Brighton &amp; Hove to the Planning Committee</b>
Purpose of Report	<b>To delegate the approval of significant main modifications to the Waste and Minerals Plan for East Sussex, South Downs and Brighton &amp; Hove to the Planning Committee.</b>

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**Recommendation: That the South Downs National Park Authority:**

**I. delegates authority to the Planning Committee to approve main modifications to the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove following the Public Examination.**

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**1. Introduction and Summary**

- 1.1 The South Downs National Park (SDNP), as a minerals and waste planning authority, is preparing joint waste and minerals plans. The East Sussex, South Downs and Brighton & Hove Waste and Mineral Plan (WMP) will provide spatial planning policy for the management of wastes and the production of minerals in the County of East Sussex and City of Brighton & Hove, including the part of the SDNP within those areas.
- 1.2 Following consultation on the WMP in the spring, the WMP has now been submitted to the Secretary of State for scrutiny by an independent planning inspector at a Public Examination. This Examination is taking place from 18 September 2012 for two weeks.
- 1.3 Delegated authority has already been sought from the Planning Committee (12 July 2012) for the Director of Planning, in consultation with the Chair of the Planning Committee to authorise modifications to the WMP; provided that they are not of significance to the South Downs National Park Authority (SDNPA).
- 1.4 This report seeks the delegation of approval of any main modifications of significance to the SNDP, and consultation on the modifications, to the Planning Committee.

**2. Background**

- 2.1 On 15 January 2012 new provisions in the Localism Act 2011 came into force which, together with new Planning Regulations published in April 2012, alter the process for examination of the Plan. Previously, local planning authorities were bound to implement the Inspector's Report recommendations on soundness.
- 2.2 The process is now that the Inspector can indicate that changes are needed and the local planning authorities can then recommend main modifications to the Inspector to make the Plan sound and suitable for adoption. The local planning authority can also make non-material changes before adoption (**Appendix I: Diagram of new process**). This change to the process will mean that the timeline to adoption is therefore longer.
- 2.3 If, during the Examination, it becomes clear that main modifications to the WMP are necessary to make it a 'sound plan', the partner authorities will need to approve the main modifications and then publish the modifications for public comment.

### **3. Requirement for delegated arrangements**

- 3.1 In order to avoid delay to the process, it is proposed that delegated authority is given to the Planning Committee, to agree any necessary main modifications of significance to the SDNP emerging from the public examination and for the modifications to be published for public comment.
- 3.2 It should be noted by Members that following the publication of main modifications, receipt of further representations on soundness and assessment of those comments, if the Inspector considers the WMP sound, the whole Plan with major and minor modifications would come back before Planning Committee and SDNPA for adoption. Our partner authorities would also have to consider the modified Plan.
- 3.3 By utilising the proposed delegation, it is hoped that timely decisions on significant main modifications can be made and that a report for adoption of the Plan can be made to Planning Committee and NPA in February/March 2013.

### **4. Conclusion**

- 4.1 Changes to legislation mean that a different process will now be undertaken during the public examination and to avoid undue delay, delegation to the Planning Committee is sought for the approval of any major modifications to the WMP with significant implications for the SNDP (requested by the Inspector to make the plan sound) before being put to the Inspector and published for comment.
- 4.2 The whole modified Plan will ultimately be presented to Planning Committee and SDNPA hopefully for adoption in early 2013.

### **5. Resources**

- 5.1 There are no additional resource implications associated with the delegation arrangements. There is budget provision for the SDNPA contribution to the overall work on the joint WMP.

### **6. Risk management**

- 6.1 Risk: The risk of not gaining delegated approval is that the Plan's progression following the Examination in Public will not be in accordance with agreed timetables.
- 6.2 Mitigation: Gaining delegated authority will ensure that the Plan continues to progress in accordance with agreed timescales.

### **7. Crime and Disorder Implication**

- 7.1 It is considered that the proposal does not raise any crime and disorder implications.

### **8. Human Rights Implications**

- 8.1 This report has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

### **9. Equalities Act 2010**

- 9.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

### **10. External Consultees**

- 10.1 None.

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Appendix  
SDNPA Consultees

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1. Diagram of process during and following Public Examination  
Chief Executive Officer, Director of Corporate Services, Director of  
Planning, Director of Strategy and Partnerships, Head of Operations,  
Chief Finance Officer, Deputy Chief Finance Officer, Monitoring Officer &  
Legal Services

#### Background Documents

- Planning Committee Report (13/06/11) - Joint Working Protocols
- South Downs National Park Authority Report (25/10/11) – Approval of draft Waste and Minerals Plan
- South Downs National Park Authority Report (13/12/11) – Delegation of authority to approve Proposed Submission WMP to Planning Committee.
- Planning Committee Report (19/01/12) – Approval of Proposed Submission WMP
- Planning Committee Report (12/07/12) - Authority to consult on modifications to East Sussex, Brighton and Hove and South Downs Waste and Minerals Plan (WMP) and to note the revision of the Minerals and Waste Development Scheme.
- East Sussex Minerals and Waste Development Scheme
- Submission WMP (June 2012)

**Agenda Item 9**

**Report 25/12 Appendix I: Diagram of new process during and following Public Examination**

(N.B. the approach taken to modifications can vary)

