



**South Downs**

National Park Authority

**Agenda Item 14**

**Report NPA19/20-16**

Report to	<b>South Downs National Park Authority</b>
Date	<b>1 October 2019</b>
By	<b>Director of Planning</b>
Title of Report <b>Decision</b>	<b>Draft Pre-Submission West Sussex and South Downs Single Issue Review of Soft Sand</b>

**Recommendation: The Authority is recommended to:**

- 1. Approve the draft Pre-Submission Soft Sand Review (SSR) for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning in consultation with the Chair of the Authority.**
- 2. Note the draft Sustainability Appraisal (SA) and draft Habitat Regulation Assessment (HRA) as supporting evidence for the draft Pre-Submission SSR.**
- 3. Delegate authority to the Director of Planning in consultation with the Chair of the Authority to make any minor changes arising from the consultation and submit the Pre-Submission SSR to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for examination.**
- 4. Note that if major changes are required to the Pre-Submission SSR that a further public consultation and decision by the Authority may be required before the documents are submitted to the Planning Inspectorate.**

**1. Introduction**

- 1.1** This report introduces the draft Pre-Submission West Sussex and South Downs Single Issue Review (subsequently referred to as the Soft Sand Review or SSR). It recommends that the draft document is approved for consultation by the National Park Authority (NPA) on 1 October 2019, incorporating the changes recommended by the Planning Committee on 12 September 2019. The currently agreed timetable for consultation is for a period of ten weeks from late November in line with our Statement of Community Involvement, to allow for the festive period. The draft consultation document forms Appendix 1 and the 'clean' copies of the new policies and their supporting text forms Appendix 2 of this report.
- 1.2** A brief explanation of progress to date on the SSR is set out below. A number of key issues relating to the whole plan and individual policies are highlighted. The main issues arising from Sustainability Appraisal (SA) and Habitat Regulation Assessment (HRA) are discussed. Finally, a brief explanation is given of the way ahead with the review including submission and examination.

## **2. Policy Context**

- 2.1 The adoption of the West Sussex and South Downs Joint Minerals Local Plan in July 2018 (JMLP) triggered the timetable for the SSR.
- 2.2 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 M1 I. Policy M2 required the Authorities to prepare a new strategy for soft sand in West Sussex which robustly considered reasonable options and potential site allocations.
- 2.3 The timetable for this review was set out by the Planning Inspector and agreed as part of the revised Local Development Scheme (LDS) approved by Planning Committee and NPA in March 2018. The final version of the document should be submitted to Government for examination within 2 years of adoption of the JMLP.
- 2.4 The draft Pre-Submission SSR follows on from the Issues and Options documents that were published for public consultation in early 2019. The Issues and Options document was accompanied by a Sustainability Appraisal and set out three key issues and a series of high level options.

The SSR considers the following three key issues:

- 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.
- 2.5 The SSR does not consider any other mineral planning issues or seek to make changes to any other parts of the JMLP.
- 2.6 The draft SSR was considered by Planning Committee on 12 September 2019. The Committee recommended the Authority to approve the SSR for consultation subject to three changes being made to the document. These changes have been made and relate to the following;
- Addition to the development principles for East of West Heath in regard to facilitating the development of the Petersfield to Pulborough (via Midhurst) non-motorised travel route.
  - Additional words on mitigation and compensation in the development requirements of East of West Heath and Chantry Lane to ensure phased restoration in line with our NP purposes
  - An addition to the development principles on relevant allocations for ancient bridges along the A272.

## **2.7 Responses to the consultation**

- 2.8 The Authorities received around 900 responses to the Issues and Options (2019) consultation. Most representations (90%) related to the Severals East and Severals West sites. A summary of the consultation responses and the Authorities' consideration of them will be published with the Pre-Submission SSR consultation.
- 2.9 The final adopted SSR will form part of the existing JMLP, which was adopted by the Authorities in July 2018. The consultation document will be set out as a table detailing the modifications that need to be made to the existing JMLP to incorporate the new soft sand strategy. The consultation document will be accompanied by tracked change versions of draft policies M2 and M1 I, which respectively deal with the strategy and the site allocations.

### 3. Issues for consideration

#### ***Issue 1: the identified need for soft sand during the period to 2033***

- 3.1 There were no soundness or legal compliance issues raised through the examination of the JMLP with regards to the forecast for aggregates. As the approach taken was considered to be sound, the Authorities have prepared an updated version of the Local Aggregates Assessment (LAA) to continue to monitor the situation with regards to aggregate supply and the performance of the JMLP, and to provide information about the amount of soft sand that is required to 2033.
- 3.2 The LAA is prepared by the Authorities every year in late autumn and sets out amounts of soft sand that may be needed during the period to 2033. This is based on assumptions around historical sales, planned housing development, and the amounts of sand that are used in construction projects. The calculations are made for a number of scenarios including an assessment of local information. The identified shortfall in the current LAA is between 1.66 and 2.83 million tonnes to 2033 (the period of the Joint Minerals Local Plan).

#### ***Issue 2: the supply strategy, namely, the options that can, either singularly or in combination, be used to meet any identified shortfall***

- 3.3 The only source of land-won soft sand in West Sussex is the Folkestone Formation, which is largely contained within the South Downs National Park. The National Parks and Access to the Countryside Act 1949 as amended by the Environment Act 1995 sets out the statutory purposes and duty for national parks. National policy states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, which have the highest level of protection through policy.
- 3.4 Against the national legislative and policy context, the Authorities have identified the following five 'reasonable alternatives' to meet the demand for soft sand:
- Option A: Supply from sites within West Sussex but outside of the National Park;
  - Option B: Supply from sites within West Sussex, including within the National Park;
  - Option C: Supply from areas outside West Sussex;
  - Option D: Supply from alternative sources including marine-dredged material; and
  - Option E: A combination of the above options.
- 3.5 The Authorities view is that a combination of options (Option E) is the most reasonable strategy to take forward. Option A would not provide enough resource. Option B does not take account of the material that may be available in other areas or alternative materials. Options C and D would not provide enough certainty of supply.
- 3.6 The Preferred Option (E) has been assessed through the Sustainability Appraisal and informs the identification of potential site allocations.

## Site Allocations

Site Name	Potential impact on landscape and natural beauty	Potential impact on conservation and enhancement of wildlife	Potential impact on recreational opportunities	Potential impact on cultural heritage	Likely to be major development?
Chantry Lane (Extension)	Yes	Depends on scheme details	Unlikely	Depends on scheme details	Yes
Coopers Moor (Extension)	Yes	Depends on scheme details	Yes	Yes	Yes
Duncton Common (Extension)	Yes	Yes	Yes	Yes	Yes
East of West Heath Common (Extension)	Depends on scheme details	Yes	Depends on scheme details	Depends on scheme details	Yes
Minsted West (Extension)	Yes	Yes	Yes	Depends on scheme details	Yes
Severals East (new site)	Yes	Yes	Yes	Depends on scheme details	Yes
Severals West (new site)	Yes	Yes	Yes	Depends on scheme details	Yes

- 3.7 Taking account of the information in the updated technical evidence, sites were chosen where they are believed to have the least impact on the South Downs National Park:

	Proposed Allocation	Not allocated
Inside West Sussex, Outside of the SDNP	Ham Farm	
Inside West Sussex, Inside of the SDNP	East of West Heath (Extension) Chantry Lane (Extension)	Minsted West (Extension) Severals East and West (New site)

- 3.8 Proposals to develop allocated sites in the SDNP, where they are determined to be major development, will need to demonstrate exceptional circumstances and that development of those sites is in the public interest. The Authorities have determined that these circumstances may exist due to constrained supply in the wider south east region, however, a decision can only be made when it is clear what the development proposals are and against the circumstances when the proposals come forward.
- 3.9 There is potential for additional soft sand to be made available in the wider south east region and the Authorities have worked with all mineral planning authorities (as part of the South East Aggregate Working Party) to produce a joint Position Statement for Soft Sand. This document sets out the regional policy context and how each Mineral Planning Authority (MPA) is planning for soft sand.
- 3.10 The Authorities have also signed a Statement of Common Ground for Soft Sand with Kent County Council, Brighton & Hove City Council and East Sussex County Council. The SoCG

states that the Authorities will work together and that if any surplus of material is available in Kent then it could travel within the wider region to make up a shortfall of material elsewhere. The amount of material available over the whole plan period is less than 1 million tonnes. The SDNPA will be speaking at the examination hearings for the Early Partial Review of the Kent Minerals and Waste Local Plan (2013-30) in October.

- 3.1.1 The Authorities have investigated the potential for marine won and alternative sources of soft sand to substitute for land won material as part of the regional work and within our own plan area. At this time there is no suitable or reliable supply of material in the South East. This may change over the Plan period and this will be monitored through the Authorities' Monitoring Report and the Local Aggregate Assessment.

#### **4. Sustainability Appraisal (SA)**

- 4.1 The policies and site allocations within the SSR have been appraised against sustainability objectives on an iterative basis through the SA. The SA also considers reasonable alternatives and the Authorities consider that the SSR sets out the most reasonable strategy for soft sand extraction in West Sussex.
- 4.2 The SA was undertaken by officers of the South Downs National Park Authority and forms Appendix 3 of this report. The SA for the Pre-Submission SSR builds on the SA for the Issues and Options consultation and the SA for the Joint Minerals Local Plan, but has been prepared as a standalone document.
- 4.3 The SA has considered the Options, combination of Options and potential Site Allocations as well as the potential for in combination effects. The SA has guided the strategy set out in draft Policy M2 and the site allocations and the development principles set out in draft Policy M11. The SA also assessed the proposed policy wording for policies M2 and M11.

#### **5. Habitat Regulations Assessment**

- 5.1 The purpose of the HRA is to report on the 'likely significant effects' of the plan on internationally designated nature conservation sites.
- 5.2 The HRA has been produced jointly by officers of the South Downs National Park Authority and West Sussex County Council and forms Appendix 4 of this report.
- 5.3 No significant issues have arisen, however, the assessment suggests that a project level Appropriate Assessment is necessary. Minor wording amendments or additions are recommended to policies and site allocations and in relation to the later, these draft recommendations have already been incorporated into the Plan.

#### **6. Duty to Cooperate**

- 6.1 The duty to co-operate applies to all local planning authorities, national park authorities and county councils in England as well as a number of other public bodies including the Environment Agency, Highways England and Natural England. It places a requirement on all such bodies to engage constructively and actively on cross boundary matters. A draft Duty to Cooperate statement will be published as part of the Pre-Submission consultation. It sets out the strategic issues where cooperation has been undertaken and highlights areas of agreement and unresolved issues. There are no significant unresolved issues at this time.

#### **7. Options & cost implications**

- 7.1 This report sets out the options considered in taking forward the SSR. The NPA committed to undertake this work on adoption of the JMLP (2018). The cost of producing the SSR and its supporting documents has been reflected in approved budgets and the Medium Term Financial Strategy. Costs associated with the delivery of the SSR will be monitored and any variation to approved budgets will be reported as part of the budget monitoring process.

#### **8. Next steps**

- 8.1 This report asks that the National Park Authority approves the draft Pre-Submission SSR for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

- 8.2 The Pre-Submission consultation would start in November for a period of ten weeks in line with the Statement of Community Involvement, to allow for the festive period. The SSR and its Policies Map will be published alongside the SA, HRA, Duty to Cooperate Statement and the updated technical evidence supporting the SSR such as the updated landscape and transport assessments.
- 8.3 In line with the Regulations the Pre-Submission consultation will focus on specific questions of soundness and whether it meets legal and procedural requirements. These questions are:
- Has the Plan been positively prepared? (Based on a strategy that provides for a steady and adequate supply of minerals)
  - Is the Plan justified? (Founded on proportionate evidence and is an appropriate strategy against all reasonable alternatives)
  - Is the Plan effective? (Deliverable and based on effective joint working on cross-boundary strategic priorities)
  - Is the Plan consistent with national policy? (Enable the delivery of sustainable development in accordance with the National Planning Policy Framework)
- 8.4 We will log and summarise the main issues arising from the representations on the SSR. Providing that no issues are raised that go to the heart of soundness, the NPA and WSCC will submit the SSR and any proposed minor changes it considers appropriate along with the core document library to the Planning Inspectorate for examination on behalf of the Secretary of State. If the NPA considers that major changes are required that go to the heart of soundness then a further round of public consultation will be required.
- 8.5 The examination of the SSR will commence on the submission of the Review. The examination is likely to include public hearings, but the majority of matters arising may be addressed through written representations.
- 8.6 The examination will focus on matters of soundness. It is likely that the Inspector will recommend main modifications to make the review sound and legally compliant. We will consult on these modifications.
- 8.7 If the SSR is found sound subject to a number of modifications the NPA will then decide whether to adopt the revised policies in the Joint Minerals Local Plan. If the SSR is adopted it will replace the current soft sand policies within the JMLP and we will publish a revised JMLP.
- 8.8 The JMLP forms part of the ‘development plan’ alongside the South Downs Local Plan and adopted neighbourhood development plans, which are being developed by local communities in many settlements across the National Park. The new SSR must be in conformity with the National Planning Policy Framework (NPPF) (2019) and the DEFRA Vision and Circular for English National Parks and the Broads (2010).

## 9. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	If major modifications that arise from emerging evidence are required to the Local Plan prior to consultation this will be reported back to NPA for a further decision.
Does the proposal raise any Resource implications?	The preparation of the SSR has been reflected in approved budgets and the Medium Term Financial Strategy. Officers within the Planning Policy team are working jointly with WSCC on developing the SSR. Costs associated with the delivery of the SSR will be monitored and any variation to approved budgets will be reported as part of the budget monitoring process
How does the proposal	The preparation of the SSR was required by the Inspector of the

represent Value for Money?	JMLP. The work has been done jointly with WSCC with documents produced in house where possible. Protecting the South Downs from inappropriate development has a value that cannot be monetarised.
Are there any Social Value implications arising from the proposal?	The decision does not relate to, or initiate, a relevant public procurement process.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. An Equalities Impact Assessment is being prepared for the SSR and was prepared for the full JMLP.
Are there any Human Rights implications arising from the proposal?	These draft policies have 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?	If the proposal may impact upon the health and safety of staff, volunteers or members of the public please outline those implications here. If none state none]
Are there any Data Protection implications?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	A sustainability appraisal has been prepared to inform the preparation of the SSR and is addressed above.

## 10. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
That the SSR is not found 'sound' at examination.	Medium	High	The policies are consistent with the NPPF and are based on robust evidence.

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Appendices

- 1) Draft Pre-Submission Soft Sand Review consultation document
- 2) Policies M2 and M11
- 3) Sustainability Appraisal
- 4) HRA

SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer.
External Consultees	None
Background Documents	<a href="#">Soft Sand Single Issue Review – Issues and Options 2019</a> <a href="#">Joint Minerals Local Plan</a> <a href="#">Planning Committee report from September</a>