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| Report to         | <b>Planning Committee</b>  |
| Date              | <b>10 October 2011</b>   |
| By                | <b>Head of Planning</b>  |
| Title of Report   | <b>Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton and Hove.</b>   |
| Purpose of Report | <b>That Planning Committee recommends to the National Park Authority that the Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton and Hove ('draft WMP') be approved for publication and consultation for six weeks commencing on 27 October 2011 in accordance with Regulations 25 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.</b> |

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**Recommendation: That Planning Committee recommends to the National Park Authority that:**

- 1) the Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton and Hove (Appendix 1) be approved by the National Park Authority at its meeting on 25 October 2011 for publication and consultation for six weeks commencing on 27 October 2011 in accordance with Regulations 25 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.**
  - 2) the Head of Planning, in consultation with the Chair of the Planning Committee, be authorised to agree any further minor changes to the Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton and Hove, with East Sussex County Council (ESCC) and Brighton & Hove City Council (BHCC).**
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**1. Introduction**

- 1.1 At the South Downs National Park Authority meeting held on 21 June 2011 the Authority agreed to the preparation of a Joint Waste and Minerals Plan for East Sussex County, South Downs National Park and Brighton and Hove City. The Plan will ultimately be adopted by the South Downs National Park Authority and the other partner authorities.
- 1.2 Following the Preferred Strategy published in 2009, nearly 3,000 responses were received mostly opposing land disposal in principle and any suggestion of land raise in the Low Weald. Further work (**Appendix 1**) has been undertaken to address the concerns raised and the revised approach set out in the draft WMP reflects the review of the National Waste Strategy, proposed changes to the planning system and the potential revocation of the South East Plan.
- 1.3 It is proposed that the draft WMP (**Appendix 2**) is published for informal public consultation for six weeks starting on the 27 October 2011. The consultation information will be available on the ESCC website, with a link provided to the site from the SDNPA website. Comments received during the consultation will inform the content of the final WMP which is programmed to be considered by the SDNPA Planning Committee and Full Authority in early 2012. Following agreement from all of the partner authorities, there would then be a statutory consultation prior to submission of the WMP to government in spring 2012 to inform the Planning Inspectorate on public views of the soundness of the WMP. A Public Examination is likely to be held in autumn 2012, with adoption in January 2013.

1.4 This report sets out the key issues with particular reference to those relating to areas within the South Downs National Park.

## **2. Background**

2.1 The South Downs National Park, as a minerals and waste planning authority, has a statutory responsibility to prepare a minerals and waste plan.

2.2 The draft WMP will provide spatial planning policy for the management of all wastes and the production of minerals in East Sussex, South Downs and Brighton & Hove to 2026.

2.3 The WMP will replace much of the ESCC and BHCC adopted Waste Local Plan and Minerals Local Plan. This will enable the minerals and waste planning authorities to ensure the right development in the right place at the right time. In addition to the WMP, which sets out the strategic policy decisions, a waste sites document and a mineral sites document will be produced at a later date.

## **3. Overview of the Plan and key relevant policies**

3.1 The Plan is divided into sections which are considered below.

### **Overarching strategy**

3.2 The Vision for the Plan Area to 2030 seeks to reduce waste growth, maximise re-use, recycling and recovery of waste and minimise disposal to land. It also seeks to ensure that the facilities needed will be designed, located and operated to preserve and enhance the area's built and natural heritage. For minerals, the production of secondary materials will be maximised and, where needed, the extraction and use of primary materials will take place efficiently to protect the environment and local communities.

3.3 The Strategic Objectives (SO) are the actions needed for the vision to become reality. SO4 seeks to 'protect and enhance the environment, communities and human health...' and includes minimising the impacts on protected landscapes, including the South Downs National Park.

3.4 The Plan also contains a 'Local Strategy Statement' which sets out the approach to key 'larger than local' matters, in particular addressing the policies in the South East Plan.

3.5 Policy 1: 'Minerals and waste development affecting the South Downs National Park' is the overarching policy which will guide minerals and waste development with the National Park and ensure that the protection of the landscape and scenic beauty of the National Park is given great weight in decisions. SDNPA officers have taken the lead in developing this policy.

3.6 A key part of the overarching strategy is the need to implement the waste hierarchy. Policies 2a – 2e set out to do this by: promoting the use of waste as a resource (Policy 2a); turning waste into a resource by ensuring that proposals can demonstrate that they meet the hierarchy (Policy 2b); ensuring that any proposals for the production of energy from waste do so efficiently (Policy 2c); minimising and managing waste during construction, demolition and excavation (Policy 2d) and ensuring that waste management is considered as part of new non-waste developments (housing etc) (Policy 2e).

3.7 The overarching strategy for the provision and use of minerals in the plan area is to deliver the sustainable use and production of minerals using the minerals hierarchy, for example by promoting secondary and recycled materials. In order to achieve this Policy 3 aims: to make provision for a steady supply of minerals in accordance with national policies; to support development that produces or utilises re-used or recycled materials; and to only allow primary mineral production where the need cannot be met by alternatives.

### **Providing for waste**

3.8 Policy 4a: 'Provision of built waste facilities' identifies a need for a maximum additional 90,000tpa of recycling and composting capacity and 150,000tpa of recovery capacity for non-hazardous waste by 2026 to achieve the Plan's targets for the management of waste.

- 3.9 The proposed approach to disposal to land recognises that the declining amounts of waste that still require land disposal should utilise existing permissions outside the Plan area and also safeguards the existing capacity at Pebsham. In order to achieve net self-sufficiency, the approach taken is to provide for an increased provision of built waste facilities – equivalent to the exported land disposal requirement. The figures set out above therefore increase to a maximum 170,000tpa recycling and composting capacity and 220,000tpa recovery capacity (Policy 4b).
- 3.10 In order to ensure existing waste management capacity is maintained, Policy 5 safeguards existing waste management sites and some of these sites will be within the SDNP, such as those in Lewes. The new waste management development needed will be guided towards the Areas of Focus shown on the Key Diagram in the draft WMP unless they meet the exceptions in Policy 6a (e.g. small scale facilities for local needs). The Areas of Focus are outside the SDNP but small-scale facilities to meet local needs may be acceptable within the SDNP. Policy 6b states a preference for the use of general industrial land, employment land (B2/B8 uses), previously-developed land and land already in waste management uses. Sites which are allocated in the Waste Local Plan (outside the SDNP) and have not come forward for development will also be saved at the present time. Further sites for waste treatment facilities will be needed but detailed work on this will be after the adoption of the WMP.
- 3.11 The deposit of inert waste to land for beneficial uses is considered in Policy 7b which supports the use of inert waste as part of a comprehensive scheme for restoration of previously developed land. This will ensure that inert material that cannot be used in any other way is diverted to mineral workings with agreed restoration schemes.

#### **Providing for minerals**

- 3.12 The main issue for the National Park is that the supply of aggregates is met, where possible, from sites outside the Park. Policy 10 'Provision of aggregates' set the apportionment for the plan period. The apportionment figure is used to calculate how many sites will be required over the plan period (up to 2026) and also to calculate the landbank (how many years of permitted reserve are remaining). The WMP proposes to use the apportionment figure of 0.1mtpa set out in the Secretary of State's Proposed Modification to Policy M3 of the South East Plan. This figure recognised the particular circumstances of the plan area (low production, remote reserves and a high dependence on marine landings). The apportionment figure can currently be met through existing planning permissions, including the Stanton's Farm quarry within the South Downs National Park which provides soft sand. The minerals key diagram illustrates the approach to minerals.
- 3.13 Policy 13 'Safeguarding Resources' relates to the identification of Mineral Safeguarding Areas (MSA) and Mineral Consultation Areas (MCA) which seeks to protect mineral resources from sterilisation from non-mineral development. Stanton's Farm will be safeguarded under this policy.

#### **Other minerals**

- 3.14 There are no brickworks within the South Downs National Park part of the plan area, therefore clay extraction is not an issue.
- 3.15 Oil and gas exploration and appraisal is considered in Policy 15 and seeks to ensure that alternative sites outside sensitive areas, including the South Downs National Park, have been fully considered.

#### **Overarching policies**

- 3.16 In order to ensure that the impacts of minerals and waste development is sustainable, policies have been included which cover the following issues:
- Restoration of sites (Policy 16)
  - Minimising transport movement and maximising non-road modes of transport (Policy 17)
  - Co-location of complementary facilities (Policy 18)
  - Community involvement (Policy 19)
  - Opportunities for strategic sustainable waste management and minerals production in other developments (Policy 20)

- Expansions and alterations within existing waste facilities (Policy 21)

### **Development management policies**

- 3.17 A number of development management policies have been included in the Plan to give a local context to national policy. The policies cover issues such as design, operation of sites, climate change, resource efficiency, general amenity and transport considerations, protection of the built and natural environment, and flooding and groundwater.

## **4. Conclusion and recommendation**

- 4.1 Substantial progress has been made with the WMP since the previous Preferred Strategy was published. The draft WMP is based on a robust evidence base and thorough consultation and provides a logical set of policies which will provide a comprehensive planning policy framework for minerals and waste development within the part of the National Park in East Sussex's and Brighton & Hove's administrative boundary.
- 4.2 Therefore the Planning Committee are advised to recommend to the National Park Authority that the draft WMP be approved for publication and informal consultation and that the Head of Planning, in consultation with the Chair of the Planning Committee be authorised to agree any minor changes to the Plan.

## **5. Next Steps**

- 5.1 If, following a recommendation from the Planning Committee, the draft WMP is approved by the National Park Authority and also approved by its partners, the draft will then be published on 27 October, for informal public consultation for six weeks. A programme of awareness raising and engagement is proposed with a newsletter, workshops and offers to attend meetings.
- 5.2 Comments received during the consultation will inform the final WMP which is programmed to be considered by the SDNPA Planning Committee and Full Authority in early 2012. Following agreement from all of the partner authorities, there would then be a statutory consultation prior to submission of the WMP to government in spring 2012 to inform the Planning Inspectorate on public views of the soundness of the WMP. A Public Examination is likely to be held in autumn 2012, with adoption in January 2013.

## **6. Resources**

- 6.1 The joint consultation on the draft WMP may require staff and Member time. Any financial costs incurred by the consultation, publication, publicity and of the draft WMP will be met from the planning budget as agreed in the emerging Joint Working Protocol. As set out in the Protocol, the cost for the National Park in 2011/12 will be approximately £23,000, with additional costs in 2012/13 to cover the Public Examination.

## **7. Risk management**

- 7.1 Without a comprehensive, sound and robust planning policy framework for the National Park underpinned by up-to-date evidence the Authority risks losing control over inappropriate new development, which may be allowed on appeal, and losing opportunities to guide and facilitate appropriate new development. This will become more important when the draft National Planning Policy Framework (NPPF) is finalised as the NPPF will be the 'default' planning policy in the absence of an up-to-date plan.
- 7.2 These risks are significantly reduced by the timely preparation of a sound joint Minerals and Waste Plan and associated Development Plan Documents for the South Downs National Park. In order for joint adoption to be successful, there has to be a clear understanding of and commitment to pursuing a joint approach by equal partners.

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

- 8.1 There are not considered to be any extraordinary human rights, equalities, or health and safety issues arising from this report.

## 9. External Consultees

9.1 There are no external consultees

### **JIM REDWOOD** **Head of Planning**

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| Appendices           | Appendix 1: Evidence base document<br>Appendix 2: Shortened version of the draft East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan |
| SDNPA Consultees     | Director of Corporate Services, Monitoring Officer, Deputy Chief Financial Officer, Solicitor,  |
| Background Documents | Planning Committee Report (13/06/11) - Joint Working Protocols  |