

Report to	<b>South Downs National Park Authority</b>
Date	<b>19 February 2013</b>
By	<b>Director of Planning</b>
Title of Report	<b>Adoption of joint East Sussex, South Downs and Brighton &amp; Hove Waste and Minerals Plan</b>
Purpose of Report	<b>This report is to inform the South Downs National Park Authority (the Authority) of the outcome of the Public Examination of the East Sussex, South Downs and Brighton &amp; Hove Waste and Minerals Plan, and to recommend approval for formal adoption of the Plan by the Authority.</b>

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**Recommendation:** This report was considered by the South Downs National Park Authority (the Authority) Planning Committee on 17 January 2013. At the Planning Committee meeting it was recommended that the Authority:

- 1) **note the Main Modification to the Waste and Minerals Plan (WMP) and analysis of responses to the associated consultation;**
  - 2) **note the contents of the Inspector's Report and her conclusion that the WMP is legally compliant and 'sound';**
  - 3) **note the minor non-material modifications made to the WMP; and**
  - 4) **adopt the WMP, incorporating the Main Modification and minor modifications, as waste and minerals planning policy subject to the Director Planning (in consultation with the Chair of the Planning Committee) agreeing any further minor non-material changes to the text of the Waste and Minerals Plan with East Sussex County Council and Brighton & Hove City Council.**
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## **1. Introduction**

- 1.1 The joint Waste and Minerals Plan (WMP) for East Sussex, South Downs and Brighton & Hove was subject to a public examination in June 2012, and, following a consultation period on modifications, the Inspector's report has now been published. The Inspector has recommended that the Plan is sound and therefore can now be adopted by the partner authorities.

## **2. Background**

- 2.1 A Proposed Submission Waste and Minerals Plan was agreed by the Authority in January 2012 and subsequently published for a statutory six week period for representations on soundness and legal compliance commencing on 21 February 2012. 35 representations were received and these were submitted, alongside the Plan, to the Secretary of State for independent examination on 1 June 2012. As part of the Plan's Examination Planning Inspector Susan Holland held public hearings on aspects of the WMP between 18 September and 28 September 2012 at County Hall, Lewes.

## **3. Adoption of the Plan**

- 3.1 If the Authority decide to adopt the WMP it will replace much of the East Sussex adopted Waste Local Plan and Minerals Local Plan. It will provide updated spatial planning policy for the management of all wastes and the production of all minerals in East Sussex, the part of the South Downs National Park (SDNP) within East Sussex, and Brighton & Hove to 2026. Adoption of the WMP would be in accordance with the Minerals & Waste Development

Scheme (MWDS) timetable agreed by Planning Committee in July 2012.

- 3.2 The broad thrust of the Plan's approach is to:
- reduce the amount of waste produced;
  - make provision for increased treatment (e.g. recycling or recovery) of waste including additional capacity for recycling/recovery facilities equivalent to the likely exports of waste for landfill;
  - identify 'Areas of Focus' for suitable locations for waste treatment facilities;
  - save the existing site allocations for recycling/recovery facilities contained in the Waste Local Plan until replaced by the subsequent Sites Plan;
  - recognise that the declining amounts of waste still requiring landfill should utilise existing planning permissions outside the Plan Area and therefore not include any Areas of Search for landraise or landfill;
  - safeguard existing landfill capacity;
  - resist the disposal of residual waste from London in the Plan Area;
  - meet the apportionment for aggregates advised by Government.
- 3.3 The Plan also contains a policy (now WMP2) covering minerals and waste development within the SDNP.
- 3.4 As a result of the Government's implementation of the National Planning Policy Framework in March 2012, the Inspector indicated that the Authorities should consider modifying the Plan by inserting a new policy that is intended to confirm that the Plan has a 'presumption in favour of sustainable development'. As the Plan already contained policies which taken together as a whole were intended to result in sustainable development, it was considered this 'Main Modification' did not represent a shift in the policy approach. As such the modification was published, as new policy WMP1, for public consultation under delegated authority agreed Planning Committee on 12 July 2012. The consultation took place from Friday 12 October to Friday 9 November 2012. Ten comments were received which were forwarded to the Inspector for consideration. Details are included in **Appendix I**.
- 3.5 The Inspector submitted her report to the Authorities on 10 January 2013 and in it she concludes that the modified WMP is 'sound' and legally compliant. In her Report the Inspector considers that the approach makes adequate provision for land disposal of residual waste. She also concluded that the plan makes adequate provision for soft sand and that it is appropriate, in the circumstances, to not make separate provision for soft sand. She recognised that a separate landbank would serve to apply more weight in favour of soft sand extraction in the SDNP and would create a tension in the plan between the minerals supply policy and the SDNP policy. The Inspector also considered that the approach to built waste facilities provides an adequate policy context in advance of the Sites Plan work. This approach included the exclusion of areas of constraint, such as the SDNP, from 'areas of focus' for built waste facilities. The Report has been published for public inspection and is available to view on the East Sussex County Council's (ESCC) website (<http://consult.eastsussex.gov.uk/portal>). In light of the Inspector's conclusions the WMP may now be adopted. A paper copy of the modified Plan is available on request from the Minerals and Waste Team in Rosemary's Parlour, Midhurst and the document can be viewed on the SDNPA website ([Proposed Adoption Waste and Minerals Plan](#)).
- 3.6 Recommendation 4 of this report includes a request to delegate authority to the Director of Planning (in consultation with the Chair of the Planning Committee) to agree any necessary minor modifications made to the WMP for factual updates and clarity, which do not materially affect the Plan, following consideration by ESCC Cabinet and Brighton & Hove City Council (B&HCC) and prior to adoption. A schedule of the current minor modifications made to the WMP can also be viewed on the Authority's website (Minor Modifications).
- 3.7 Adoption of the WMP will have been considered by ESCC on the 12 February 2013 and was agreed by B&HCC on 31 January 2013. There would then be a statutory period of six

weeks, during which any legal challenge that there may be to the decision would need to be commenced. If the three Authorities adopt the WMP it will become part of the statutory Development Plan for the SDNP. That means that it will be used by the Authorities as the basis for determining planning applications for waste and minerals related development.

- 3.8 The Sustainability Appraisal of the policies in the WMP has been updated to reflect the inclusion of Policy WMP I and on adoption of the WMP this will also be published. A copy of the Sustainability Appraisal is available on request from the Minerals and Waste Team in Rosemary's Parlour, Midhurst.

#### **4. Conclusion**

- 4.1 Following a public examination into the WMP, the Inspector who carried out the examination has found that the Plan is legally compliant and sound which means that the Authorities may now adopt the Plan. An additional policy which reflects new government planning policy has been inserted although it is considered that this has not affected the Plan's policy direction. The WMP contains waste and minerals planning policy to 2026 which updates most of that contained in the Waste Local Plan and Minerals Local Plan and as such it is recommended that the Authority to adopt the Plan.

#### **5. Resources**

- 5.1 The costs of preparing and adopting the WMP are already included in the Minerals and Waste Policy budget for this year. Total costs for 2012/13 are estimated to be approximately £140,000 but as the WMP is being prepared jointly with ESCC and B&HCC these costs will be shared. The Authority proportion of this total will be approximately £21,000 which is within budget.

#### **6. Risk management**

- 6.1 The risk of not adopting the plan would be the continued reliance on older policies which do not include references to the SDNP and do not provide adequate policy protection to the SDNP. Adopting the Plan would mitigate this risk and provide an up-to-date suite of policies to steer future minerals and waste development within the East Sussex part of the SDNP.

#### **7. Human Rights, Equalities, Health and Safety**

- 7.1 This plan 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. Due regard, where relevant, has been taken to the Authority's equality duty as contained within the Equalities Act 2010.

#### **8. External Consultees**

- 8.1 None.

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Appendices Appendix 1: Main modification including summary of comments and analysis

SDNPA Consultees Chief Executive Officer, Director of Corporate Services, Director of Planning, Director of Strategy and Partnerships, Director of Operations, Chief Finance Officer, Deputy Chief Finance Officer, Monitoring Officer & Legal Services.

## Background Documents

- Planning Committee Report (13/06/11) - Joint Working Protocols  
[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0005/125753/Agenda\\_Item\\_10\\_Report\\_1\\_Joint\\_working\\_CS\\_Report\\_20110603.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0005/125753/Agenda_Item_10_Report_1_Joint_working_CS_Report_20110603.pdf)
- South Downs National Park Authority Report (25/10/11) – Approval of draft Waste and Minerals Plan.  
[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0013/142141/Agenda\\_item\\_12\\_East\\_Sussex\\_WMP.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0013/142141/Agenda_item_12_East_Sussex_WMP.pdf)
- South Downs National Park Authority Report (13/12/11) – Delegation of authority to approve Proposed Submission WMP to Planning Committee.  
[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0009/167877/Agenda-item-14.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0009/167877/Agenda-item-14.pdf)
- Planning Committee Report (19/01/12) – Approval of Proposed Submission  
[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0009/185598/Agenda-Item-9-Report-and-App-1,-3-and-4.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0009/185598/Agenda-Item-9-Report-and-App-1,-3-and-4.pdf)
- 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  
[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0006/253158/Agenda-Item-11.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0006/253158/Agenda-Item-11.pdf)
- Planning Committee Report (17/01/13) – Adoption of Waste and Minerals Plan  
[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0006/299841/Agenda-Item-10.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0006/299841/Agenda-Item-10.pdf)
- East Sussex Minerals and Waste Development Scheme  
<http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/download1.htm>