

Report to	Planning Committee
Date	14 June 2018
By	Director of Planning
Title of Report	Adoption of the West Sussex and South Downs National Park Authority Joint Minerals Plan
Purpose of Report	That Planning Committee recommends to the National Park Authority that the Joint Minerals Plan is adopted with the Modifications proposed by the Planning Inspector and that work will formally commence on the Soft Sand Single Issue Review

Recommendation: The Committee is recommended to

- 1) Recommend to the NPA that the Joint Minerals Plan, incorporating the Modifications and updated Policies Map is published and adopted;**
- 2) Publish the Adoption Statement and Sustainability Appraisal (incorporating Strategic Environmental Assessment) Report;**
- 3) Note the content of the Inspector's Report and his conclusion that the JMLP is legally compliant and sound;**
- 4) Note the ongoing commitment the South Downs National Park Authority has to work in partnership with West Sussex County Council to undertake a Single Issue Review of Soft Sand policy as part of joint working on waste and mineral policy issues**
- 5) Authorise the Director of Planning to agree any further minor non-material changes to the content of the JMLP in consultation with the Chair of the Planning Committee and WSCC.**

I. Summary

- I.1 The West Sussex Joint Minerals Local Plan (JMLP) has been prepared by the South Downs National Park Authority (SDNPA) in partnership with West Sussex County Council (WSCC) to cover the period to 2033.
- I.2 After consultation on earlier stages of the plan documents, the JMLP Plan was subject to public examination during autumn 2017. Following a subsequent consultation on proposed modification in early 2018, the Inspector's Report has now been published; the full inspector's report forms **Appendix I** of this report. The Inspector has found that the Plan is sound (subject to modifications) and can now be adopted by both Authorities.
- I.3 The current West Sussex Minerals Plan was adopted in 2003. Once adopted the new JMLP will provide a set of up to date planning policies on minerals in West Sussex both inside and outside the National Park, consistent with the National Planning Policy Framework (NPPF). The Inspector found the Plan sound and legally compliant subject to the proposed modifications. In particular, he endorsed the approach to conventional and unconventional

gas, as well as to silica sand. The Horncroft site has not been allocated for silica sand and the relevant policy takes a criteria based approach to planning applications.

- 1.4 The adoption of the JMLP will trigger the timetable to prepare a joint Single Issue Review as set out in the Inspector's Report and agreed by Planning Committee and NPA as part of the revised Local Development Scheme (LDS) in March 2018.

2. Background

- 2.1 The JMLP has been viewed and approved for consultation at all stages of the plan preparation process. All the previous documentation is available on the [website for the JMLP](#) and can also be viewed on the links set out below. Planning Committee and NPA approved a series of proposed modifications in December 2017 and a number of responses were received in response to the consultation on those modifications which took place in early 2018. These can also be viewed on the links set out below.

- 2.2 The consultation responses were considered by the Inspector in drawing up his final report and a small number of additional changes have been proposed. None of the amendments significantly alter the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. The full report is included as **Appendix I** to this report and a summary of the main modifications is set below.

- 1) Changes to remove reference to a 'move away' from activity within the National Park to ensure consistency with Paragraph 116 of the National Planning Policy Framework (the NPPF).
- 2) Alterations to remove the soft sand strategy and proposed site allocation at Ham Farm, Steyning from the Plan and to require a focused early review in this regard.
- 3) An amendment to the vision to refer to seeking net gains in natural capital.
- 4) A change to Strategic Objective 1 to refer to the need to ensure a steady and adequate supply of minerals.
- 5) Changes to Strategic Objective 3, to include silica sand and sharp sand and gravel and to remove reference to a declining amount of extraction within the National Park to ensure consistency with Paragraph 116 of the NPPF.
- 6) To make clear that the entire identified silica sand resource is safeguarded.
- 7) Changes to Policy 7a and 7b and the supporting text to remove the need for conventional and non-conventional (including hydraulic fracturing) hydrocarbon proposals to demonstrate that the least sensitive site has been selected, but instead to demonstrate that the site is an acceptable environmental option, when considered against deliverable alternative sites.
- 8) Changes to make it clear that Policy M9 includes soft sand (including potential silica sand) and to refer to the policies maps for minerals safeguarding areas.
- 9) An alteration to Policy M13 to refer to the 'purposes' of designated landscapes rather than 'objectives'.

- 2.3 The SDNPA is required to take on board the Inspector's Recommendations in adopting the JMLP and it is recommended that the SDNPA adopts the JMLP with the recommendations proposed.

3. Next Steps and Timetable

- 3.1 West Sussex County Council intend to adopt the JMLP in July at the meeting of their Full Council on 20 July 2018. Subject to approval by the National Park Authority (NPA) and WSCC in July 2018 the JMLP will be adopted and will then be subject to a six week period for legal challenge.
- 3.2 The adoption of the JMLP will also trigger the timetable for the joint Single Issue Review for Soft Sand. The timetable for this document was agreed as part of the revised Local Development Scheme (LDS) approved by Planning Committee and NPA in March 2018. An initial consultation on the document must take place within 6 months of adoption of the JMLP. The final version of the document should then be submitted to Government for examination within 2 years of adoption.

4. Planning Committee /NPA Considerations

4.1 The JMLP had previously been considered by Planning Committee and NPA at each relevant stage of plan preparation.

5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	The adoption of the JMLP will be considered at a full Authority meeting in July 2018.
Does the proposal raise any Resource implications?	No. The cost of preparing the WSMP and the Soft Sand Single Issue Review have been reflected in approved budgets and the Medium Term Financial Strategy. Costs associated with the delivery both plans will be reported as part of the budget monitoring process. It should be noted that the cost of preparing the JMLP has been shared equally by both Authorities. The proposed soft sand policy review will address an issue relevant for both Authorities and as such the cost of preparation will also be shared.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The Inspector has raised no equality related issues in his report. (Due regard, where relevant, has been taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. An Equality Impact Report (EIR) was prepared to support the JMLP and was included in the supporting documentation for the Examination in Public).
Are there any Human Rights implications arising from the proposal?	The JMLP has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	It is considered that the proposal does not raise any crime and disorder implications.
Are there any Health & Safety implications arising from the proposal?	None.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy.	None. A Sustainability Appraisal (SA/SEA) was prepared to inform the preparation of the JMLP and was included in the supporting documentation for the Examination in Public. The proposed modifications have been subject to updated SA/SEA as set out above. A hyperlink to the SA is set out below.

6. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
A legal challenge to a Local Plan can be launched by way of judicial review within six weeks of the LPA publishing a decision to adopt the Plan.	Low	Medium	Officers at the SDNPA are satisfied the Plan meets the legal requirements and given that it has been through the correct statutory process including examination-in-public, the Authority is obliged to 'make' the plan part of the Development Plan.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Kirsten Williamson
 Tel: 01730 819227
 email: Kirsten.williamson@southdowns.gov.uk
 Appendices I. Inspector's Report on the Examination of the Joint West Sussex and South Downs Minerals Plan
 SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning, Planning Policy Manager
 External Consultees None
 Background Submission version of the Joint Minerals Local Plan
 Documents https://www.westsussex.gov.uk/media/9119/proposed_submission_mlp.pdf

Sustainability Appraisal <https://www.westsussex.gov.uk/about-the-council/policies-and-reports/environment-planning-and-waste-policy-and-reports/minerals-and-waste-policy/new-minerals-local-plan/sustainability-appraisal/>

Proposed Modifications to the JMLP <http://www2.westsussex.gov.uk/mlp/md002.pdf>

SA of the Proposed Modifications to the JMLP <http://www2.westsussex.gov.uk/mlp/md003.pdf>