

Report to	Planning Committee
Date	17 January 2019
By	Director of Planning
Title of Report	Update on the progress of the Single Issue Review of the West Sussex and South Downs Joint Minerals Local Plan and the Regulation 18 Consultation
Purpose of Report	To present the Regulation 18 Consultation document and update Planning Committee on progress

Recommendation:

The Committee is asked to note the progress of the JMLP Single Issue Review and the Issues and Options Regulation 18 Consultation Document.

1. Introduction and Summary

- 1.1 The West Sussex Joint Minerals Local Plan (JMLP) was prepared by the South Downs National Park Authority (SDNPA) in partnership with West Sussex County Council (WSCC) to cover the period to 2033.
- 1.2 The JMLP was adopted by the SDNPA and WSCC in July 2018. It provides 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).
- 1.3 The adoption of the JMLP triggered the timetable to prepare a joint Single Issue Review (SIR) 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. The publication of this Issues and Options document meets the first requirement of this timetable.
- 1.4 The Authorities have prepared a Regulation 18 Issues and Options document for consultation in January and February of 2019. The document sets out the issues raised in the Inspector's Report and summarises the factual updates to the evidence base. Decisions on the preferred strategy and site allocations will be considered following the Regulation 18 consultation. The Issues and Options document does not contain any draft policies or allocations, and so there is no recommendation for Planning Committee to approve the consultation.
- 1.5 This report is intended to provide an update to Planning Committee about the progress of work on the SIR. The draft SIR forms Appendix I of this report.

2. Background

- 2.1 During the examination hearings of the JMLP in September 2017, the Planning Inspector raised concerns about the soft sand strategy. The Inspector suggested modifications prior to adoption of the JMLP: to delete references to planning for a declining amount of sand

extraction from within the National Park; to replace Policy M2 with new wording; and to remove the proposed Ham Farm allocation from Policy M11.

- 2.2 Accordingly, Policy M2 of the JMLP requires the Authorities to undertake a Soft Sand Single Issue Review (SIR). This must commence within six months of adoption of the JMLP and be submitted to the Secretary of State within two years from the commencement of the review.
- 2.3 Preparation of the Review must be undertaken in accordance with the relevant legislation (including the Planning and Compulsory Purchase Act 2004 and Regulations) to ensure procedural and legal compliance. The Review must also be consistent with the National Planning Policy Framework (2018).
- 2.4 All SDNPA members were invited to a Soft Sand Day in August last year and were shown all the potential allocations listed in Section 4 of the Issues and Options.
- 2.5 The timetable for the Review is set out in the West Sussex Minerals and Waste Development Scheme and the South Downs Local Development Scheme.

Scope of the Review

- 2.6 The SIR considers the following three key issues, which are addressed in Chapters 2-4 of the document:
- Issue 1: the identified need for soft sand during the period to 2033;
 - Issue 2: the supply strategy, namely, the options that can, either singularly or in combination, be used to meet any identified shortfall; and
 - Issue 3: the identification of potential sites and, if required, the selection of one or more of those sites to meet identified need.
- 2.7 The SIR does not consider any other mineral planning issues or seek to make changes to any other parts of the JMLP.

Sustainability Appraisal

- 2.8 The Authorities are undertaking a Sustainability Appraisal (SA), which incorporates Strategic Environmental Assessment (SEA), as required by the European Union (EU) Strategic Environmental Assessment directive, to inform the preparation of this Review. The Authorities undertook consultation with the statutory consultees in September 2018, about the content of the SA Scoping Report. All of the statutory consultees confirmed that the scoping report is still fit for purpose for the SSR. The SA considers the likely social, economic and environmental implications of the soft sand strategy options and the potential soft sand sites.

About the Issues and Options Consultation

- 2.9 At this initial stage of the review, we are only setting out issues and options that relate to the demand for, and supply of, soft sand. We are seeking comments on these issues and options (and the supporting evidence) in line with Regulation 18 of the Town and Country Planning (Local Planning) Regulations (2012).
- 2.10 A number of supporting documents have been prepared, including the SA, a Local Aggregate Assessment and the Soft Sand Site Selection Report, all of which will be made available on the WSCC JMLP website, at deposit points, and all county libraries in West Sussex. Other relevant evidence base documents, which underpinned the Joint Minerals Local Plan through to adoption in July 2018, are still available online.

3. Next Steps and Timetable

- 3.1 Officers are requesting Planning Committee notes that the first stage of consultation is scheduled to take place in January 2019 in line with the timetable set out by the Inspector and agreed by the joint authorities in preparation of the Local Development Scheme brought to Planning Committee and NPA in 2018.

- 3.2 The Regulation 19 SIR consultation document will be presented to Planning Committee and then the following National Park Authority meeting later this year.
- 3.3 Members will have opportunities to get involved in the preparation of the Regulation 19 consultation document leading up to the formal consultation. This follows on from the Soft Sand Day held last August.

4. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority	Yes. This report is for information only however the Regulation 19 document will require recommendation of Planning Committee and subsequent approval of the NPA.
Does the proposal raise any Resource implications?	The cost of preparing the JMLP is shared equally by both Authorities. The proposed soft policy review will address an issue relevant for both Authorities and the cost for this 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?	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?	It is considered that the proposal does not raise any health and safety implications.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy.	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 were subject to updated SA/SEA. The SIR will be subject to full SA/SEA throughout its progress to adoption.

5. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
That the SIR will not be found sound at examination.	Medium	High	The Authorities will follow the direction of the Inspector of the initial examination into the JMLP.

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Appendices: I. JMLP SIR Issues and Options Regulation 18 Consultation Document (Final Draft)
SDNPA Consultees: Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
External Consultees: None
Background Documents: For reference, the examination library is set out on the West Sussex County Council website:-
http://www2.westsussex.gov.uk/mlp/mlp_doc_library.pdf