

Report to	Planning Committee
Date	8 June 2023
By	Director of Planning
Title of Report	Review of the relevance and effectiveness of the West Sussex Joint Minerals Local Plan
Purpose of Report	Brief Planning Committee on the review of the West Sussex JMLP and recommend that the National Park Authority agrees that no update to the West Sussex JMLP is required at this time.

Decision

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

- 1. Note the review of the relevance and effectiveness of the Joint Minerals Local Plan.**
 - 2. Agree that an update to the West Sussex Joint Minerals Local Plan is not required at this time.**
 - 3. Note that a summary of the review process and the decisions will be published on the website hosted by West Sussex County Council and SDNPA website**
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Executive Summary

- The Joint Minerals Local Plan (JMLP) provides the basis for making consistent decisions about planning applications for minerals activities in West Sussex. Formally adopted by both authorities in July 2018, the plan covers the period to 2033 and is the most up-to date statement of land use planning policy for Minerals in West Sussex.
- Local plans, including Minerals and Waste Plans should be reviewed at least once every five years from their date of adoption, to assess whether they need updating. The review process is a method to ensure that a plan and the policies within remain relevant and effective.
- There have been a number of updates to the national planning policy since adoption of the JMLP. Updates to the NPPF have been positive, strengthening the protection of the natural environment, designated landscapes, climate change and safeguarded minerals infrastructure. The JMLP is considered to remain broadly in alignment with the NPPF.
- Three policies scored Amber in the RAG assessment, indicating that although the policies remain relevant and effective, monitoring indicates potential issues. However, it is considered that the policies provide sufficient flexibility to address any supply shortages.
- The overall conclusion is that the West Sussex Joint Minerals Local Plan (July 2018, Partial Review March 2021) is still relevant and effective, and that a formal review of the Plan (in whole or in part) is not required.

I. Background

- 1.1 The West Sussex Joint Minerals Local Plan (JMLP), prepared in partnership by the South Downs National Park Authority and West Sussex County Council, was adopted in July 2018, with partial revisions (related to soft sand) adopted in March 2021. The Plan is available to view on the [SDNPA website](#)
- 1.2 The National Planning Policy Framework 2021 (NPPF) requires that local plans should be reviewed at least once every five years from their date of adoption, to assess whether they need updating (Planning Practice Guidance - Paragraph: 043 Reference ID: 61-043-20180913). The review process is a method to ensure that a plan and the policies within remain relevant and effective.
- 1.3 The JMLP was adopted in July 2018, with a partial review in 2021. The Plan must therefore be assessed by July 2023 as the main aspects of the plan were adopted in 2018. The assessment should take into account changing circumstances affecting the area or any relevant changes in national policy. The review also assesses the performance of the policies within the plan, using monitoring data collected through the Minerals and Waste Monitoring Reports.
- 1.4 If a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan.
- 1.5 The purpose of this report is to provide a high-level assessment of the Plan and to set out whether or not it is still relevant and effective. If it is necessary to update the Plan, then a formal timetable for such an update would be set out in the West Sussex Minerals and Waste Development Scheme, which is published annually.

2. West Sussex Joint Minerals Local Plan

- 2.1 The Joint Minerals Local Plan (JMLP) provides the basis for making consistent decisions about planning applications for minerals activities in West Sussex. Formally adopted by both authorities in July 2018, the plan covers the period to 2033 and is the most up-to date statement of land use planning policy for Minerals in West Sussex. A Soft Sand Review of the JMLP was required following its adoption, that resulted in revisions to Policies M2 and M10 of the JMLP, in relation to the supply of soft sand and the allocation of three sites for future extraction, two sites are within the National Park. The formal changes to the Plan were adopted in March 2021.
- 2.2 The Plan sets out four key areas which will help shape the future of minerals activities in West Sussex and help contribute appropriately to national, regional, and local mineral requirements at acceptable social, environmental, and economic costs. The JMLP sets out:
 - A vision and strategic objectives for sustainable minerals development.
 - 10 policies to achieve the strategic objectives for minerals development in West Sussex (Policies M1-M10).
 - 15 development management policies to ensure no unacceptable harm to the environment, economy or communities of West Sussex (policies 12-26).
 - Four site allocations to help meet the need for soft sand and brick making clay (policy M11).
- 2.3 The policies in the Plan have been implemented through the development management functions of both authorities since the Plan's adoption. Some policies are also implemented by the district and borough councils within the Plan area, as the JMLP forms part of the statutory Development Plan for the county.
- 2.4 The Plan is monitored on an on-going basis, each policy of the Plan contains trends, targets and intervention triggers, which are reported on annually in the Monitoring Report. The Authorities are also required to prepare Local Aggregate Assessments (LAA), that forecast demand for aggregates, provide an analysis of all aggregate supply options and assesses the balance between supply and demand of aggregates. This monitoring has informed the review process.

2.5 Since adoption of the JMLP, a total of five monitoring reports and LAAs have been published, which can be viewed on the County Councils website – [Monitoring reports - West Sussex County Council](#)

2.6 Chapter three of the monitoring reports provides a summary of information on aggregate activities, taken from the relevant years LAA. Chapter four of the monitoring reports cover non-aggregate mineral activities including estimates on sales and reserves. Appendix I of the monitoring reports set out how the policies are performing against the baseline and anticipated targets.

3. Review of relevance and effectiveness - findings

3.1 A full assessment of the relevance and effectiveness of the JMLP can be found at Appendix I. The report provides a review of the National and Local Policy context for the JMLP and describes any changes in circumstance since its adoption. A summary of the main findings of this section of the report is set out below:

- National Planning Policy updates in 2018 provided an update on development in national parks, including limiting the scale and extent of development in designated areas, and also clarity on what constitutes “major development” being a matter for the decision maker.
- Following consultation in January 2021 a new version of the NPPF was published in July 2021, this included measures to improve design quality and made further amendments to paragraph 176 stating that the scale and extent of development within designated areas should be limited and requires development in the setting of designated landscapes to be sensitively located and avoid or minimise adverse impacts.
- The Environment Act gained Royal Assent on 9 November 2021, becoming enshrined in UK Law. It set new binding targets for air quality, water, biodiversity net gain (10% minimum), the development of Local Nature Recovery Strategies, and waste reduction, all of which will be relevant to minerals planning.
- The South Downs Local Plan was adopted in July 2019. The plan set out how the National Park Authority will manage development up to 2033. The South Downs Local Plan does not deal with minerals and waste, policies for which are contained in jointly prepared plans with the relevant county council. Whilst the adoption of the SDLP is a key matter for the National Park, it is not considered to significantly affect the JMLP as the plans are considered alongside each other as parts of the development plan.

3.2 The report at Appendix I also provides information about how the policies have performed since adoption of the Plan. It presents the tables setting out the implementation and monitoring for each policy and information on trends, pulling together information presented within the Monitoring Reports and LAAs, whilst also taking account of the views of Development Management officers. Policies are given a red, amber, green status and further commentary where there are particular issues. A summary of the main findings of this section of the report is set out below:

- Since the adoption of the JMLP a total of 16 planning applications for Minerals development have been considered.
- The RAG assessment of the policies has shown that 23 of the 26 policies scored green, remain relevant and effective, and monitoring shows no issues at this time. Three policies scored amber, where monitoring has indicated potential issues around minerals supply. No policies scored red. The policies which scored amber are Policy M1 Sharp Sand and Gravel; Policy M2 Soft Sand and Policy M5 Clay.
- Policy M1 for the provision of Sharp Sand and Gravel (SS&G) is scored amber because the landbank for SS&G is below the required 7-years. The JMLP intervention level to review policy M1 would be triggered if the landbank is below the minimum for two consecutive years. The landbank has been below the target for one year. Although the landbank is below the required 7 years, this is due to the technical way the landbank is

calculated which excludes some sources of supply. Policy M1 also allows for unallocated sites to come forward to meet any shortage in supply.

- Policy M2 Soft Sand is scored amber as the Landbank for soft sand is below 7-years and has been since adoption of the JMLP in 2018. However, the trigger for review of policy M2 is where there are a lack of sites coming forward that are able to demonstrate exceptional circumstances. The Soft Sand Single Issue Review adopted in 2021 allocated three sites for the provision of soft sand. These sites have the potential to supply 2.68 million tonnes of soft sand. Policy M2 is a criteria-based policy which would allow unallocated sites to come forward if necessary. It is considered that Policy M2 remains consistent with national policy.
- Policy M5 Clay is scored as amber as the stock of permitted reserves is 25 years for all the brick works in West Sussex. However, the two sites which have landbanks for clay have not indicated to the Authorities regarding future needs. Although the stock of permitted reserves is not above 25 years for all the brickworks in West Sussex, there has been no indication of investment at these sites, or a pursuit of further reserves. Policy M5 remains consistent with national policy and would allow sites to come forward if the market dictates.

3.3 The RAG assessment of the policies has shown that 23 of the 26 policies scored green, remain relevant and effective, and monitoring shows no issues at this time. Three policies scored amber, where monitoring has indicated potential issues around minerals supply. However, it is considered that the policies provide sufficient flexibility to address any supply shortages. No policies scored red.

3.4 The review of the JMLP has identified that, since adoption of the Plan in April 2018, there have been no substantive or significant changes in national or local policies which effect the performance of the policies of the JMLP. The importance of Climate Action and Nature Recovery has increased significantly since the adoption of the plan. Whilst there is no specific policy relating to Climate Change, strategic objective 12 of the plan seeks to minimise carbon emissions and mitigate the adverse impacts of Climate Change. There are a range of policies in the JMLP that contribute to meeting this objective, including policies around air, soil and water resources, flood risk management and transport. The JMLP also includes policies to protect and enhance Biodiversity and Geodiversity. The restoration and aftercare policy also seeks to maximise biodiversity gain. These policies and others in the plan are considered to be operating effectively to tackle the current challenges relating to Climate Change and Nature Recovery.

3.5 In conclusion, the assessment of relevance and effectiveness identifies that there have been no significant changes to local circumstances and the policies have generally performed as expected. They are still considered to be consistent with national policy, relevant and effective, and working to achieve the vision and strategic objectives of the Plan. The full review of relevance and effectiveness can be found at Appendix I.

4. Next steps

4.1 The findings of the review have to be published on the West Sussex County Council website, and the South Downs National Park Authority website. This report alongside the full review will be published on the SDNPA webpage following approval at National Park Authority meeting on 11 July 2023.

4.2 Further reviews will take place on a five-year basis or at a time when monitoring reports identify issues which would indicate a review is necessary. At that point a new West Sussex Minerals Local Plan would be prepared. The JMLP will be monitored on a yearly basis to ensure the plan is meeting its vision and key objectives.

5. 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. Future Reviews of Minerals Plans will return to Planning Committee and NPA for approval as appropriate.
Does the proposal raise any Resource implications?	The cost of preparing the JMLP is shared on a proportional basis by WSCC and SDNPA. The costs for all joint Minerals and Waste planning work in West Sussex are reviewed on a yearly basis. There have been no costs other than officer time associated with the preparation of this review.
How does the proposal represent Value for Money?	We will seek to achieve best value in all the work we do on Minerals and Waste Planning across the National Park. Working in partnership with the three County Councils is an effective way to share costs and reduce the burden on plan making for Minerals and Waste for all Authorities involved.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	<p>Minerals and Waste Plans have the potential to contribute to a number of the PMP and corporate plan objectives. Up to date and effective Minerals and Waste Plan will contribute to the three corporate priorities, but in particular offer opportunities in relation to Nature Recovery and Climate Change. Through appropriate restoration schemes at quarries there are also opportunities to promote a National Park for All. In terms of the Partnership Management Plan, they areas where Minerals and Waste Plans can contribute are:</p> <ul style="list-style-type: none"> • 1.1 Protect landscape character • 1.2 Create green infrastructure • 2.2 Improve trees and woodland • 3.1 Join up habitats • 4.1 Conserve heritage • 5.2 Improve accessibility • 10.1: Strengthen enterprise
Links to other projects or partner organisations	The preparation and review of Minerals and Waste Plans is carried out through joint working protocols with the three County Councils as Minerals and Waste Planning Authorities. SDNPA work closely with the County Councils to ensure the Minerals and Waste Plans are effective and meet the corporate objectives of all partners.

How does this decision contribute to the Authority's climate change objectives	Reviewing the Minerals and Waste Plan provides us with the opportunity to prepare more ambitious policies on climate change both in terms of mitigation and adaptation. Whilst this plan will not undertake a full review we are able to assess whether the plan is performing adequately to address Climate Change objectives.
Are there any Social Value implications arising from the proposal?	The requirements of the Public Services (Social Value) Act 2012, will be considered for appropriate expenditure and programmes undertaken by the Authority
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 of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. An Equality Impact Report (EIR) was prepared by WSCC to support the Review Assessment
Are there any Human Rights implications arising from the proposal?	The WSWP 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 Data Protection implications?	None
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 in 2018 and the Partial Review in 2021.

6. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The Review assessment is out of date and not adequate.	2	3	The Authorities will monitor the JMLP on a yearly basis and Review as appropriate.

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Appendices I. Review of relevance and effectiveness of the Joint Minerals Local Plan

SDNPA Consultees	Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Business Service Manager
External Consultees	None
Background Documents	West Sussex Minerals and Waste Local Plan Annual Monitoring Report Local Aggregate Assessment

