

Appendix A: West Sussex Joint Minerals Local Plan

Schedule of Proposed Modifications

Modifications are proposed by the Authorities to the Proposed Submission Draft West Sussex Joint Minerals Local Plan. Broadly modifications are proposed as follows:

1. To address representations submitted on the Proposed Submission Draft West Sussex Joint Minerals Local Plan;
2. to address matters raised in hearing statements and during the hearings part of the examination; and,
3. to address typographical and grammatical errors.

There are two types of modification known as 'Main Modifications' and 'Additional Modifications' and these are set out in separate tables below with associated reasons. Main Modifications are modifications considered necessary to ensure the soundness of the Joint Minerals Local Plan and are referenced with the prefix 'MM'. Additional Modifications are non-substantive modifications considered necessary to correct typographical and grammatical errors as well as to improve the Plan's clarity, and are referenced with the prefix 'AM'.

Additions of new text are shown in bold and underlined i.e. **like this** and deleted text is shown struck through i.e. ~~like this~~.

This schedule supersedes the version that was submitted with the Proposed Submission Joint Minerals Local Plan (Version 1.0 (JMLP/OSD/001) and versions submitted before (Version CD/017) and at the end of the hearings (Version 2.1 (CD/026)).

Table 1 - Main Modifications

Ref. No.	Old ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
Executive Summary				
MM1		1st paragraph under heading "Chapter 2: Vision and Strategic Objectives	<p>The Authorities want economic minerals in West Sussex, which mainly comprise Aggregates, Silica Sand, Clay, Chalk, Stone and Hydrocarbons, to be produced and managed in a sustainable way. To that end, minerals resources will be safeguarded and exploited in a manner which only sees minerals development a move away from activity within the South Downs National Park (SDNP) take place in exceptional circumstances and in the public interest.</p> <p>The activity of minerals importation to wharves and railheads in West Sussex will be safeguarded from other non-minerals development. The replacement of primary minerals with secondary and recycled materials will be promoted. Provision of minerals will take place in ways that protect public amenity and the special character and environment of the County.</p>	To ensure the Plan is consistent with national policy concerning development within National Parks
MM2		4th paragraph under heading	With regard to the production of minerals from within the South Downs National Park, the strategy is to allow existing sites to be worked and not to plan for any specific additional capacity. This	To ensure the Plan is justified and consistent with national policy

		"Chapter 6: Strategic Minerals Supply"	situation will be monitored in case exceptional circumstances were shown to exist in future which would merit the future provision of additional supplies sourced from within the SDNP.	
MM3		Text under heading "Chapter 7: Strategic Minerals Site Allocations"	<p>Chapter 7: Strategic Minerals Site Allocations</p> <p>The only allocations for an additional minerals sites is are as follows:</p> <ul style="list-style-type: none"> • An extension to West Hoathly claypit (clay). • Ham Farm, Steyning (soft sand) <p>The broad locations of the allocated sites is are shown on the Key Diagram and the boundary identified on Policies Inset Maps.</p> <p>'Development principles' for the sites have been identified, which are that is, specific issues that will need to be addressed at the planning application stage, as and when proposals come forward for the allocated site.</p>	To ensure the Plan is justified and consistent with national policy
Chapter 1: Introduction to Minerals Planning				
MM4		Para 1.3.1	<p>Amend last sentence:</p> <p>It also allocates a strategic minerals sites for clay and soft sand and</p>	To reflect the deletion of Ham Farm (Policy M11)

			includes a monitoring and implementation framework.	
Chapter 2: Vision and Strategic Objectives				
MM5	2/2a	Vision (paragraph 6)	<p>Paragraph 6 to be amended to include reference to 'net gains' to biodiversity as follows:</p> <p>"Will ensure minerals have been produced in a manner that protects and enhances the historic and natural environment, <u>delivers net gains to natural capital</u>, and contributes to a low carbon, circular economy".</p>	Changes made to make reference to 'net gains' in response to in response to representation from Sussex Wildlife Trust
MM6		Strategic Objective 1	<p>Amend Strategic Objective 1 to including the words 'steady and adequate supply' to read:</p> <p>"To promote the prudent and efficient production and use of minerals <u>to ensure a steady and adequate supply</u>, having regard to the market demand and constraints on supply in the Plan area"</p> <p>NB: Change to be made wherever strategic objective is mentioned in the Plan.</p>	To reflect the wording in NPPF.
MM7		Para. 2.3.3.	<p>Soft sand is located within the Sandgate and Folkestone formations which are worked in a number of sites located in West Sussex. Soft sand is important for meeting the demands for the production of high quality building sands for mortar. Silica sand has various industrial and recreational uses and is found in the Folkestone Formation. The majority of these resources are located within the South Downs National Park. <u>Gravel of varying quality and some sharp sand is found to the south of the Downs in the south-west of the County in superficial or 'drift' deposits. Coarser, silty gravels lie over the chalk to the north of a line</u></p>	To be consistent with the broadened Strategic Objective 3 (MM6)

			<u>approximating to the route of the A27 and have been exploited in dry workings. Overlying the clay to the south, cleaner, better-sorted gravels have been exploited through wet working as evidenced by lakes around the eastern and southern fringes of Chichester.</u> The Vision for this Plan is to ensure that the special qualities of the National Park are protected, and provision is only made within the Park for the extraction of sand in exceptional circumstances.	
MM8		Paragraph 2.3.2 (heading)	Amend heading to read: <u>Sharp Sand and Gravel,</u> Soft <u>Sand,</u> and Silica Sand	To be consistent with the broadened Strategic Objective 3 (MM6)
MM9		Strategic Objective 3	Amend Strategic Objective 3 to read: "Strategic Objective 3: To make provision for soft sand, <u>silica sand and sharp sand and gravel,</u> to meet the needs of West Sussex, from outside the South Downs National Park, where possible; and only <u>allow development within the national park in exceptional circumstances and in the public interest</u> make provision for a declining amount of extraction within the SDNP over the Plan period. " NB: Change to be made wherever strategic objective is mentioned in the Plan.	To ensure the Plan is consistent with national policy concerning development within National Parks with regard to silica sand, soft sand and sharp sand and gravel supply
MM10	2/3	Strategic Objective 4	Delete Strategic Objective 4:	The wording of Strategic Objective 4 is

			<p><i>Strategic Objective 4: To protect the South Downs National Park by only providing for silica sand from within it in exceptional circumstances and when in the public interest.</i></p> <p>NB: Change to be made wherever strategic objective is mentioned in the Plan. Updates to numbers of Strategic Objectives to ensure sequential e.g. Strategic Objective 5 becomes Strategic Objective 4, Strategic Objective 6 becomes Strategic Objective 6 etc.</p>	encompassed in the revised wording of Strategic Objective 3 and so the objective is no longer needed.
MM11	2/4	Strategic Objective 14 (para. 2.3.15).	<p>Add wording to paragraph. 2.3.15 to read:</p> <p>"Opportunities will be taken to minimise carbon emissions within West Sussex and, where possible, in associated operations outside the County. This will be done by ensuring energy efficiency in design, operation and minimising the transportation of minerals."</p> <p>NB: Change to be made wherever strategic objective is mentioned in the Plan.</p>	To clarify that Strategic Objective 14 includes carbon emissions associated with the extraction of minerals.
Chapter 3: Minerals in West Sussex				
MM12	3/2	Para. 3.3.5.	<p>Remove reference to the number of C&D sites and make reference to the AMR.</p> <p>There are 11 sites in the Plan area that recycled aggregate <u>A list of the sites producing recycled and secondary aggregates can be found in the AMR.</u></p>	To ensure reference is made to the latest monitoring information as the number of sites usually changes on an annual basis.
MM13	3/3	Para. 3.3.6.	<p>Change reference to number of active clay sites to five.</p> <p>"There are seven<u>five</u> active clay sites in West Sussex, some of which are small operators, which account for 20-25% of the total in the Country. For more information on these sites see the West Sussex</p>	To ensure reference is made to the latest monitoring information.

			Annual Monitoring Report (AMR)".	
MM14	3/4	Para. 3.3.7.	Delete: "In 2016 there were four active sandstone extraction sites in West Sussex. And replace with: <u>In 2016 there were five building stone extraction sites, four of which were active.</u>	To ensure consistency with how sites have been referenced in other parts of the Plan.
MM15	3/5	Para. 3.3.8.	Change reference to number of existing permitted chalk pits: "In 2016 there were five four ⁶ existing permitted chalk pits which are along the line of the Downs, and just to the south of a belt of sand workings. Only two of these are active. Figures for these cannot be disclosed due to commercial confidentiality <u>but in 2016 the stock of permitted reserve was estimated to be 90 years.</u> Chalk reserves in West Sussex are estimated to be 4.47 million tonnes in West Sussex. ⁶ This excludes Upper Beeding Chalk Quarry.	To ensure reference is made to the latest monitoring information. <i>(Golding Barn is under restoration, Cocking Chalkpit has relinquished rights to quarry chalk and Upper Beeding Quarry is subject to an automatic suspension due to insufficient information being submitted to allow determination of the ROMP).</i>
MM16		Para. 3.3.10.	Amend wording to reflect the fact that the Markwells Wood site is inactive and the permission is no longer extant: "There are currently three permitted exploration sites: Markwells Wood , Forestside (active – within SDNP), Balcombe (inactive), and Broadford Bridge (inactive)."	To ensure that the most up to date site information is included in the Plan.
Chapter 4: Spatial Context				
MM17	4/1a	Para. 4.5.3.	Change reference to nature designations: "Sites of more local importance include Local Nature Reserves (LNR), Sites of Nature Conservation Importance (SNCI) <u>Local Wildlife Sites (LWS)</u> or Regionally Important	To ensure that the correct terminology is used for designated sites (In response to representation from Sussex Wildlife Trust).

			Geological Sites (RIGS) Local Geological Sites (LGS) which are the most important places for geology and geomorphology outside statutorily protected land such as SSSIs. There are 68 RIGS LGS , 26 LNRs and over 293 SNCS LWS around the County".	
Chapter 6: Strategic Minerals Supply				
MM18		Para. 6.2.7.	For land-won sharp sand and gravel, the average 10 year sales value is 9,800 10,676 tonnes per annum (for the period 2006 7 -2015 6) and other relevant local information suggests the average demand may be as high as 12,700 13,585 tonnes per annum. As the reserve (in 2016 7) is 900,000 tonnes this suggests an existing landbank of nearly 65 71 years. In 2016 7 the vast majority of sharp sand and gravel was supplied from marine dredged aggregate landed at Shoreham Port which is considered below. (NB: Figures are provisional and are subject to agreement with SEEAWP through the Local Aggregate Assessment).	
MM19	6/1c	Policy M1(a)	Add reference to the Local Aggregates Assessment: (a) the proposal is needed to ensure a steady and adequate supply and to maintain a 7 year landbank is maintained, as set out in the latest Local Aggregates Assessment; and	To include reference to a 7 year landbank and the Local Aggregate Assessment where the most up to date information about aggregate supply and demand is provided, to ensure that the policy is effective and consistent with national policy.
MM20		Policy M1	Include additional monitoring trend/target:	To ensure consistency

		Monitoring and Implementation table	<u>100% of decisions made on planning applications for sharp sand and gravel extraction are consistent with Policy M1.</u>	with other policies in the Plan.
MM21		Paras 6.2.13. to 6.2.19.	<p>Delete all existing text (including related footnotes) and replace with:</p> <p><u>6.2.13 Land won soft sand is of a particular quality that cannot be substituted by other minerals. The 10 year average sales value for soft sand is 313,210 tonnes (2007 – 2016) (based on January 2017 data), which is higher than for sharp sand and gravel. In 2017, the total permitted reserve of soft sand was 3,354,800 tonnes which provides a landbank of 10.7 years¹. The supply and demand picture shoes that additional supplies of 2.36mt mt of soft sand are likely to be needed towards the latter half of the Plan period.</u></p> <p><u>6.2.14 The relevant strategic objectives are;</u></p> <ul style="list-style-type: none"> • <u>1: To promote the prudent and efficient production and use of minerals to ensure a steady and adequate supply, having regard to the market demand and constraints on supply in the Plan area.</u> • <u>3: To make provision for soft sand, silica sand and sharp sand and gravel, to meet the needs of West Sussex, from outside the South Downs National Park, where possible; and only allow development within the national park in exceptional circumstances and in the public interest</u> 	To ensure the Plan is justified and consistent with national policy.

¹ **This does not take account of other relevant local information concerning future levels of house building and road construction as set out in the Local Aggregates Assessment.**

			<u>6.2 15 Any proposals for land-won soft sand extraction submitted before the adoption of the single issue soft sand review of the Plan, will be considered on their merits and against Policy M2 and other policies in this Plan.</u>	
MM22		Policy M2	<p>Delete all existing text and replace with:</p> <p><u>Proposals for land won soft sand extraction, including extensions of time and physical extensions to existing sites, will be permitted providing that the proposal is needed to meet the shortfall of soft sand of 2.36 million tonnes (or as calculated in the most recent Local Aggregates Assessment) over the Plan period and maintain at least a seven year landbank.</u></p> <p><u>The Authorities will commence a single issue soft sand review of this Plan within 6 months of the adoption of this Plan. The Plan Review will be submitted for examination within two years from the commencement of the review and address the shortfall of soft sand at that time (as calculated in the most recent Local Aggregates Assessment). In the event that the reviewed Plan is not submitted within two years then the Plan, in terms of soft sand, will be deemed to be out-of-date.</u></p>	To ensure the Policy is justified and consistent with national policy.
MM23		Policy M2 Monitoring and Implementation table	<p>Include additional monitoring trend/target:</p> <p><u>100% of decisions made on planning applications for soft sand extraction are consistent with Policy M2.</u></p>	To ensure consistency with other policies in the Plan.

			<p>Delete monitoring trend/target:</p> <p>Declining landbank within the South Downs National Park</p>	
MM24		Paras 6.2.20. to 6.2.23.	<p>Delete all existing text and replace with:</p> <p><u>6.2.16 The shortfall of supply, as calculated at the time when the planning application is determined, will be a material consideration. The landbank calculation for the purposes of Policy M2 will be made by using the reserve and annual demand information set out in the latest Local Aggregate Assessment.</u></p> <p><u>6.2.19 The single issue review of the Plan required under Policy M2 will address the strategy to maintain a steady and adequate supply of soft sand, the supply and demand for soft sand, and the approach to meet any shortfall, including the potential need to allocate sites. Although the Plan Review will address these matters, it will not change the end date of this Plan.</u></p> <p><u>6.2.20 Policy M2 sets out the timeframe for the commencement and submission of the Plan Review. 'Commencement' is defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. If the Plan Review is not submitted within two years from commencement, the</u></p>	To ensure the Plan is justified and consistent with national policy.

			<u>soft sand parts of this Plan will be deemed to be out-of-date.</u>	
MM25	6/3	Para. 6.3.1.	<p>Add new paragraph(s) after 6.3.1 and re-order subsequent paragraph numbering of Section 6.3 (Silica Sand).</p> <p><u>National policy (NPPF Para 146) requires MPAs to plan for a steady and adequate supply of silica sand by providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. This is carried out by providing a stock of permitted reserves of at least 10 years at established existing sites, and at least 15 years for silica sand sites where significant new capital is required, this would include entirely new sites.</u></p>	To provide additional context.
MM26	6/4	Para. 6.3.1.	<p>Add new paragraph(s) after 6.3.1 and re-order subsequent paragraph numbering of Section 6.3 (Silica Sand).</p> <p><u>There are no processing facilities specifically for silica sand in West Sussex. As of May 2017, there are no consented silica sand extraction sites in West Sussex. Historically, any silica sand extraction has been secondary to the extraction of soft sand from sites where the primary function is aggregate supply. Moreover, there are no manufacturing industries (e.g. glass making) reliant on a supply of silica sand from West Sussex.</u></p>	To ensure that the context of silica sand extraction in West Sussex is clearly set out.
MM27	6/6	Para. 6.3.3.	<p>6.3.3. The strategy for silica sand is <u>to safeguard the entire silica sand resource and</u> include a criteria based policy, against which any proposals can be considered. This accords with national</p>	To confirm that the silica sand resource is safeguarded and this

			policy as, at present, evidence shows that adequate provision for silica sand is being made nationally and there is no requirement for West Sussex to meet any identified shortfall elsewhere ²⁵ .	forms part of the strategy for silica sand supply.
MM28	6/7	Para. 6.3.4.	<p>Delete paragraph 6.3.4:</p> <p>The evidence shows that there is no need to apply the requirement to maintain a 10-15 year landbank for individual silica sand sites for any existing sites, as the proportion of sand sold for industrial uses from these sites is small²⁶.</p>	<p>To accurately reflect NPPF Para.146 which sets out that silica sand should be planned for in terms of 'permitted reserves' rather than 'landbanks' (as per aggregates).</p> <p>(In response to representation from the Wiggonholt Association)</p>
MM29	6/9	Para.6.3.5.	<p>Amend paragraph 6.3.5:</p> <p>Should evidence come forward that shows that any existing soft sand sites are required to provide a 10-15 year landbank specifically for silica sand, then they will be considered against the criteria in Policy M3. <u>Development proposals for silica sand extraction will be considered against the criteria in Policy M3.</u> This will include applicants demonstrating, through the submission of borehole data and geological analysis, that the sand meets the specifications for the proposed silica sand end uses. As silica sand is a specialist mineral in terms of its use (i.e. for non-aggregate uses), the use of silica sand for aggregate uses is discouraged <u>and the ongoing best use of silica sand extracted from permitted sites will be secured through suitable conditions and planning obligations.</u></p>	To correct an inaccurate interpretation of NPPF Para. 146.

MM30	6/8	Policy M3: Silica Sand	<p>Add additional criterion to Policy M3 and re-order subsequent criterion numbering:</p> <p>Proposals for silica sand extraction, including extensions of time and physical extensions to existing sites, will be permitted provided that:</p> <p>(a) There is a demonstrable need for silica sand of a specific quality and quantity that will be met by the proposal;</p> <p><u>(b) It is demonstrated that the mineral resources will be used efficiently so that high-grade silica sand deposits are reserved for industrial end uses;</u></p> <p>(c) the proposal will contribute to maintaining a stock of permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment;</p> <p>(d) the proposal is located outside the South Downs National Park unless there are exceptional circumstances and that it is in the public interest, in accordance with Policy M13, to locate within the Park; and</p> <p>(e) where transportation by rail or water is not practicable or viable, the proposal is well-related to the Lorry Route Network.</p>	<p>An additional policy criterion should be added to Policy M3: Silica Sand which monitors the use of mineral resources post excavation to ensure 'best use' of the resources in line with NPPF Para. 142.</p> <p>(In response to representation from the Wiggonholt Association)</p>
MM31	6/10	Implementation and Monitoring (pp.50-51)	<p>Amend measure/indicator and trend/target text:-</p> <p><i>Measure/Indicator</i></p> <p>Landbank for silica sand if evidence shows that it is required for any individual sites.<u>Stock of Permitted Silica Sand Reserves</u></p> <p><i>Trend/Target</i></p>	<p>To correct an inaccurate interpretation of NPPF Para. 146.</p> <p>(In response to</p>

			<p>Target – maintain landbanks of at least 10 years at individual silica sand sites unless environmental and amenity impacts are unacceptable, and if within the SDNP site does not meet exceptional circumstances and public interest test. <u>If appropriate site(s) has/have been permitted in West Sussex to meet specific demand for silica sand, a stock of permitted reserves for individual sites of at least 10 years to supply existing processing plant and 15 years for plant where significant new capital, unless planning policy, environmental and amenity material considerations demonstrate that this would be unacceptable.</u></p> <p>Additional Actions:</p> <p><u>Securing best use of silica resources through suitable conditions and planning obligations.</u></p>	representation from the Wiggonholt Association)
MM32		Policy M3 Monitoring and Implementation table	<p>Include additional monitoring trend/target:</p> <p><u>100% of decisions made on planning applications for silica sand extraction are consistent with Policy M3.</u></p>	To ensure consistency with other policies in the Plan.
MM33	6/11	Para. 6.4.2.	<p>There are <u>four chalk pits with permitted reserves in West Sussex, two of which are active.</u> and three inactive chalk pits in West Sussex, <u>All of the chalk pits are</u> which are located in the South Downs National Park. Production levels of chalk have declined significantly since the closure of Shoreham Cement Works in 1991 and there is a landbank of approximately 113 90 years²⁷ (2015/16 data).</p>	To ensure that reference is made to latest monitoring information.

MM34	6/12	Para. 6.5.3.	There are five active brickworks within West Sussex, with their own supplies of clay, which have a total permitted reserve of 16,120,909 tonnes 18.7 mt (2015/6 data).	To ensure that reference is made to latest monitoring information.
MM35		Para. 6.5.5.	"The Authorities are also required to take account of the need for the provision of brick clay from a number of different sources, to enable appropriate blends to be made. All five Three active brickworks have in excess of 25 years of clay reserves, one has 24 years and except the brickworks at West Hoathly have less than ten years of reserves (2016 data) ".	To ensure that references is made to the latest monitoring information.
MM36		Para. 6.5.5.	6.5.5. National policy requires Minerals Planning Authorities to provide for a 25 year stock of permitted reserves for the maintenance, and improvement of existing plant, as well as for new plant, in the case of bricks, new kilns.	To ensure consistency with national policy
MM37	6/13	Para. 6.5.6.	"The strategy for clay is to safeguard brick-making clay; to allocate an extension...."	To confirm that the brick-making clay resource is safeguarded and this forms part of the strategy for the supply of clay.
MM38		Policy M5	Proposals will be permitted for the extraction of brick clay provided that: (i) they would help maintain a landbank stock of permitted reserves of at least 25 years of permitted clay reserves for individual brickworks; and	To ensure consistency with national policy
MM39		Policy M5 Implementation	Under the heading ' <i>Measure/Indicator</i> ':	To ensure consistency with national policy

		and Monitoring table	Stock of permitted clay clay landbank reserves at individual brickworks	
MM40	6/14	Para 6.6.2.	In 2016 there was an estimated reserve of 1.45 2.70 million tonnes of permitted sandstone, and annual production (over the last ten years) has ranged between 34,000 tonnes (2004/05) and 1,550 tonnes (2011/12). and average annual sales over the last ten years is 24,000 tonnes (2016 data).	To ensure that reference is made to latest monitoring information and reflects the data presented in the AMR.
MM41		Policy M7a	<p><i>Exploration and Appraisal</i></p> <p>(a) Proposals for exploration and appraisal for oil and gas, not involving hydraulic fracturing, including extensions* to existing sites will be permitted provided that:</p> <p>(i) With regard to development proposals deemed to be major, the site is located outside the South Downs National Park, High Weald AONB or Chichester Harbour AONB unless it has been demonstrated that there are exceptional circumstances and that it is in the public interest, and in accordance with Policy M13;</p> <p>(ii) the site selected is represents an acceptable environmental option in comparison to other deliverable alternative sites the least sensitive, deliverable location from which the target reservoir can be accessed, taking into account impacts from on-site activities and off-site activities including HGV movements;</p> <p>(iii) any unacceptable impacts including (but not limited to) noise, dust, visual intrusion, transport, and lighting, on both the natural, historic and built environment and local community,</p>	<p>Amend wording in (a) (ii) to remove reference to the words 'least sensitive' and to ensure consistency with national policy.</p> <p>Amend third line of (a) (iii) to confirm that proposals will only be permitted provided that any unacceptable impacts on the historic environment can be minimised, and or mitigated, to an acceptable level.</p> <p>Delete clause (a) (iv) and (b) (iii) to avoid policy duplication.</p> <p>Delete clause (b) (iv)</p>

			<p>including air quality and the water environment, can be minimised, and/or mitigated, to an acceptable level;</p> <p>(iv) restoration and aftercare of the site to a high quality standard would take place in accordance with Policy M24 whether or not oil or gas is found;</p> <p>(iv) No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground.</p> <p><i>Production</i></p> <p>(b) Proposals for oil and gas production, not involving hydraulic fracturing, including extensions* to existing sites, will be permitted provided that:</p> <p>(i) they accord with (a)(i-iv) above;</p> <p>(ii) no unacceptable impacts would arise from the transport, by vehicle or other means, of oil/gas, water, consumables and waste to or from the site;</p> <p>(iii) the restoration and aftercare of the site to a high quality standard would take place in accordance with Policy M24;</p> <p>(iv) No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground.</p> <p><i>Activity beneath or proximate to designated areas</i></p> <p>(c) Proposals for exploration, appraisal and production of oil and gas, not involving hydraulic fracturing, will be permitted</p>	<p>which is already covered within clause (b) (i) (In response to Friends of the Earth)</p> <p>Insert additional text into clause (c) to make it clear that this clause applies to 'designated areas, assets and habitats' as well as the 'special qualities of the South Downs National Park and/or the setting and intrinsic character and value of the Chichester Harbour and High Weald AONBs'.</p> <p>Amend text against asterisk to clarify that proposals for minor alterations that do not need to be considered against the criteria in Policy M7a.</p> <p>Amend footnote to ensure that the correct terminology is used for designated sites (In</p>
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			<p>underneath or in close proximity to designated areas, assets and habitats², which demonstrate that special care will be taken to avoid harming the these areas and the special qualities of the South Downs National Park and/or setting and value of the Chichester Harbour AONB, High Weald AONB and other designated areas, assets and habitats.</p> <p>* including extensions of time, physical extensions or extensions to operations within the existing site boundary. N.B. The suitability of minor proposals for alterations to permitted operations will instead be considered against the Development Management policies.</p> <p>Amend footnote to read:</p> <p>"Designated areas and habitats include all areas and habitats designated and protected by international and national legislation including South Downs National Park, AONBs, SSSIs, SAC, SPAs, Ramsar sites, NNRs, heritage assets, sites identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR), LNRs, SNCIs LWS and LGS RIGS, Ancient Woodland, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens of Special Historic Interest".</p>	response to representation from Sussex Wildlife Trust).
MM42		Policy M7b	<p><i>Exploration and Appraisal</i></p> <p>(a) Proposals for exploration and appraisal for oil and gas, involving hydraulic fracturing, including extensions* to existing sites will</p>	Amend clause (a) (i) to ensure that the policy is consistent with

² Designated areas and habitats include all areas and habitats designated and protected by international and national legislation including South Downs National Park, AONBs, SSSIs, SAC, SPAs, Ramsar sites, NNRs, heritage assets, sites identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR), LNRs, SNCIs and RIGS, Ancient Woodland, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens of Special Historic Interest.

			<p>be permitted provided that:</p> <p>(i) any surface development is located outside the following areas (as shown on the policies map):</p> <ul style="list-style-type: none"> i. South Downs National Park ii. Chichester Harbour AONB iii. High Weald AONB iv. Groundwater Source Protection Zone 1; v. Sites of Special Scientific Interest (SSSI) vi iv. Any other area given specific protection from hydraulic fracturing in legislation <p>(ii) the site selected is <u>represents an acceptable environmental option in comparison to other deliverable alternatives sites</u> the least sensitive, deliverable location from which the target reservoir can be accessed, taking into account impacts from on-site activities and off-site activities including HGV movements;</p> <p>(iii) any adverse impacts including (but not limited to) noise, dust, visual intrusion, transport, and lighting, on both the natural, historic and built environment and local community, including air quality and the water environment, can be minimised, and/or mitigated, to an acceptable level;</p> <p>(iv) restoration and aftercare of the site to a high quality standard would take place in accordance with Policy M24 whether or not oil or gas is found;</p> <p>(iv) No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground</p>	<p>Onshore Hydraulic Fracturing (Protected Areas) Regulations (2016) which does not exclude SSSIs and Groundwater Protection Zone 1.</p> <p>Amend wording in (a) (ii) to remove reference to the words 'least sensitive' and to ensure consistency with national policy.</p> <p>Amend third lines of (a) (iii) to ensure policy concerning hydrocarbon development is consistent with legislation and to confirm that proposals will only be permitted provided that any unacceptable impacts on the historic environment can be minimised, and or mitigated, to an acceptable level.</p> <p>Delete clauses (a) (iv)</p>
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			<p><i>Production</i></p> <p>(b) Proposals for oil and gas production, involving hydraulic fracturing, including extensions* to existing sites, will be permitted provided that:</p> <p>(i) they accord with (a)(i-iv) above;</p> <p>(ii) no unacceptable impacts would arise from the transport, by vehicle or other means, of oil/gas, water, consumables, and wastes to or from the site;</p> <p>(iii) the restoration and aftercare of the site to a high quality standard would take place in accordance with Policy M24.</p> <p>(iv) No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground.</p> <p><i>Activity beneath or proximate to designated areas</i></p> <p>(c) Proposals for exploration, appraisal and production of oil and gas, involving hydraulic fracturing, will be permitted underneath or in close proximity to designated areas, assets and habitats³, which will be permitted provided that there will be no demonstrate that special care will be taken to avoid unacceptable harming to the these areas and the special qualities of the South Downs National Park and/or the setting</p>	<p>and (b) (ii) to avoid policy duplication.</p> <p>Delete clause b(iv) which is already covered within clause b (i) and (In response to Friends of the Earth)</p> <p>Insert additional text into clause (c) to make it clear that this clause applies to 'designated areas, assets and habitats' as well as the 'special qualities of the South Downs National Park and/or the setting and intrinsic character and value of the Chichester Harbour and High Weald AONBs'.</p> <p>Amend clause (c) to make reference to the requirement not to undertake hydraulic</p>
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³ **Designated areas and habitats include all areas and habitats designated and protected by international and national legislation including South Downs National Park, AONBs, SSSIs, SAC, SPAs, Ramsar sites, NNRs, heritage assets, sites identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR), LNRs, SNCIs and RIGS, Ancient Woodland, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens of Special Historic Interest.**

			<p>and intrinsic character and value of the Chichester Harbour and High Weald AONBs. <u>Hydraulic fracturing will not be permitted above 1,200 metres underneath National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites, and areas covered by Groundwater Source Protection Zone 1.</u></p> <p><i>Groundwater</i></p> <p>d) There is a presumption against Proposals for hydrocarbon development involving hydraulic fracturing in Groundwater Source Protection Zones 1, 2 and 3 <u>will not be permitted unless it is <u>can be</u> demonstrated that there will be no unacceptable impacts on groundwater. Hydraulic fracturing will not be permitted above 1,200 metres in Groundwater Protection Zone 1.</u></p> <p>* including physical extensions or extensions to operations within the existing site boundary. N.B. The suitability of minor proposals for alterations to permitted operations will instead be considered against the Development Management policies.</p> <p>Amend footnote to read:</p> <p>"Designated areas and habitats include all areas and habitats designated and protected by international and national legislation including South Downs National Park, AONBs, SSSIs, SAC, SPAs, Ramsar sites, NNRs, heritage assets, sites identified under the Nature Conservation Review (NCR) or Geological Conservation Review (GCR), LNRs, SNCIs LWS and LGS RIGS, Ancient Woodland, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens of Special Historic Interest".</p>	<p>fracturing at a depth of less than 1,200 metres below protected areas to ensure consistency with the Act and Regulations.</p> <p>Amend clause (d) to ensure that the hydraulic fracturing in Groundwater Protection Zone 1 above 1,200 metres will not be permitted to ensure consistency with the Onshore Hydraulic Fracturing Regulations 2016.</p> <p>Amend text against asterisk to clarify that proposals for minor alterations that do not need to be considered against the criteria in Policy M7b.</p> <p>Amend footnote to ensure that the correct terminology is used for designated sites (In response to representation from</p>
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				Sussex Wildlife Trust).
MM43		Para. 6.7.11.	<p>Amend the wording of the supporting text to Policy M7a and b:</p> <p><u>When proposals for new or major redevelopment of existing sites come forward, the</u> The applicant will be required to provide information about how the site has been selected including the extent of the geographical area from which the target reservoir could be reached and how alternative sites within this area have been considered. This is important to demonstrate that the <u>selection of the site is justified by a comparison with other sites</u> site selected is the least sensitive location from which the target reservoir can be accessed <u>taking</u> and needs to take into account on-site and off-site activities, including HGV movements and routing. Account will also be given to whether sites are deliverable e.g. landowner agreement. For sites within the SDNP and AONB the exceptional circumstance and public interest and tests for major development, as set out in the NPPF (paragraph 116), would have to be met.</p>	To reflect the changes made to policies M7a (a) (ii) and M7b (a) (ii).
MM44		Policy M8	<p>Policy M8: Mineral processing and ancillary activities at mineral sites</p> <p>Proposals for <u>primary and/or</u> secondary mineral processing and /or ancillary activities will be permitted provided that:</p> <p>(a) the proposed operations:</p> <p>(i) are linked to the existing operations on <u>the</u> site;</p> <p>(ii) will remain ancillary to the principal development at the site;</p> <p>(iii) are of a duration that is tied to that of any pr</p>	To provide clarity or what kind of processing this policy relates to.

			<p>primary extraction operation.</p> <p>(b) the overall restoration scheme and progressive restoration of the site is not unduly delayed or prolonged or in some other way jeopardised.</p>	
MM45		Para. 6.8.1.	<p>In the plan area, extracted and imported minerals are primarily processed <u>in a number of ways to prepare or adapt the mineral for sale or to manufacture an article from it. Primary processing includes</u> by washing, crushing and screening at both mineral extraction quarries and at rail depots and wharves where material is delivered. This section sets out how proposals for primary processing and ancillary secondary activities (including concrete batching, brick manufacture, and coated roadstone production) at existing minerals sites <u>(including mineral extraction sites, rail depots, and wharves)</u> will be considered. Proposals for additional railhead and wharf capacity will primarily be considered against the development management policies set out in Chapter 8.</p>	To provide clarity or what kind of processing Policy M8 relates to.
MM46		Para. 6.8.2.	<p>Where primary and secondary processing and ancillary activity takes place as part of quarrying operations this may be allowed as permitted development⁴⁴ but only for as long as the duration of permitted mineral extraction at the site, which is, by its nature, a temporary activity.</p>	
MM47	6/16	Para. 6.8.5	<p>The strategy is to allow primary processing of excavated or imported material on sites which that have a clear link to the site where the material has been excavated or imported, until such</p>	To make clear that not all concrete batching and coated roadstone plants are to be considered against M8,

			activity ceases. Proposals for secondary processing, such as concrete batching, <u>brick manufacture</u> , and coated roadstone production, <u>on mineral sites</u> will be considered against Policy M8, and the development management policies, including those intended to protect amenity (see Policy M18), <u>and other policies in the 'development plan' for the area.</u>	and instead only those that are linked to other mineral activities. (In response to Mineral Products Association representation).
MM48		Policy M9	Amend policy M9 clause (b) to make specific reference to different types of sand and to the maps in the Plan which set out the Minerals Safeguarding Areas: <u>Soft sand (including potential silica sand), sharp</u> sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (<u>as shown on the Policies Maps in Appendix E</u>) will not be permitted unless:...	To provide clarity that the policy safeguards soft sand (including potential silica sand and sharp sand and gravel. (in response to Cemex) To confirm the extent of the Mineral Safeguarding Areas.
MM49		Policy M10 clause (c)	(c) The following permanent wharves and railheads are safeguarded for the purposes of mineral transportation: (i) ARC Wharf, Shoreham (inset <u>Policies</u> Map 32 <u>3</u>); (ii) Turberville and Penneys Wharf, Shoreham (inset <u>Policies</u> Map 32 <u>3</u>);	To ensure the Plan's Policies Maps are correctly referenced as such.

			<p>(iii) Halls Wharf, Shoreham (inset<u>Policies</u> Map <u>32</u>);</p> <p>(iv) Rombus Wharf, Shoreham⁵² (inset<u>Policies</u> Map <u>32</u>);</p> <p>(v) Railway Wharf, Littlehampton (inset<u>Policies</u> Map <u>54</u>);</p> <p>(vi) Chichester Railway Sidings (inset<u>Policies</u> Map <u>65</u>);</p> <p>(vii) Ardingly Rail Depot (inset<u>Policies</u> Map <u>76</u>);</p> <p>(viii) Tinsley Goods Yard, Crawley (inset<u>Policies</u> Map <u>87</u>);</p> <p>(ix) Crawley Goods Yard (inset<u>Policies</u> Map <u>87</u>);</p> <p>(x) Crawley Goods Yard (inset<u>Policies</u> Map <u>87</u>).</p>	
MM50		Policy M10 clause (e)	<p>(e) The following temporary wharves are safeguarded for the purpose of mineral transportation:</p> <p>(i) Kingston Railway Wharf (inset<u>Policies</u> map <u>43</u>);</p> <p>(ii) New Wharf (inset<u>Policies</u> map <u>43</u>).</p>	To ensure the Plan's Policies Maps are correctly referenced as such.
MM51	6/30	Para 6.10.11.	<p>Insert new paragraph after existing 6.10.11;</p> <p><u>The safeguarded site at Ardingly Rail Depot (Policy M10 (c)(vii)) contains part of the route of a proposed reinstated railway link between Horsted Keynes and Haywards Heath, as part of the Bluebell Railway. This railway link is safeguarded for this form of development by existing and</u></p>	<p>To reflect the existing safeguarded proposed reinstated railway link between Horsted Keynes and Haywards Heath.</p> <p>(In response to</p>

			<u>emerging local planning policy. This railway link may require some minor alterations to the layout of the infrastructure at Ardingly Rail Depot but it is likely that this can take place without detriment to the safeguarded mineral operations.</u>	Bluebell Railway)
MM52	6/19	Para. 6.10.13.	6.10.13 <u>6.10.14</u> Add " <u>brickworks</u> " to bullet point list	To ensure that brickworks are properly identified as a type of minerals infrastructure to be safeguarded
MM53	6/20	Para 6.10.17.	Buffers may be included such that sensitive uses are not located adjacent to or within, for example, 150 <u>250</u> metres of a minerals handling site.	To ensure consistency with the Minerals Safeguarding Guidance.
Chapter 7: Strategic Minerals Site Allocations				
MM54		Para. 7.2.1 – 7.2.2	7.2.1. A detailed technical assessment of <u>the</u> each site has been undertaken that has not identified any overriding or fundamental constraints to the proposed forms of development on the allocated sites. This includes, for example, the potential impact of the development on amenity and character, and risk to the natural and historic environment. It is considered, therefore, that any potential unacceptable impacts can be prevented, minimised, mitigated, or compensated for to an acceptable standard. Accordingly, the sites allocated in Policy M11 are <u>is</u> acceptable 'in principle' for the	To reflect the deletion of the Ham Farm allocation.

			<p>allocated use/s.</p> <p>7.2.2. The broad locations of the sites allocated in Policy M11 is shown on the Policies Map. The boundary of each the allocated site is identified on an Inset Map Policies Map 1. The following paragraphs identify 'development principles' for each the site, that is, specific issues that will need to be addressed at the planning application stage, as and when proposals come forward for the allocated sites. Policy M11 requires these principles to be satisfactorily addressed in addition to any requirements within the use-specific and general development management policies of this Plan. Application of the Development Principles should take place alongside full consideration of the Development Management policies set out in Chapter 8.</p>	
MM55		Policy M11 and Inset Map 1	<p>(a) The following site is allocated for soft sand extraction and is acceptable, in principle, for that purpose:</p> <ul style="list-style-type: none"> • Ham Farm, Steyning (Inset Map 1) <p>(b) (a) The following site is allocated for the extraction of clay for brick making and is acceptable, in principle, for that purpose:</p> <ul style="list-style-type: none"> • Extension to West Hoathly Brickworks (Inset Policies Map) 	To ensure the Plan is justified and consistent with national policy.

			<p>21)</p> <p>(eb) The development of a the allocated site allocated under (a)–(b) must take place in accordance with the policies of this Plan and satisfactorily address the 'development principles' for that site identified in the supporting text to this policy.</p> <p>(dc) The allocated sites allocated under (a)–(b) will be safeguarded from any development either on or adjoining the sites that would prevent or prejudice the development of itstheir allocated minerals use or uses.</p>	
MM56	7/3	Inset Map	West Hoathly (existing) boundary change. (Appendix 1).	The existing site boundary (marked blue) requires a minor amend so all of Ibstock's land is covered.
MM57		Paras 7.2.3. and 7.2.4.	Delete all text relating to the allocation of Ham Farm, Steyning.	To ensure the Plan is justified and consistent with national policy.
MM58	7/4	Para. 7.2.6. (West Hoathly Brickworks Development Principles)	<p>Combine development management principles (v) and (iv) to read:</p> <p>(v) creating and retaining appropriate buffers, where no development shall take place, along the water course, and around the mature trees and ancient woodland within and adjacent to the site;–</p> <p>(vi) in order to minimise negative impacts on mature trees and</p>	To avoid duplication of Development Management Principles. (In response to representation from Sussex Wildlife Trust).

			watercourses, appropriate buffers, where no development shall take place, should be created and retained <u>along the watercourse, and around the mature trees and ancient woodland within and adjacent to the site</u> around these features;	
MM59		Para. 7.2.6. (West Hoathly Brickworks Development Principles)	Include reference to an appropriate buffer in Development Principle (viii): "an assessment of the impact on the Ancient Woodland (Blackland Wood, Front Wood and Cookhams Shaw); should be carried out, <u>appropriate buffers incorporated</u> , and mitigation provided, if required in accordance with Natural England and the Forestry Commission's standing advice;	To ensure that an appropriate buffer is incorporated between the site and the Ancient Woodland at planning application stage. (in response to Sussex Wildlife Trust)
MM60	7/2	Para 7.2.6 (XIX)	Amend wording of Development Principle as below; " The existing A site liaison group involving the local community should be <u>established if necessary</u> , continued by the operator to address issues arising from the operation of the site"	There was no existing site liaison group in place, as previously thought.
Chapter 8: Development Management Policies				
MM61	8/1c	Policy M13 (Protected Landscape)	(b) Proposals for mineral development located outside protected landscapes will be permitted provided that they do not undermine the objectives <u>purposes</u> of the designation.	To ensure that part (b) of the policy refers to the statutory 'purposes' of protected areas rather than 'objectives' in accordance with national policy.
MM62	8/3	Policy M14: Historic Environment	Proposals for minerals development will be permitted provided that: (a) known <u>heritage assets, and their settings</u> , features of	To ensure that both known and unknown heritage assets are

			<p>historic or archaeological importance are conserved and, where possible, enhanced, <u>in a manner appropriate to their significance</u>, unless there are no alternative solutions and there are overriding reasons which outweigh the need to safeguard the value of <u>the heritage assets</u> sites or features;</p> <p>(b) they would not adversely affect currently unknown heritage assets with significant archaeological interest; and</p> <p><u>(e)</u> where appropriate, the further investigation and recording of any heritage assets to be lost (in whole or in part) is undertaken and the results made publicly available.</p>	<p>conserved, and where possible, enhanced.</p> <p>inclusion of <i>heritage assets</i> to ensure consistency with NPPF.</p> <p>(In response to representation from Historic England)</p>
MM63	8/3a	Policy M17 - Biodiversity and Geodiversity	<p>Amend policy M17 to read the following:</p> <p>Proposals for minerals development will be permitted provided that:</p> <p>a. The development will: (i) avoid<u>There is no</u> significant harm to wildlife species and habitats, or ii. where significant harm cannot be wholly or partially avoided, ensure that the harm is effectively mitigated <u>where it cannot be avoided</u>, or (iii) (as a last resort) where there is still significant residual harm, ensure there is suitable compensation <u>where there is still significant residual harm;</u> for that harm;</p> <p>b. <u>the integrity of areas or sites of international biodiversity or geological conservation importance are not adversely affected unless:</u></p> <p><u>(i) there are no suitable alternatives; and</u></p> <p><u>(ii) imperative reasons of overriding public interest</u></p>	<p>To ensure the policy is in accordance with NPPF and in response to representations from the Council for the Protection of Rural England, Friends of the Earth and Sussex Wildlife Trust.</p>

			<p><u>have been demonstrated; and</u></p> <p><u>(iii) there is adequate compensation to ensure the overall integrity of the site and the wider network of sites is maintained.</u></p> <p>(c) there are no unacceptable impacts on areas or sites of international or national biodiversity or geological conservation importance unless the benefits of the development clearly outweigh both the impact on the objectives of the designation <u>features of interest</u>, and on the wider network of such designated areas or sites;</p> <p>(d) there are no unacceptable impacts on areas, sites or features of regional or local biodiversity or geological conservation importance unless the benefits of the development clearly outweigh <u>both</u> the impact on the objectives of the designation <u>features of interest and on the wider network of such designated areas or sites;</u></p> <p><u>(e) there is no loss or deterioration of irreplaceable habitats, including Ancient Woodland and aged or veteran trees, unless the benefits of the development clearly outweigh the loss;</u></p> <p>(f) where appropriate, <u>where possible, there are net gains in biodiversity, including</u>, the creation, enhancement, and management of habitats, ecological networks, geodiversity and ecosystem services shall be secured consistent with wider environmental objectives, including Biodiversity Opportunity Areas and the South Downs Way Ahead Nature Improvement Area; and</p> <p>(g) where necessary, the investigation, evaluation, and</p>	
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			recording of important sites, areas , and features is undertaken and, where appropriate, representative features examples are preserved.	
MM64	8/4a	Para. 8.6.9. (insert new paragraph after)	<u>The Habitats Directive provides the statutory basis for assessing the impacts of development proposals on European sites 'in combination with other plans or projects'. For all other designations (referred to in Policy M17), Policy M22 aims to ensure that the cumulative impacts of successive or concurrent developments on the environment and communities are addressed.</u>	To clarify the statutory basis for assessing the impacts of development proposals on European sites.
MM65	8/4b	Para. 8.6.12.	Amend paragraph to read: "Nationally important geological sites are protected through designations such as a SSSI. <u>Local Geological Sites (LGS)</u> Regionally important geological and geomorphological sites (RIGS) are locally designated sites of local, national and regional importance for geodiversity (geology and geomorphology) in the United Kingdom".	To ensure that the correct terminology is used for designated sites (In response to representation from Sussex Wildlife Trust).
MM66	8/4e	Policy M19	<u>Amend Policy M19 (Flood Risk Management) to read as follows:</u> (b) Proposals for minerals development in 'areas at risk of flooding', <u>taking account of climate change</u> , will not be permitted unless they pass the Sequential Test and, where applicable, the Exception Test set out in national policy.	To ensure that the policy makes reference to climate change in accordance with national policy.
MM67	8/4c	Para. 8.7.2.	The NPPF states that, when preparing local plans, Local Authorities should set out environmental criteria, in line with the policies in the NPPF, against which planning applications will be assessed. This policy will ensure that permitted operations do not have	To ensure that the supporting text to policy M18 provides additional clarification

			<p>unacceptable adverse impacts on human health, including those from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.</p> <p><u>As such, this policy should be read in conjunction with other relevant policies such as M15 (Air and Soil) and M22 (Cumulative Impact).</u></p>	<p>on the need for it to be read in conjunction with policies M15 and M22.</p>
MM68	8/4d	Para. 8.8.1.	<p>Amend paragraph 8.8.1: The relevant strategic objectives is are:</p> <p><i>10: To minimise the risk to people and property from flooding, safeguard water resources, including aquifers, from contamination, and ensure the quality and quantity of the water environment is conserved and enhanced.</i></p> <p><u>14: To minimise carbon emissions and to adapt to, and to mitigate the potential adverse impacts of, climate change.</u></p>	<p>To recognise that Policy M19 concerning Flood Risk Management is concerned with adapting to climate change and so Strategic Objective 14 of the Plan, that concerns climate change, is also implemented by this policy.</p>
MM69	8/4g	Policy M22	<p><u>Amend Policy M22 (Cumulative Impact) to read as follows:</u></p> <p>Proposals for minerals development, including the intensification of use, will be permitted provided that an unreasonable level of disturbance to the environment and/or to residents, businesses and visitors will not result, from minerals – other development either individually or as a cumulative effect <u>(simultaneously and/or successively)</u> alongside other <u>development and allocations.</u></p>	<p>To ensure that the policy captures the cumulative impacts from all types of developments, not just minerals and waste.</p>

			sites operating simultaneously and/or successively. Planning conditions may be used to co-ordinate working, thereby reducing the cumulative impact.	
MM70	8/4h	Para. 8.11.2.	<p>Amend the supporting text to Policy M22 to read as follows:</p> <p>The purpose of this policy is to ensure that the cumulative impact(s) of successive and/or concurrent <u>developments</u> minerals and/or waste workings/facilities can have on the environment and communities over time (e.g. through noise, odour dust, and increased traffic <u>and landscape impacts</u>) are addressed. In some instances the combined impact(s) may be sufficient to merit refusal of planning permission, but in other cases phasing agreements may provide for the disturbance to be reduced to an acceptable level.</p> <p>Add new para 8.11.3</p> <p><u>As set out in Policy M17, proposals likely to have a significant effect on internationally important interest features of internationally important wildlife sites, will need to consider those effects in combination with the possible effects of any other plans and projects.</u></p>	<p>To ensure that the policy captures the cumulative impacts from all all types of developments, not just minerals and waste.</p> <p>To clarify the relationship between policy M17 and M22 insofar as consideration of cumulative impacts is concerned.</p>
MM71		Policy M23	<p>Include reference to minerals operation in Policy M23:</p> <p>Proposals for minerals development, including ancillary development, will be permitted provided that, where appropriate, the scale, form, and layout (including landscaping), <u>and operations</u> take into account the need to:</p>	To ensure that the policy reflects the operation of mineral developments.
MM72	8/4i	Policy M23	<p>Amend last paragraph of M23 as follows:</p> <p><u>Proposals for mineral extraction / processing, and associated activities must be accompanied by a working programme for the proposed operation.</u> Proposals to vary conditions of existing</p>	To provide clarification about the evidence required in support of a proposal in support of policy M23.

			consents to extend the time limit for working and/or final restoration of sites should must demonstrate the need for the development and its acceptability in terms of the other relevant policies of this Plan.	
MM73	8/4j	Para. 8.12.6.	Amend paragraph 8.12.6 to read the following: Proposals for, mineral extraction / processing, and associated activities should be accompanied by a The working programme for the proposed operation should which includes arrangements as necessary for the scale and nature of the operation, for: (bullets)	To provide clarification about the evidence required in support of a proposal in support of policy M23.
MM74	8/5	Para. 8.13.6.	Split para. 8.13.6 and add text below as new paragraph. The residual text of Para. 8.13.6 forms a new paragraph. Restoration schemes can comprise a number of different after uses which are of benefit to the local and/or wider community. They generally fall into the following categories: - agriculture, forestry, amenity (including nature conservation, formal and informal recreation) or sometimes even commercial development (e.g. industrial and/or residential development). It is even possible for a single scheme to combine a number of these uses. <u>West Sussex own population and proximity to other large population centres generate a high demand for recreation. Mineral site restoration, particularly around the urban fringe, provides considerable opportunity to meet both informal and formal recreational and sporting needs. This could potentially include water-sports, rock climbing and angling. However, in West Sussex mineral sites and their restoration tend to be located in the countryside, therefore the provision of recreation and sport as an after-use needs not only to consider the demand for the particular selected after-use, but</u>	Further detail on the potential for recreation uses after extraction has concluded. (In response to representation from Sport England)

			<p><u>also its suitability to the location and its environment. Sport and recreation provision in the countryside, particularly in nationally designated landscapes, should have regard to and be promoted in harmony with the needs of the local community, other uses such as agriculture and forestry, and the need to conserve and protect the character and habitats of the very area people come to visit.</u></p> <p>Restoration also provides opportunities for significant biodiversity and geodiversity gains, provided that the sites are properly planned from inception and implemented with restoration in mind. This can even make an important contribution towards the aims and objectives of Biodiversity Action Plans (BAPs) at a regional and local level. Schemes are of course determined by a number of factors including the underlying geology; topography; landscape character; location in relation to built-up areas; transport access; flood risk; bird strike risk (with open water) and agricultural value of land prior to extraction.</p>	
MM75	8/6	Para. 8.15.1.	<p>The average sales of recycled aggregate in West Sussex over the last 10 years (to 20165) is 539,000 484,000 tonnes and existing capacity is estimated to be 853,000 587,000 tpa.</p>	To ensure consistency with the latest LAA and AMR which includes revised estimates of Secondary Recycled Aggregate.
MM76	8/7	Para. 8.15.6.	<p>Amend paragraph to read:</p> <p>In 2015 there were 14 sites within West Sussex that process inert waste to produce recycled aggregate, although t <u>The number of sites processing inert waste to produce recycled aggregate</u> and the capacity varies annually due to the use of mobile facilities. <u>An up to date list of sites is maintained in the Annual Monitoring Report.</u></p>	To ensure that the plan uses the most up to date monitoring information as the number of sites changes on an annual basis.

			Delete footnote 62 " See Annual Monitoring Report 2014/15. "	
MM77	8/8	Monitoring and Implementation Tables for policies M12 to M23	<p>Amend trend/target section of the monitoring and implementation tables through the JMLP to read:</p> <p>No trend/targets identified, as it is not expected that unacceptable proposals will progress to planning applications.</p> <p>100% of decisions made on planning applications are consistent with Policy [insert reference of relevant policy].</p>	To reflect the fact that unacceptable proposals for minerals development may progress to planning application as they have in the previous years and to ensure a consistent approach to targets.
Appendices				
MM78		Appendix C: Site Allocation Inset Maps	<p>Amend title of Appendix as follows: Site Allocation Inset Policies Maps</p> <p>Delete Inset Map 1</p>	<p>To ensure the Plan's Policies Maps are correctly referenced as such.</p> <p>To reflect deletion of Ham Farm allocation.</p>
MM79		Appendix D: Safeguarding Inset Maps	<p>Amend title of Appendix as follows: Safeguarding Inset Policies Maps</p> <p>Update references to the maps in this appendix as follows:</p> <p>Inset 3 Policies Map 2 Inset 4 Policies Map 3 Inset 5 Policies Map 4 Inset 6 Policies Map 5</p>	To ensure the Plan's Policies Maps are correctly referenced as such.

			Inset 7 Policies Map 6 Inset 8 Policies Map 7	
MM80	AD/1	Appendix E - All Mineral Safeguarding Area maps	Amend boundary of Crawley 'built up area boundary'.	To ensure it is consistent with the built up area boundary in the Crawley Borough Local Plan.
MM81		Appendix E - Soft sand (including potential silica sand) map	Amend boundary of MSA to include area around Horncroft.	To ensure that the MSA is based on the most up to date geological information and in accordance with the Statement of Common Ground between the Authorities and Minerals Planning Group Ltd. (CD/016)
MM82	AG/1	Appendix G - Glossary term - Heritage Asset	Update definition of Heritage Asset to ensure that Policy M14 can be applied in a manner consistent with the definition of NPPF. Known features of historic and archaeological importance <u>A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).</u>	
MM83	AG/2	Appendix G	Insert new term in glossary: <u>"LWS" "Local Wildlife Sites" "Sites identified locally based upon the most important, distinctive and threatened</u>	To ensure that the correct terminology is used for designated sites

			<u>species and habitats within a national, regional and local context</u> ".	(In response to representation from Sussex Wildlife Trust).
MM84	AG/3	Appendix G - Glossary term Regionally Importance Geological and Geomorphological Sites	Amend entry for RIGs to read: "RIGS" "Regionally Important Geological and Geomorphological Sites" . <u>"LWS" "Local Geological Sites"</u> .	To ensure that the correct terminology is used for designated sites (In response to representation from Sussex Wildlife Trust).
MM85		Appendix G – Glossary	Include definition for primary processing: <u>"The processing of minerals after extraction to prepare them for sale or for further manufacturing (e.g. washing, crushing and screening). Primary processing usually occurs on, or adjacent to, a mineral site or at a rail depot or wharf where material is delivered"</u> .	To ensure that these terms are properly defined to ensure that the policies are interpreted correctly.
MM86		Appendix G – Glossary	Include definition for secondary processing: <u>"The manufacturing of minerals into a product (e.g. concrete batching, coated roadstone production, brickmaking). Such activities may not be sited on, or adjacent, to mineral sites, rail depots or wharves"</u> .	To ensure that these terms are properly defined to ensure that the policies are interpreted correctly
MM87		Appendix G – Glossary	Include definition for ancillary activities at mineral sites: <u>"Primary and secondary processing activities are considered to be 'ancillary activities' to the main activity of a mineral site"</u> .	To ensure that these terms are properly defined to ensure that the policies are interpreted correctly
MM88		Appendix A – Key Diagram	Updated to remove Ham Farm boundary, and add amended West Hoathley Boundary.	To ensure consistency with the Plan allocations.

Table 2 - Additional Modifications

As well as those detailed in the table below, further consequential additional modifications will be necessary in light of other modifications e.g. to ensure sequential reference numbers and to ensure correct cross referencing within the document.

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
Chapter 1: Introduction to Minerals Planning				
AM1	1/1	Para. 1.1.4.	Insert 'is' into third sentence: It is also one of the planning policy documents within the Local Plan for the South Downs and it is the most up-to-date statement of the SDNPA's land-use planning policy for minerals supply.	To correct grammatical error
AM2		Section 1.4	Deletion of section 1.4, including paragraphs 1.4.1 – 1.4.3	To prepare the Plan for adoption.
AM3		Section 1.6 – 1.7	Deletion of Section 1.6 – 1.7 of the Plan, including all paragraphs (1.6.1 – 1.6.13 and 1.7.1 – 1.7.6)	To prepare the Plan for adoption.
Chapter 2: Vision and Strategic Objectives				
AM4	2/1	Section 2.1	New paragraph included in the introductory section of Chapter 2: <u>2.1.2 The Strategic Objectives are those matters which need to be achieved over the Plan period if the Vision is to be realised. Implementation of the policies of this</u>	Paragraph inserted to explain the purpose of the Strategic Objectives. (In response to Friends of the Earth)

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
			<u>Plan will contribute to the achievement of these objectives.</u>	
AM5	2/2	Vision - second paragraph	Add a bracket after 'aggregate' and set out the main types as follows: "Will have contributed to the supply of minerals, in particular, aggregates <u>(soft sand, sharp sand and gravel and marine won aggregate)</u> , clay, chalk, building stone, silica sand and oil and gas, to support growth in West Sussex"	To confirm that this includes soft sand
Chapter 3: Minerals in West Sussex				
AM6	3/1	Para. 3.3.3. - footnote	Delete reference to the AMR in the footnote. "For more information on these sites see our Annual Monitoring Report (AMR) ⁴ "	To ensure that reference is made to the latest AMR.
Chapter 4: Spatial Context				
AM7	4/1	Para. 4.1.1.	In order to plan for future minerals production in West Sussex, it is necessary to first understand how it is produced today, and the issues, challenges and opportunities that lie ahead for the county. It is also important for the Plan to take into account relevant national and local policies and strategies. These matters are summarised below.	Deletion of reference to national and local policies and strategies as these are covered in Chapter 5 not Chapter 4.
AM8	4/2	Para. 4.7.5.	Change first sentence to read "A Strategic Flood Risk Assessment (SFRA) will be update has been prepared".	To clarify that the SFRA has been prepared to inform the JMLP.
AM9	4/3	Para. 4.10.2.	The use of energy minerals, such as burning of coal, oil or	Factual correction

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
			gas, in the UK will is likely to result in impacts on the climate.	(In response to South East MEP)
Chapter 5: Strategy and Policy Context				
AM10	5/1	Para. 5.5.7.	The key issue as the Mineral Planning Authorities is the presence of active mineral wharves in the JAAP Plan Area <u>and the need for them to be appropriately safeguarded.</u>	To confirm that the issue relates to the need for safeguarding minerals wharves at Shoreham Harbour. (In response to representation from East Sussex County Council.)
Chapter 6: Strategic Minerals Supply				
AM11	6/1a	Para 6.1.3.	Add new paragraph 6.1.3: <u>Up to date information concerning the status of permitted mineral sites is essential when determining the need for additional facilities. This information includes quantity of mineral worked and the extent of the remaining reserves. Such information is gathered on an annual basis by surveying all mineral operators in the area and the results of this monitoring are reported in the Local Aggregates Assessment and/or the Annual Monitoring Report.</u>	To explain why and how minerals facilities are monitored and information is reported and so to help facilitate an improved level of response from operators to such surveys.
AM12	6/1b	Para. 6.2.4.	Amend as follows: National policy also states that local authorities should calculate and maintain separate landbanks for aggregate minerals of a specific type or quality which have a distinct	To correct a grammatical error

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
			and separate market, and, on this basis, this Plan considers the supply and demand for soft sand has been considered separately from sharp sand and gravel.	
AM13	6/21	Policy M5	(a) (ii) where the clay required for appropriate blending for manufacture of bricks is no longer available adjacent to the brick making factory".	To ensure clause (iii) flows correctly from part (a).
AM14	6/14a	Para. 6.7.4.	Delete 's' from Infrastructures Act 2015 in paragraph 6.7.4.	Ensure correct title of Act is used
AM15		Para. 6.7.5.	Amend footnote 36: Shale gas and oil policy statement DCLG (13 August 16 September 2015)	To ensure reference is made to the updated Shale Gas and Oil Policy Statement
AM16	6/15	Para. 6.7.6.	Insert closed bracket in second sentence: The Authorities must assume that the other regulatory bodies (the Environment Agency ³⁷ , Health and Safety Executive and Oil & Gas Authority) <u>operate</u> as intended ³⁸ .	Correction of grammatical error
AM17		Para. 6.8.6.	Delete paragraph: "Secondary processing, independent of extraction, and not sited on or adjacent to, mineral extraction sites, may be subject to the separate District and Borough Council development management regime."	To avoid duplication of text.
AM18		Para. 6.8.9.	Secondary processing, independent of extraction, and not sited on or adjacent to, mineral extraction sites, may will be subject to the separate District and Borough Council development management regime.	

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
AM19	6/17	Para. 6.9.8.	Change reference to Appendix E: "The MSAs for soft sand (including potential for silica sand) and sharp sand and gravel are shown in Appendix F E ".	To ensure reference is made to correct Appendix.
AM20	6/18	Para. 6.9.13.	Delete footnote 50.	Mineral Safeguarding Guidance has been prepared and sits alongside the JMLP. Reference is made to this in paragraph 6.9.15.
AM21	6/29	Para. 6.9.13.	Amend paragraph to read: "In order to ensure that consultation takes place between the County and District planning authorities a Mineral Consultation Area (MCA) will be has been defined. The MCA, which is published separately from the Minerals Local Plan, will covers the same area as the MSA but also includes safeguarded minerals infrastructure and will be published separately from the Minerals Local Plan. The MCA MSA is to be included in District and Borough Council Local Plan Policies Maps. The MCA designation is a mechanism intended to ensure that consultation takes place between county and district/borough planning authorities in two-tier authority areas when mineral interests could be compromised by non-minerals development, especially in close proximity to a known mineral resource. District and Borough Councils will be required to consult the Authorities on proposals for non-mineral development in the MCA. Further explanation is provided in separate guidance on safeguarding.	To reflect the guidance in Planning Practice Guidance which states that Districts should show Mineral Safeguarding Areas on their policies maps (para. 005).

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
Chapter 8: Development Management Policies				
AM22	8/1a	Section 8.2	Move Implementation table from below section 8.3.1. to the bottom of 8.2.4.	To ensure the monitoring and implementation table appears in the correct location.
AM23	8/1b	Para. 8.2.1.	<p>Propose modification to paragraph 8.2.1:</p> <p>The relevant strategic objectives <u>are</u> is 8: <i>To conserve and enhance the landscape and townscape character of West Sussex and the special qualities and local distinctiveness of the South Downs National Park, High Weald AONB and Chichester Harbour AONB and their settings.</i></p> <p><u>9: To protect and, where possible, enhance the natural and historic environment and resources of West Sussex.</u></p>	Strategic Objective 9 is also relevant to Policy M12.
AM24	8/1	Para. 8.3.7.	<p>"Within designated landscapes the <u>requirements of</u> test in paragraph 116 of the NPPF will need to be addressed. This will include provision of information about the national need for the mineral, as well as the benefits of permitting or refusing the application on the local economy. The expectation is that the search for alternatives outside the nationally designated landscapes should not be limited to the Plan area (or Licence Area for hydrocarbons) but should extend elsewhere within those areas identified nationally as having potential <u>which are not themselves subject to</u></p>	<p>To confirm that the search for supplies of mineral needed within the Plan Area should not extend to areas with protected by national landscape designations e.g. National Parks.</p> <p>(In response to representation from Hampshire County</p>

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
			<u>national landscape designations.</u> "	Council)
AM25	8/2	Para. 8.3.9.	<p>Amend text:</p> <p>Small scale development includes any development that is not major development for the purposes of paragraph 116 of the NPPF. i.e. development which does <u>not</u> have the potential to cause an unacceptable impact by reason of its scale, character or nature on the natural beauty, wildlife, cultural heritage and recreational opportunities of the SDNP or AONBs. Examples of small scale developments <u>potentially</u> include ancillary developments such as weighbridges, offices, haul roads and other minor amendments to existing planning permissions.</p>	<p>Clarifies that it is not axiomatic that these types of development are small scale.</p> <p>(In response to representation from CPRE)</p>
AM26	8/4	Para. 8.6.4.	<p>First sentence:</p> <p>Sites of international, national and local biodiversity importance including age, but <u>are</u> not limited to, the following:</p>	Correction of grammatical error
AM27	8/4f	Para. 8.8.3.	<p>The purpose of this policy is to ensure that minerals development does not exacerbate flood risk. Mineral deposits have to be worked where they are found and these are often located in flood risk areas. Flooding is an important issue in West Sussex with over 100,000 homes at risk from either sea or river flooding. Whilst the risk of flooding is likely to increase as a result of climate change, mineral extraction and processing can nonetheless take place in flood risk areas provided any potential impact on the site and surrounding area is adequately managed so that the risk of flooding does</p>	To ensure that the policy makes reference to climate change in accordance with national policy.

Ref. No.	Old Ref. No.	Part of Plan (Para /Policy/ Table/ Fig)	Proposed Modification	Reason for Modification
			not increase. <u>Planning applications for minerals development of more than a hectare in size or where situated in an area at risk of flooding, taking account of climate change, must be accompanied by a site specific Flood Risk Assessment.</u>	
AM28	8/4k	Para. 8.12.7.	Amend paragraph 8.12.7 to read: Proposals for mineral extraction should additionally set out, <u>in supporting documentation,</u> the arrangements for: (bullets)	To provide clarification about the evidence required in support of a proposal in support of policy M23.
Appendices				
AM29	A/1	Appendices and contents table	Add wording so policies map (s) are clearly identified including Appendix A - 'Key Diagram'	To clarify which plans form the "policies map" and to ensure legal compliance.
AM30	AA/1	Appendix A	Replace term 'construction sand' with term 'soft sand' in key	To ensure clarity. The term 'construction sand' is not used elsewhere in the Plan (for soft sand).

West Sussex Joint Minerals Local Plan (the Plan) – Main Modifications (MMs)

At the end of the hearing sessions, I advised that I would write to the Councils to advise if I require any further MMs to be drafted for consultation.

Without prejudice to my final findings, I would like to make the Councils aware that I am likely to recommend the deletion of the soft sand strategy from the Plan, due to concerns that it is not justified or consistent with national policy. Please can the Councils draft potential MMs to delete the soft sand strategy and the proposed Ham Farm site allocation from the Plan, for public consultation. Given the nature of my concerns and having regard to the discussions at the hearing sessions, I consider that the most appropriate approach in order to address this matter, would be for the Councils to undertake a focused single issue soft sand review of the Plan to be completed as soon as possible after the adoption of the Plan. This would ensure that the Plan can be adopted in a timely manner, without the potential for significant delay.

I am of the view that a soft sand policy is still needed to refer to the calculated shortfall and the Councils' commitment to the early review. I also consider that the approach to safeguarding the soft sand resource (as part of Policy M9) should remain as part of the Plan.

Turning to other matters, please could the Councils draft a potential MM to ensure that Policy M9 itself refers to the safeguarding maps in Appendix E of the Plan. In addition, please can the Councils change the reference to 'Inset Maps' in Policies M10 and M11, along with the appendices to 'Policy Maps'.

Again, without prejudice to my final findings, I am also requesting that the Councils draft potential MMs to Policy 7a (a) (ii) and Policy 7a (b) (ii) to remove reference to the site selected being the 'least sensitive' and instead refer to the site selected being an acceptable and deliverable location. A potential MM is also necessary to the supporting text at Paragraphs 6.7.11 and 6.7.12 to reflect such a change.

It has come to my attention that Policy M5: Clay at (a) (i) refers to the maintenance of a 'landbank'. The National Planning Policy Framework at Paragraph 146, requires that minerals planning authorities plan for a steady and adequate supply of industrial minerals by providing a 'stock of permitted reserves' of at least 25 years for brick clay. I would be grateful if the Councils can draft potential MMs to address this matter within Policy M5 and also within the monitoring framework.

Jonathan Manning

INSPECTOR

