

Report to	Planning Committee
Date	13 February 2020
By	Director of Planning
Title of Report	East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review
Purpose of Report	To present the Regulation 18 Consultation document and update Planning Committee on progress

Recommendation:

The Committee is asked to recommend the National Park Authority to:

- 1. Approve the Draft East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review, as detailed in Appendix 1A of this report, for Regulation 18 Consultation in spring 2020 subject to any comments made by the Planning Committee being addressed and subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning and the Chair of the Planning Committee, in consultation with the Directors of Planning at East Sussex County Council and Brighton & Hove City Council.**
- 2. Note the main issues arising from Sustainability Appraisal (SA) as detailed in Appendix 2 and the high level review of the Habitat Regulation Assessment (HRA) (Appendix 3).**
- 3. Note the subsequent preparation of a Regulation 19 Review document for consultation later in 2020.**

I. Introduction and Summary

- I.1 The South Downs National Park Authority (SDNPA) worked in partnership with East Sussex County Council (ESCC), and Brighton & Hove City Council (BHCC) in the preparation of a Waste and Minerals Local Plan (WMLP). The WMLP is comprised of two documents – the Waste and Minerals Plan (WMP, 2013), and Waste and Minerals Sites Plan (WMSP, 2017), which contain planning policies used by each authority in the determination of planning applications for waste management activities and minerals extraction and infrastructure in the Plan area.
- I.2 The Planning Inspector for the WMSP 2017 considered that a Review of the WMP 2013 would be necessary to ensure planning policies are in place for a steady and adequate supply of aggregate minerals. A consultation was undertaken on a Scoping document for the Review along with a ‘Call for Mineral Sites’ in late 2017.
- I.3 In any event, the National Planning Policy Framework (2019) requires that Local Plans should be reviewed to assess whether they require updating at least once every five years¹.
- I.4 The purpose of this paper is to provide a summary of the preparation of the draft Local Plan Review and to ask the Committee to agree that the draft Plan along with its Sustainability

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

Appraisal (SA) and Habitats Regulation Assessment are subject to a public consultation in spring 2020. The draft consultation document forms **Appendix IA** and the Policies Map **Appendix IB**, the SA forms **Appendix 2** and a high level review of the Habitat Regulation Assessment (HRA) forms **Appendix 3**. Other supporting documents will be published along with the consultation documents on the ESCC website.

2. Preparation of the Review of the WMLP

- 2.1 The Authorities have been working through the implications of the responses to the Call for Sites and Scoping document. One of the key considerations relates to aggregate extraction outside of the South Downs National Park on the East Sussex border with Kent.
- 2.2 The existing sharp sand and gravel site in this area (Lydd Quarry) now has limited permitted reserves. The area surrounding the quarry is constrained by both National and European environmental designations, which also cover, or are adjacent to all the sand and gravel resource in this part of the County. At the Call for Sites stage the operator submitted a proposed extension to the quarry. Following consideration of advice from Natural England and the availability of alternative materials the Authorities are not proposing to allocate an extension to Lydd Quarry.
- 2.3 The Plan Area has always been a low producer of aggregate due to the geology and environmental constraints as well as internationally protected sites. The Authorities are not proposing to allocate any new extraction sites for aggregates in the Plan area and instead will increasingly rely on sea, rail and road imports from marine and other land won sources and recycled aggregate. This approach emphasises the importance of ensuring adequate infrastructure to support these sources and the importance of discussions as part of the Duty to Cooperate.
- 2.4 The Authorities have also been working together with West Sussex County Council (WSCC) on the provision of soft sand, as Planning Committee are aware from previous reports about the WSCC Soft Sand Review. There is one permitted soft sand site in the East Sussex Plan Area at Novington, in the National Park. The operation of this site is envisaged to continue within the Draft Review WMP.
- 2.5 The draft Local Plan Review also proposes the following policy changes:
 - Introducing the ‘agent of change’ principle introduced in the revised National Planning Policy Framework;
 - New requirement for net gains in biodiversity to be achieved through planning applications;
 - New requirement to require extraction of mineral resources prior to alternative development proposals commencing within Minerals Safeguarding Areas in some circumstances;
 - Allocating an extension area for clay extraction to provide material for the existing Aldershaw Tileworks following a submission to the ‘call for sites’;
 - Updating the protected landscapes policy to include specific references to the High Weald AONB.
- 2.6 The SA was carried out as part of the preparation of the draft Plan and considered the formulation of the policy options. Broadly speaking the SA concludes that the revisions to policies WMP2 (new policy RV1), WMP7a (new policy RW1) and WMP27 (new policy RD1) will not result in significant changes to the original SA assessments. The exception is WMP27 which now references biodiversity net gain and will likely be more effective at environmental protection. Although the strategy increases the reliance on marine dredged and imported materials, the impacts are considered to be minimal and controlled by legislation and policy. There may be some localised impacts around wharves and railheads in relation to the transportation of materials but these are likely to be small scale.
- 2.7 The preliminary high level HRA concludes that there are no fundamental issues. More specifically, proposals that come forward in the future within any of the proposed Areas of Search may require assessment of impacts on European Sites (including the Ashdown Forest).

The HRA concurs with amendments made in relation to the Wealden vs Lewes District Council and South Downs NPA High Court Ruling.

- 2.8 It was recommend that revised Policy RMI is amended to include a more specific reference to ‘environmental protection requirements set out in other plan policies’ and this has been taken into account in the draft Plan document.

3. Next Steps and Timetable

- 3.1 If Planning Committee agree the recommendation, a report will be presented to the next meeting of the National Park Authority in March 2020. Reports will also be considered by the relevant committees at Brighton & Hove City Council and East Sussex County Council.
- 3.2 If all partner Authorities agree, the draft Local Plan Review will be published for public consultation in spring 2020 for a period of at least eight weeks. The Authorities will review the representations and prepare a Regulation 19 version of the Local Plan Review later in 2020. If the Authorities agree, this document will then be submitted to the Planning Inspectorate for an Examination in Public, after a statutory consultation relating to legal compliance and soundness issues for a period of at least eight weeks.

4. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority	Yes. If Planning Committee agree the recommendation it will require further consideration by the NPA. The Regulation 19 document will return to PC and NPA for approval as appropriate.
Does the proposal raise any Resource implications?	The cost of preparing the WMLP is shared on a proportional basis by SDNPA, ESCC and BHCC. The costs for all joint waste and minerals planning work in Plan Area are reviewed on a yearly basis.
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) is being prepared by ESCC to support the Review Assessment.
Are there any Human Rights implications arising from the proposal?	The WMLP Review 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 WMLP Draft Review.

5. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The Draft Review is not fit for purpose	Low	High	The Authorities have undertaken the review of the document in light of relevant legislation and national

for consultation under Regulation 18			policy. The Authorities have taken a cautious approach to the preparation of the document to minimise risks.
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SDNPA Consultees Legal Services; Director of Planning

External Consultees None

Appendices
Appendix 1A: Draft East Sussex, South Downs and Brighton & Hove
Waste and Minerals Local Plan Review 2020
Appendix 1B: Policies Map
Appendix 2: Sustainability Appraisal
Appendix 3: High level review of the Habitats Regulation Assessment