

West Sussex County Council and South Downs National Park Authority

West Sussex Joint Minerals Local Plan (July 2018, Partial Review March 2021):

Five Year Assessment of Relevance and Effectiveness

April 2023



Working in Partnership



1. Introduction

- 1.1. The West Sussex Joint Minerals Local Plan (JMLP), prepared in partnership by West Sussex County Council and the South Downs National Park Authority, was adopted in July 2018, with partial revisions (related to soft sand) adopted in March 2021. The Plan is available to view on the County Council's website: [The West Sussex Joint Minerals Local Plan \(JMLP\)](#).
- 1.2. Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and Paragraph 33 of the National Planning Policy Framework 2021 (NPPF) require local planning authorities to review local plans every five years from their date of adoption, to assess whether they need updating.¹ This means the Plan must be assessed by July 2023. The assessment should take into account changing circumstances affecting the area or any relevant changes in national policy.
- 1.3. The purpose of this report is to provide a high-level assessment of the Plan and to set out whether or not the plan is still relevant and effective. If it is necessary to update the Plan, then a formal timetable for such an update will be set out in the West Sussex Minerals and Waste Development Scheme, which is published annually.
- 1.4. This report has been informed by the Authorities' Monitoring Report for the period April 2021 – March 2022 and Local Aggregate Assessment for 2021, which are available on the website, together with reports for previous years.

Joint Minerals Local Plan (July 2018, Partial Review March 2021)

- 1.5. The Joint Minerals Local Plan (JMLP), formally adopted by the authorities in July 2018, provides the basis for making consistent decisions about planning applications for minerals related activities. 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 strategy for soft sand and the allocation of three sites for future extraction. The formal changes to the Plan were adopted in March 2021.
- 1.6. The plan covers the period to 2033 and is the most up-to-date statement of land use planning policy for minerals. The Plan sets out five key areas which were prepared in order to help contribute appropriately to national, regional, and local mineral requirements at acceptable social, environmental, and economic costs. The JMLP sets out;
 - a county-wide vision, strategic objectives, and a monitoring and implementation framework – a key diagram illustrates the strategy in diagrammatic form;
 - 11 policies to achieve the strategic objectives for minerals supply (Policies M1-M10);
 - Four strategic mineral site allocations (Policy M12); and

¹ Planning Practice Guidance (Paragraph: 043 Reference ID: 61-043-20180913), <https://www.gov.uk/guidance/plan-making#plan-reviews>

- 15 development management policies to ensure no unacceptable harm to the environment, economy or communities of West Sussex (Policies M12-26).
- 1.7. 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.
 - 1.8. Since adoption of the JMLP, the Authorities have prepared, and kept up to date, [Minerals and Waste Safeguarding Guidance](#). This provides guidance on how the policies M9 and M10 of the JMLP (and the safeguarding policy in the WLP) are implemented in practice. The Authorities have also engaged with planning departments at West Sussex district and borough planning authorities to ensure that they are aware of the safeguarding policies, how they are to apply them in their decision making, and how they are to consult WSCC, where proposals fall within the consultation areas.
 - 1.9. The Plan is monitored on an on-going basis, including providing updates on any Duty to Cooperate discussions or agreements on strategic matters. Each policy of the Plan contains trends, targets and intervention triggers, which are reported on annually in the Monitoring Report covering the previous financial year. The Authorities are also required to prepare Local Aggregate Assessments (LAA), that;
 - forecasts demand for aggregates based on past aggregate sales and other relevant local information;
 - provide an analysis of all aggregate supply options; and
 - assesses the balance between supply and demand of aggregates.
 - 1.10. NPPF and Planning Practice Guidance for Minerals require that Mineral Planning Authorities participate in the relevant Aggregate Working Party (AWP), and that the LAA is subject to consideration and scrutiny. The Authorities are part of the South East England Aggregate Working Party (SEEAWP), and a draft version of the LAA is subject to the AWP's scrutiny annually, after which it is finalised and published.
 - 1.11. 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 – [The West Sussex Joint Minerals Local Plan \(JMLP\)](#),
 - 1.12. Chapter three of the monitoring reports provide 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.

Structure of this Report

- 1.13. This report has the following chapters.

2. Review of national and local context, that is, any changes in circumstances since adoption
3. Assessment of policies, including their performance since adoption
4. Conclusions

DRAFT

2. Review of National and Local Context

- 2.1. Since adoption of the JMLP, there have been a number of changes to national policies, as well as publications and other plans that may have an impact on how the JMLP is performing or dictate whether any changes are required. Furthermore, the strategy and policy context for the Plan are set out in Chapter 5 of the adopted Plan, which are also reviewed within this section of the report.
- 2.2. This section of the report summarises any key changes to policy since the adoption of the JMLP and concludes whether there are any substantive changes that require changes to the JMLP at this time. More details on policy changes that impact specific polices are set out within Chapter 3.

European Strategies and Policies

- 2.3. Paragraphs 5.2.1–5.2.3 of the JMLP set out the European Strategies and Policies that were relevant to the JMLP at the time of its preparation, namely the Waste Framework Directive, Water Framework Directive and the need for Strategic Environmental Assessment. Following the UK’s departure from the European Union, most EU laws have been converted to UK law. Government are setting out which EU law will expire and which will be incorporated into UK law through the Retained EU Law (Revocation and Reform) Bill 2022.
- 2.4. There have been no significant changes to policies that have implications for the JMLP at this time. The Authorities will continue to monitor the JMLP, and at such time that the Bill receives royal assent, consideration will be given to the implications on the JMLP.

National Policy and Guidance

National Planning Policy Framework (NPPF)

- 2.5. The NPPF, first published in 2012, and was the version relevant at the time the JMLP was examined, and subsequently adopted. Since then, it has been updated four times in total, most recently in July 2021. The NPPF contains a chapter specific to minerals planning (Chapter 17. Facilitating the sustainable use of aggregates). Key changes to the NPPF that are relevant to mineral planning since adoption of the JMLP are set out below.

July 2018

- 2.6. The NPPF was updated in July 2018, and implemented reforms announced through the Housing White Paper (2017) and followed consultation on revised NPPF and planning for the right homes in the right places. The main changes relevant to the JMLP were:
- land use and development of brownfield land;
 - updates 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;

- increased consideration of the natural environment (including biodiversity net gains), flood risk, air quality;
- inclusion of a specific reference to the 'agent of change' principle, that was added to paragraph 187 of NPPF
- focus on design; and
- energy security, including fracking.

February 2019

- 2.7. There were three minor changes made to NPPF February 2019. Two were specifically related to the delivery of homes and the definition of deliverable. There was also a change to the chapter on conserving and enhancing the natural environment, taking account of the Sweetman Judgement.
- 2.8. The judgement in *People Over Wind and Sweetman* (2018), means that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities (e.g. WSCC or the SDNPA) at the Habitats Regulations Assessment 'screening stage', when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.

June 2019

- 2.9. The changes to NPPF were once again largely related to housing supply. However, one key change was made, with the removal of Paragraph 209a), that stated Mineral Planning Authorities *were to recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons*. This change followed the judgment in the case of *Stephenson vs SoS MHCLG* [2019] EWHC 519 (Admin), that resulted in Mr Justice Dove quashing 209a). All other clauses of NPPF paragraph 209 were retained.

July 2021

- 2.10. Following consultation in January 2021, a new version of the [NPPF](#) was published in July 2021. The key changes to the NPPF relevant to minerals planning were:
- Measures to improve design quality, including a new requirement for councils to produce local design codes or guides;
 - The term "beautiful" has been added to the NPPF but should be regarded as a "statement of ambition" rather than a policy test
 - An emphasis on using trees in new developments;
 - Amendments to NPPF 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.
 - Adjusting the presumption in favour of sustainable development for plan-makers;
 - A new paragraph (198) on historic statues, plaques, memorials or monuments;

- The United Nations climate change goals have been added; and
- Aspects of policy concerning planning and flood risk have been clarified.

- 2.11. The Soft Sand Review of the JMLP was examined at the time of the NPPF published in February 2019, and there had been no changes to policy related to aggregate supply at that time compared to NPPF 2012.
- 2.12. Government are working on updating national planning policy, having recently consulted on the proposed approach to updating the NPPF as part of the Levelling Up and Regeneration Bill (December 2022 – March 2023). The Government intends to respond to the consultation on NPPF changes in Spring 2023. Alongside these specific changes, Government also sought views on the proposed approach to preparing National Development Management Policies, the removal of the Duty to Cooperate and introduction of an 'alignment policy', amongst other significant changes that would be required to the planning system, including taking account of the Levelling-up and Regeneration Bill, expected to gain royal assent later in 2023. Significant changes to national planning policy and the NPPF are expected in the coming years.
- 2.13. The NPPF revisions to date have been to strengthen the policies, and have a positive effect, such as the inclusion of the Agent of Change principle, updates to flooding policy, and biodiversity net gain. The JMLP is considered to remain broadly in alignment with the NPPF, and no update is required to the policies at this time. The Authorities will continue to monitor the JMLP, and at such time that national policy changes, consideration will be given to the implications on the JMLP.

National Planning Policy for Waste (NPPW)

- 2.14. The NPPW was published in 2014 and sets out planning policies for England. It was prepared to be read in conjunction with the NPPF. The NPPW includes the waste hierarchy and requires authorities to positively undertake waste planning, which includes consideration of reducing the use of primary minerals, through increases in recycling and reuse. No changes have been made to the NPPW since adoption of the JMLP.

Planning Practice Guidance (PPG)

- 2.15. The NPPF is supported by the online Planning Practice Guidance which was first published in 2014, and is a living document. The Guidance is updated on a regular basis and relevant updates were made on publication of the revised NPPF. The PPG contains a section specific to minerals planning, that has not had any substantive changes since it was first published.
- 2.16. The PPG updates in 2018 included new references to Statements of Common Ground (SoCG) for all Plans. The JMLP (and soft sand review) were supported by various SoCGs, agreeing matters on cross-boundary issues with adjacent MPAs and those further afield, as required by the Duty to Cooperate.

Regulations

The Conservation of Habitats and Species Regulations 2017

- 2.17. The Conservation of Habitats and Species Regulations 2017 were amended in 2021, made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. These transposed the Habitats and Wild Bird Directives, and required them to be made operable in 2021.
- 2.18. The main changes are around the transferring of function from the European Commission to the appropriate authorities in England and Wales. The following are the main changes to the 2017 Regulations;
- the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
 - the establishment of management objectives for the national site network (the 'network objectives')
 - a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
 - an amended process for the designation of Special Areas of Conservation (SACs)
 - arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
 - arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
 - arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK
- 2.19. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network, therefore the national site network has been created. Any references to Natura 2000 sites in the 2017 regulations and in guidance now refers to the national site network.

Environment Act 2021

- 2.20. The Environment Act gained Royal Assent on 9 November 2021, becoming enshrined in UK Law. It sets 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, although a date for these requirements has not been set as yet. Amendments to the Town & Country Planning Act are expected in November 2023, at which point the requirements will become mandatory.
- 2.21. The Environment Act 2021 also brought changes to the Natural Environment and Rural Communities Act 2006, specifically to section 40, strengthening the duty on public authorities to have regard to the conservation of biodiversity when delivering their functions. The amendments came into force in January 2023.

- 2.22. The JMLP contains a number of relevant policies (such as M17 on biodiversity and geodiversity). The changes to the regulations are not considered to have specific implications that would require a review of the JMLP at this time.

Local Plan Policies

- 2.23. Since the adoption of the JMLP all of the Districts and Boroughs in West Sussex, and the Joint Authorities have either prepared an updated Local Plan or are working towards updated local plan documents. These Local Plan documents are prepared using the JMLP as part of the wider development plan and reflect wider changes to policy at the time they were adopted. There are no triggers within these documents for a review of the JMLP at this time as the Local Plan documents only reflect the changes to national policy and guidance set out above. Each adopted Local Plan will be considered at the time the JMLP is reviewed.

West Sussex Waste Local Plan

- 2.24. The West Sussex Waste Local Plan (WLP) was adopted in April 2014, and subject to a five-year assessment of relevance and effectiveness in 2019, that concluded the Plan did not require formal amendments. The WLP includes policies that are relevant to aggregate recycling, including Policy W1 (need for waste facilities), Policy W2 (safeguarding sites), Policy W3 (location of waste management facilities), and Policy W4 (inert waste recycling).
- 2.25. The WLP does not have any implications that trigger the need for a review of the JMLP.

West Sussex Transport Plan (2022–2036)

- 2.26. An updated West Sussex Transport Plan was adopted on 1 April 2022, replacing the previous version that covered the period 2011 – 2026. The Plan sets out how the County Council will address key challenges by improving, maintaining, and managing the transport network to 2036. It sets out five thematic strategies covering the following themes: active travel, shared transport, rail strategy, access to Gatwick Airport, and a road network strategy. These are further supported by Area Transport Strategies for each planning area in West Sussex. The JMLP (at section 4.8) sets out information related to transport, and includes references to the previous Transport Plan (2011 – 2016).
- 2.27. Although the JMLP refers to the previous iteration of the transport plan, the Plan (and relevant policy M20: Transport) remain consistent to the updated transport plan and used in any decision making.

South Downs National Park

- 2.28. The South Downs Local Plan was adopted in July 2019. The plan sets 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, in the case of West Sussex, the Joint Minerals Local Plans subject to this assessment, and the WLP. The Plan includes a number of policies that will impact on mineral development including Net Gain, Dark Night Skies as well as a general focus on a landscape led approach to development. A focused review of the adopted local plan has commenced, which includes incorporating work which had begun on the Shoreham Cement Works Area Action Plan.

Adur District

- 2.29. The Adur Local Plan was adopted at a meeting of Adur Full Council on 14th December 2017. The Local Plan sets the strategic development and land-use priorities for Adur (outside of the South Downs National Park) up to 2032, and contains the policies against which development management decisions within that area will be made. Work on the review of the local plan has begun and is in its early stages.
- 2.30. Shoreham Harbour was identified as a broad location for change by the local planning authorities; aspirations for regeneration have been supported by various local and national government regeneration initiatives. To help deliver the regeneration of the Harbour and associated infrastructure, Adur District Council, Brighton and Hove City Council and West Sussex County Council, worked with relevant agencies (Homes England and the Shoreham Port Authority) to deliver a Joint Area Action Plan (JAAP) for the area which was adopted in October 2019.

Arun District

- 2.31. The Arun Local Plan (2011-2031) was adopted on 18 July 2018. The plan sets out a spatial vision, objectives and a sustainable strategy for delivering the needed growth of the District up to 2031. Work had started on the review of the local plan, which was in its early stages, however the timetable had been paused at this time.

Chichester District

- 2.32. The Chichester Local Plan 2014- 2019 was adopted in July 2015. Work has been carried out on the review of the local plan. In February 2023 a Reg 19 consultation commenced and programmed submission of the Local Plan Review for examination in summer 2023.

Crawley Borough

- 2.33. The Crawley Local Plan (Crawley 2030) was adopted in 2015 and sets out the planning strategy up to 2030. A local plan review has commenced, and a third Reg 19 consultation is due to start in May 2023 and programmed submission of the Local Plan Review for examination in summer 2023.

Horsham District

- 2.34. The Horsham District Planning Framework was agreed in 2015 and sets out the planning strategy up to 2031. A local plan review has started with a Reg 18 consultation taking place in 2020. A decision to pause the local plan Reg 19 process was taken January 2023, any further consultation (Reg 19) is likely to be after the May 2023 elections.

Mid Sussex District

- 2.35. The Mid Sussex District Plan 2014-2031 was adopted in March 2018 a review of which is currently underway. The new District Plan will replace the current adopted local plan covering the period up to 2039. The District Council carried out a Reg 18 consultation in November / December 2022; it is expected that the Plan will be consulted on again in the summer 2023 (Reg 19) and examined in winter 2023.

Worthing Borough

- 2.36. Following examination of the Worthing Local Plan, the Inspectors Report was issued to the Council on 14 October 2022, and the Worthing Local Plan was adopted in March 2023. It contains the policies and strategy for the period up to 2036 and supersedes the Worthing Core strategy (2011) and the saved policies from the Worthing Local Plan (2003).

Assessment of Policies

3.1. This section of the report 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 on any issues that have arisen when applying the policies. As necessary, reference is also made to any substantive changes in national or local circumstances. Each policy is considered in turn, and a RAG (Red, Amber, Green) status applied to each as follows:

Policy remains relevant and effective No monitoring issues	Green
Policy remains relevant and effective. Monitoring indicates potential issues.	Amber
Policy is no longer relevant or effective and requires formal review.	Red

3.2. Since adoption of the JMLP in July 2018, a total of 16 planning applications for minerals development have been considered, as set out in Figure 1 below.

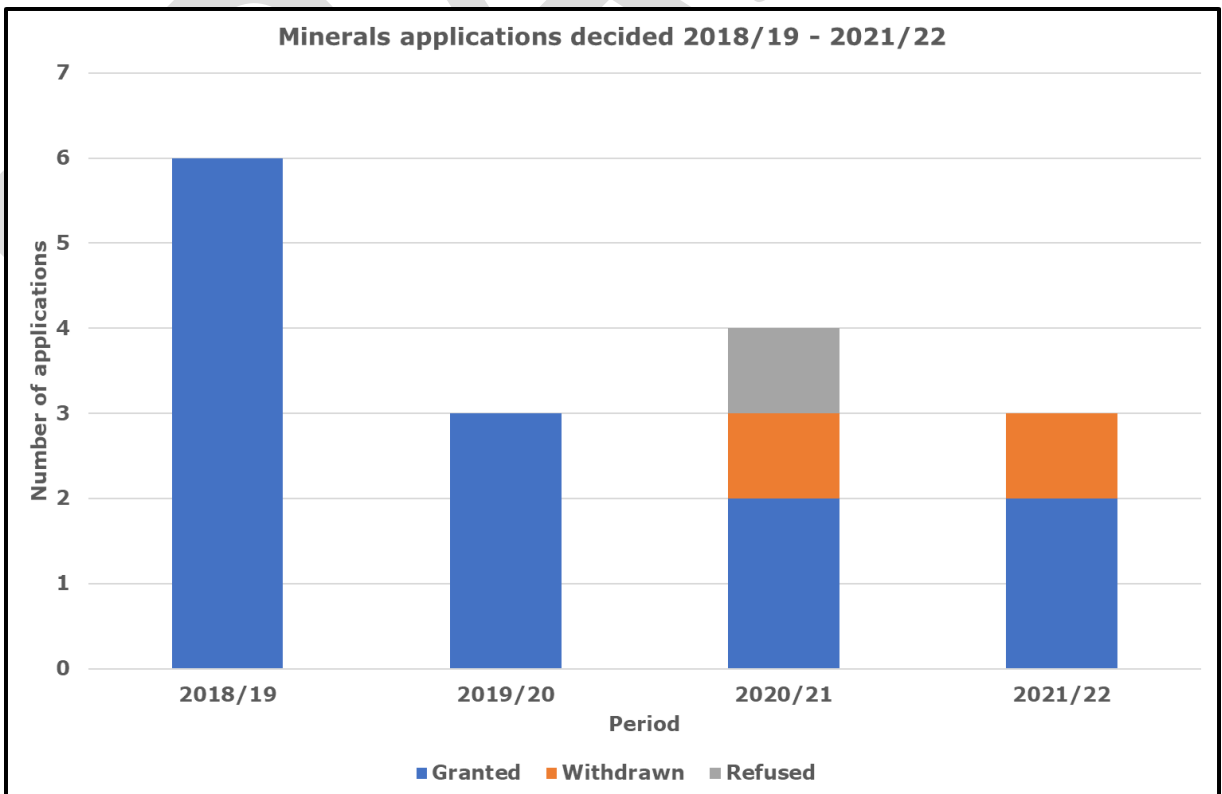


Figure 1: Minerals applications (2018/19 – 2021/22)

Policy M1: Sharp Sand and Gravel

JMLP Measure / Indicator	JMLP Trend / Target
Landbank for sharp sand and gravel.	100% of decisions made on planning applications for sharp sand and gravel extraction are consistent with Policy M1. Target = maintain landbanks of at least 7 years of permitted reserves Trigger for a review of the Plan = landbanks fall below 7 years of supply
Intervention Level	Actions
Breach of benchmark over 2 successive years	Review policy

Changes to National Policy or guidance relevant to Policy M1

- 3.3. No changes to national policy on planning guidance related to aggregates supply have been made since adoption of the JMLP.

Planning Applications

- 3.4. Since adoption of the JMLP, there have been no planning applications for sharp sand and gravel extraction.

Landbanks

- 3.5. Policy M1 requires that a landbank of at least seven years is maintained. Landbanks set out how long (in years) reserves at existing permitted sites will last and are calculated by dividing the reserves against the calculated annual provision rates (APR). Updates to the landbank are presented annually in the Authorities LAAs, taking account of the latest available data and circumstances, which are used in the consideration and calculation of the APR.
- 3.6. The APR (or benchmark) is based on the 10-year average of sales and considers 'other relevant local information'², whilst National Planning Practice Guidance³ states that, in addition to considering the 10-year average, MPAs should also consider average annual sales over the previous three years for identifying the general trends of demand. The three-year averages are presented below as there has been a trend of increasing sales in recent years, that are above the APR.
- 3.7. Since adoption of the JMLP, the single site for sharp sand and gravel in the Plan area has become operational, sales have increased, and therefore, the landbanks have fallen, as demonstrated in Figure 2 below.

² NPPF Para 213(a)

³ PPG Paragraph 064

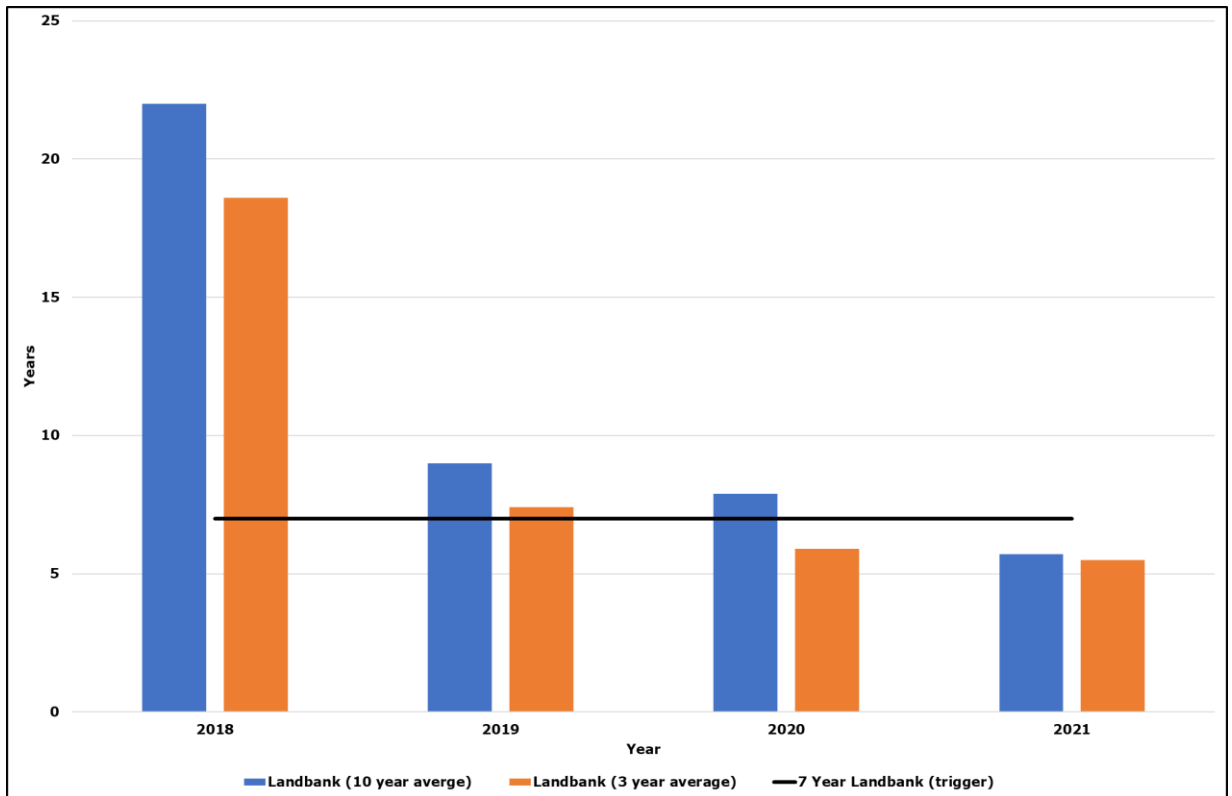


Figure 2: Sharp sand and gravel landbanks (2018 – 2021)

- 3.8. Figure 2 shows that the landbanks based on the 10-year average of sales APR (blue bars) are now below 7 years. The landbanks based on 3-year average of sales (orange bars) show that the landbank fell below 7 years at the end of 2020.
- 3.9. The JMLP intervention level to review Policy M1 would be triggered if the landbank falls below the minimum 7-year requirement for two consecutive years. The landbank has been below the target of 7-years for one year (based on the 10-year average calculations). Based on the 3-year average, used to consider trend, the landbank has been below the target for two years.
- 3.10. Although Figure 2 shows that the landbank for sharp sand and gravel has fallen below 7-years, it is important to note that annual sales figures for sharp sand and gravel include incidentally extracted sharp sand and gravel from a number of soft sand quarries in the Plan area. These incidental sales account for 57% of total SS&G sales during the 10-year period 2012-21, and 40% of total SS&G sales during the three-year period 2019-21.
- 3.11. It is important to note that no existing reserves can be attributed for the incidental extraction from soft sand sites, given their irregularity, therefore the landbank calculation only applies the single sharp sand and gravel quarry. This has the effect of reducing the landbank to levels that are not realistic for the site, whilst it is expected that incidental sales will continue to occur (for which no reserve figure is attributed due to their incidental nature).

3.12. The principal annual supply of sharp sand and gravel comes from marine dredged aggregates landed at West Sussex wharves, with 1.2 million tonnes per annum over landed over the 10-year period 2012 – 2021. Land won sand and gravel sales over that same period average 67,000 tonnes per annum, only 6% of the total supply. During the three-year period (2019-2021), marine dredged aggregates supply averaged 1.3mtpa, whilst over the same period, land won sand and gravel sales were 0.1mtpa, some 8% of total supply. The LAA indicates that there may be a shortfall of between 233,000 – 640,000 tonnes of land won sand and gravel to the end of the Plan period. This is a comparatively small amount, that could be supplied by a single new site.

Summary and RAG Score.

3.13. Although data indicates that the landbank is below 7-years, there are a number of circumstances that need to be taken into account around the supply of sharp sand and gravel, as set out above. Policy M1 allows for unallocated sites to come forward to ensure a continued steady and adequate supply of sharp sand and gravel, and remains consistent with national policy.

Amber	Policy M1 remains relevant and effective, although monitoring indicates potential supply issues.
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Policy M2: Soft Sand

JMLP Measure / Indicator	JMLP Trend / Target
Soft sand sales.	Declining landbank within the South Downs National Park.
Permitted soft sand reserves.	Soft sand continues to be adequately supplied to the construction industry in West Sussex.
Intervention Level	Actions
Lack of sites coming forward that are able to demonstrate exceptional circumstances	Work with the Aggregate Working Party to monitor supplies of soft sand in the south east Review policy.

3.14. Policy M2 of the JMLP adopted in July 2018, required the Authorities to undertake a review to address the shortfall in soft sand to the end of the JMLP plan period (2033). The Soft Sand Review considered the strategy for how the shortfall will be met and resulted in the allocation of three sites for

soft sand extraction (Policy M11), two of which are in the national park. The changes to the JMLP were adopted in March 2021.

Changes to National Policy or guidance relevant to Policy M2

- 3.15. No changes to national policy or planning guidance related to aggregates supply have been made since adoption of Policy M2 (March 2021)

Planning Applications

Since adoption of the JMLP, only one planning application for soft sand extraction has been considered. That was for the continuation of mineral working and subsequent restoration at Sandgate Park Quarry (outside the SDNP), permitted in January 2020.

Landbanks

- 3.16. Policy M2 requires that a landbank of at least seven years is maintained. Landbanks set out how long (in years) reserves at existing permitted sites will last and are calculated by dividing the reserves against the calculated annual provision rates (APR). Updates to the landbank are presented annually in the Authorities LAAs, taking account of the latest available data and circumstances, which are used in the consideration and calculation of the APR. The APR is based on the 10-year average of sales and considers 'other relevant local information'⁴.

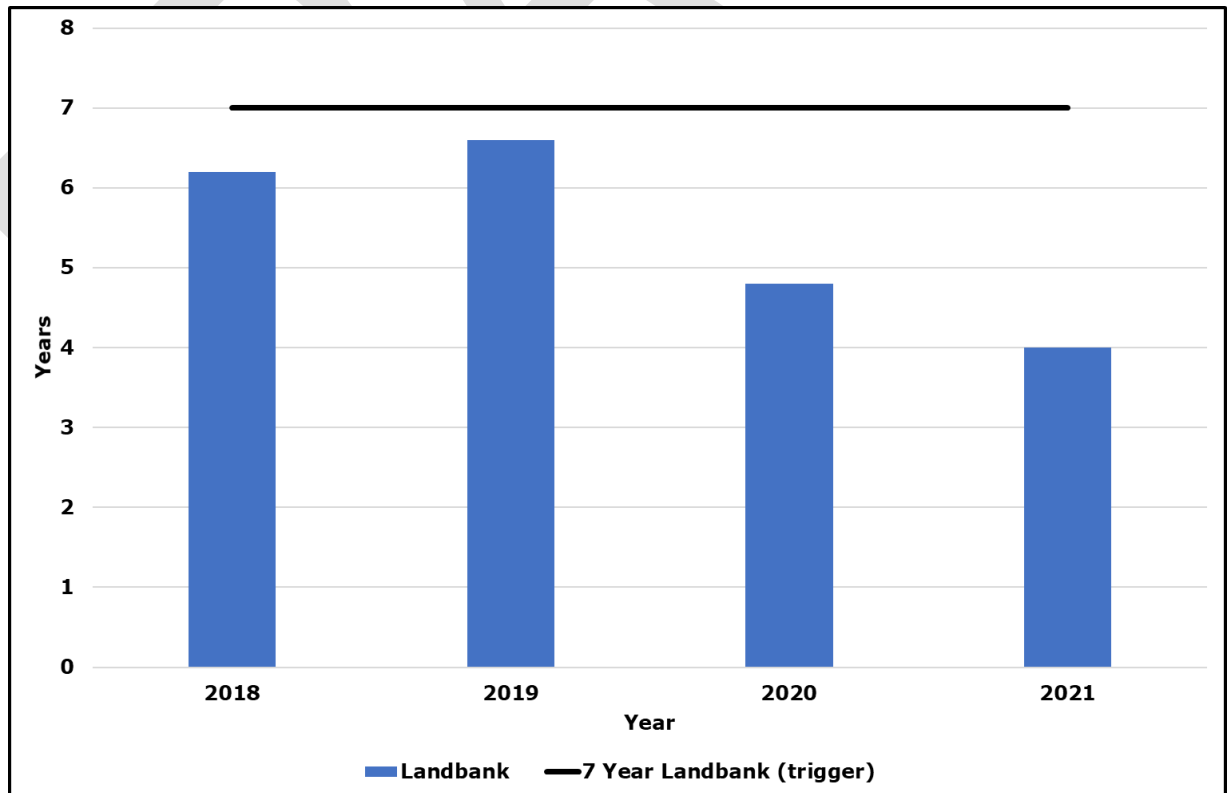


Figure 3: Soft sand and gravel landbanks (2018 – 2021)

⁴ NPPF Para 213(a)

3.17. Figure 3 shows that the landbank for soft sand had been below 7-years since the adoption of the JMLP in July 2018, and is now down to 4-years. The Soft Sand Review allocated three sites, with a potential supply of 2.68mt.

3.18. The authorities have continued to undertake Duty to Cooperate discussions with neighbouring mineral planning authorities on the issue of soft sand supply. A Soft Sand Statement Position Statement, between South East England Mineral Planning Authorities is in place, last updated May 2020. A Statement of Common Ground (SoCG) on Soft Sand between Kent County Council, West Sussex County Council, East Sussex County Council, Brighton & Hove City Council, Surrey County Council, and the South Downs National Park Authority is in place, last updated in July 2022,

3.19.

Summary and RAG Score.

3.20. Although the landbank for soft sand is below 7-years, the amendments to the JMLP adopted in March 2021, through the soft sand review, resulted in the allocation of three sites, with a potential supply of 2.68mt. Policy M2 is a criteria-based policy that would allow unallocated, sites to come forward. Policy M2 remains consistent with national policy.

Amber	Policy M2 remains relevant and effective. Although monitoring indicates potential supply issues, the JMLP contains three allocations for future soft sand extraction.
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Policy M3: Silica Sand

JMLP Measure / Indicator	JMLP Trend / Target
<p>Stock of permitted silica sand reserves.</p> <p>Duty to cooperate discussions show that there is unmet need elsewhere which could be viably replaced by resource from West Sussex</p>	<p>If appropriate site(s) has/have been permitted in the Plan area to meet specific demand for silica sand, a stock of permitted reserves for individual sites of at least 10 years to supply existing processing plant and 15 years for plant where significant new capital, unless planning policy, environmental and amenity material considerations demonstrate that this would be unacceptable.</p> <p>100% of decisions made on planning applications for silica sand extraction are consistent with Policy M3.</p>
Intervention Level	Actions

Breach of benchmark over 2 successive years	Review policy. Securing best use of silica resources through suitable conditions and planning obligations.
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Changes to National Policy or guidance relevant to Policy M3

3.21. No changes to national policy or planning guidance related to silica sand supply have been made since adoption of the JMLP that would deem the policy out of date.

Planning Applications

3.22. Since adoption of the JMLP, there have been no planning applications for silica sand extraction.

Stock of permitted reserves

3.23. There are no permitted reserves, therefore no stock to monitor.

Unmet need elsewhere

3.24. Duty to cooperate discussions have not shown that there is unmet need elsewhere at this time.

Summary and RAG Score.

3.25. There have been no applications for silica sand extraction since adoption of the JMLP. Policy M3 remains consistent with national policy and would allow sites to come forward if the market dictates. The Authorities will continue to engage in any duty to cooperate discussions regarding the future supply of silica sand.

Green	Policy M3 remains relevant and effective.
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Policy M4: Chalk

JMLP Measure / Indicator	JMLP Trend / Target
Planning permissions granted for chalk quarries.	100% of decisions made on planning applications for chalk excavation are consistent with Policy M4.
Level of chalk reserves.	No landbank requirement but monitoring will show levels of chalk reserves.
Demand for chalk in West Sussex	Landbank will provide an indicator of demand against supplies.
Intervention Level	Outcome of application determination is not consistent with policy

Changes to National Policy or guidance relevant to Policy M4

3.26. No changes to national policy or planning guidance related to chalk supply have been made since adoption of the JMLP.

Planning Applications

3.27. Since adoption of the JMLP, there have been no planning applications for chalk extraction.

Level of chalk reserves and demand for chalk

3.28. Reserves and sales for chalk cannot be revealed due to commercial confidentiality. There is no requirement for operators to submit data to the Authorities, therefore data is often piecemeal and based on estimates. There continue to be three operational chalk quarries in West Sussex with significant reserves, with an estimated landbank of 65 years (see Figure 4). This has fallen from 85 years following a revised estimate at one site by its operator, and an increase in sales.

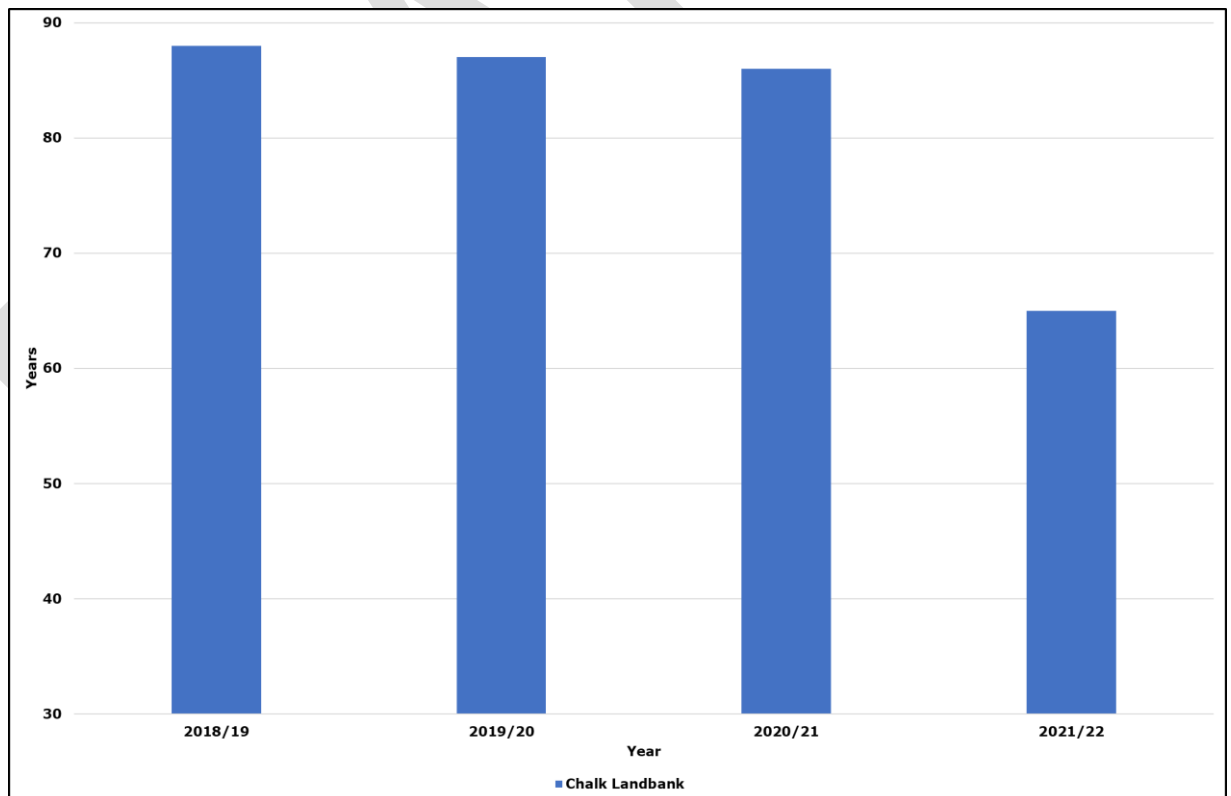


Figure 4: Chalk landbanks (2018 – 2021)

Summary and RAG Score.

- 3.29. There have been no applications for chalk extraction since adoption of the JMLP, and significant reserves remain. Policy M4 remains consistent with national policy and would allow sites to come forward if the market dictates.

Green	Policy M4 remains relevant and effective.
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Policy M5: Clay

JMLP Measure / Indicator	JMLP Trend / Target
Planning permissions granted for clay pits.	100% of decisions made on planning applications for clay excavation are consistent with Policy M5.
Stock of permitted clay reserves at individual brickworks.	25 years permitted reserves at brickworks.
Intervention	Landbank of permitted reserves decreases below 25 years. Outcome of application determination is not consistent with policy

Changes to National Policy or guidance relevant to Policy M5

- 3.30. No changes to national policy or planning guidance related to the supply of clay have been made since adoption of the JMLP that would deem the policy out of date.

Planning Applications

- 3.31. Since adoption of the JMLP, there has been one planning application for clay extraction, at Pallighurst Woods, Loxwood⁵ submitted. Planning permission was refused for this proposal in October 2022, with one of the reasons for refusal specific to the need for clay extraction. It was determined that it had not been demonstrated that there was a need for the proposal to extract 375,000 tonnes of clay to support brickmaking clay, and therefore was contrary to Policy M5(a).

Stock of permitted reserves

- 3.32. There are no formal mechanisms for the Authorities to gather data and information on reserves of clay from operators; therefore, information is collated from discussions with operators, is piecemeal, and often based on estimates. There are four active and one inactive brickworks in West Sussex, with a total permitted reserve of 13.04mt. Only two of the brickworks have a stock of permitted reserves of at least 25 years. This means that two of the active brickworks have stocks of permitted reserves that are less than 25 years.

⁵ WSCC/030/21

3.33. NPPF (paragraph 214(c)) states that;

"MPAs should plan for a steady and adequate supply of industrial mineral by;... maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment¹"

The footnote (1) states; These reserves should be... at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

3.34. Although two sites have landbanks of less than 25 years, the operators of these sites have not been in contact with the authorities regarding future needs. There has been no indication of actual or proposed investment in the existing plant at these sites.

Summary and RAG Score.

3.35. 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.

Amber	Policy M5 remains relevant and effective, although monitoring indicates potential future supply issues at two brickworks, which will continue to be reviewed annually.
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Policy M6: Building Stone

JMLP Measure / Indicator	JMLP Trend / Target
Planning permissions granted for stone quarries.	100% of decisions made on planning applications for stone excavation are consistent with Policy M6.
Level of stone reserves.	Sufficient to meet demand
Demand for stone in West Sussex	No related target – measure used to determine sufficiency of reserves.
Intervention Level	Outcome of application determination is not consistent with Policy M6.

Changes to National Policy or guidance relevant to Policy M6

3.36. At the time the JMLP was prepared, NPPF (2012) stated, with regards to stone extraction, that authorities should '*consider how to meet demand for **small-scale** extraction of building stone...for the repair of heritage assets*'. Updated NPPF paragraph 211(f) does not include reference to "small scale" regarding meeting demand for building stone, although paragraph 211(g) still requires authorities to consider the small-scale nature of building stone quarries and the need for a flexible approach.

- 3.37. Although there has been an amendment to NPPF regarding building stone, Policy M6 is still consistent with the requirements of national policy, as it does not make reference to “small scale”.

Planning Applications

- 3.38. Since adoption of the JMLP, there have been no planning applications for building stone extraction.

Stock of permitted reserves

- 3.39. There are four active building stone extraction sites in West Sussex, with an estimated total permitted reserve of 2.53mt, which are considered to be sufficient to continuing to meet demand.

Summary and RAG Score.

- 3.40. There remain sufficient reserves for building stone extraction. Policy M6 is remains consistent with national policy and would allow for sites to come forward, if the market dictates.

Green	Policy M6 remains relevant and effective
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Policy M7a: Hydrocarbon Development not involving Hydraulic Fracturing, Policy M7b: Hydrocarbon Development involving Hydraulic Fracturing

JMLP Measure / Indicator	JMLP Trend / Target
Decisions on planning applications for hydrocarbon development.	100% of decisions made on planning applications for hydrocarbon development are consistent with Policies M7a and M7b.
Whether permissions are granted for surface development within the defined no-go areas	None should be granted.
Intervention Level	A downward trend in the volume of hydrocarbons permitted to be extracted Permissions granted in the defined no go areas

Changes to National Policy or Guidance relevant to Policies M7a and M7b

- 3.41. NPPF, at the time the JMLP was adopted, stated that *minerals planning authorities should, when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development.* Reference to “unconventional hydrocarbons” was removed from NPPF in 2019, following a Written

Ministerial Statement in May 2019. The remainder of the policy wording was retained.

- 3.42. There have been no substantive changes to PPG since adoption of the JMLP.
- 3.43. Government announced a moratorium on 'fracking' in November 2019, that was briefly lifted during 2022, but reinstated on 27 October 2022⁶. The moratorium is not national policy or guidance.

Planning Applications

- 3.44. Since adoption of the JMLP, there have been a total of five planning applications related to hydrocarbon development (see Figure 5). These were all for *hydrocarbon development not involving hydraulic fracturing* (M7a), and all decisions were made consistent with Policy M7a. No applications for hydraulic fracturing (M7b) have been submitted to the authorities since adoption of the plan. No permissions have been granted in the defined no go areas.
- 3.45. One application, for temporary permission for exploration and appraisal at Lower Stubble Exploration Site, Balcombe⁷, was refused in March 2021. It was determined that the proposed development would represent major development in the High Weald Area of Outstanding Natural Beauty, for which there were no exceptional circumstances, and which is not in the public interest, as required by M7a(a)(i).
- 3.46. The decision was appealed by the applicant in February 2022⁸. The appointed Planning Inspector determined that the proposed development is justified by exceptional circumstances and that great weight is to be afforded to hydrocarbon exploration, overriding the moderate adverse impact on the landscape of the AONB. The appeal was therefore allowed in January 2023.
- 3.47. Although the Planning Inspector overturned the decision to refuse permission in March 2021, it is not considered a failure of Policy M7. The inspector's decision was based on his judgement on the weight to be afforded to the need hydrocarbon exploration, against the great weight afforded to AONBs.
- 3.48. On 27 March 2023, a formal claim was lodged for Judicial Review of the Planning Inspectors decision to allow the appeal.

⁶ <https://questions-statements.parliament.uk/written-statements/detail/2022-10-27/hcws346>

⁷ WSCC/045/20

⁸ Appeal Ref: APP/P3800/W/21/3282246

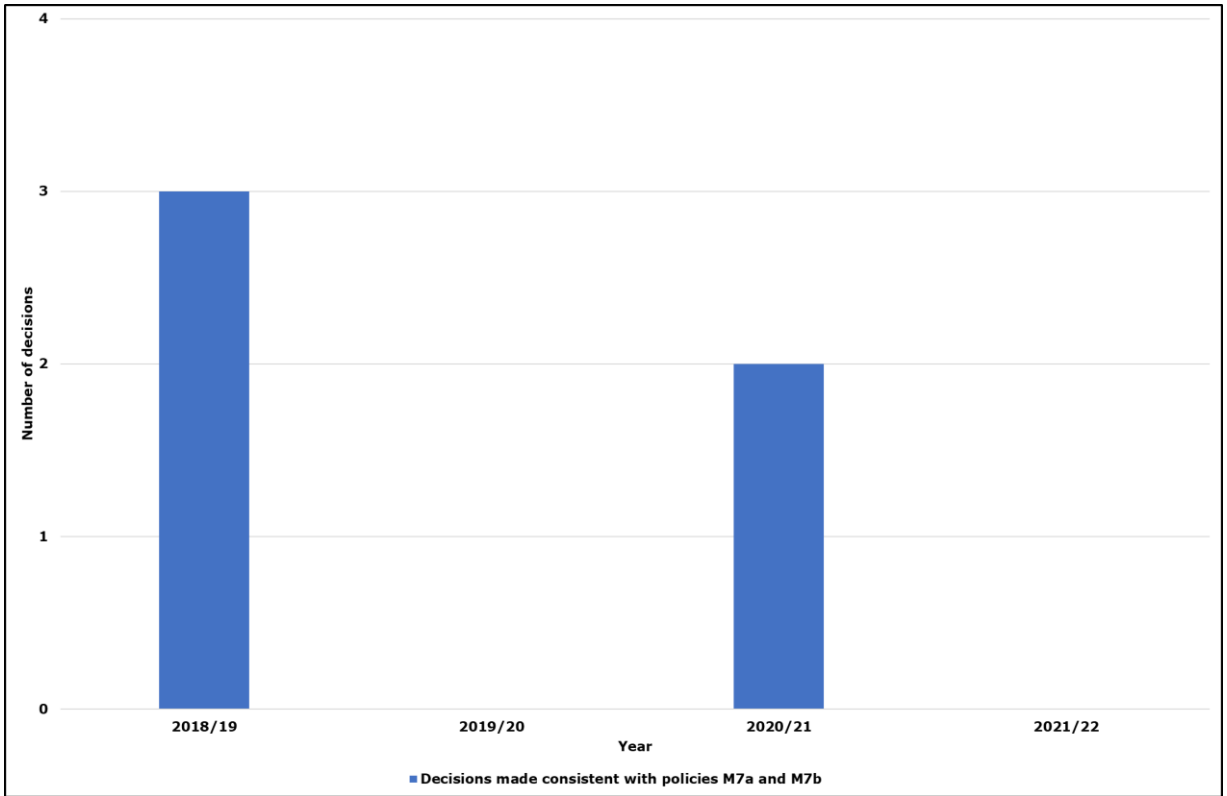


Figure 5: Hydrocarbon applications (2018 – 2021)

Summary and RAG Score.

3.49. Policy M7a continues to be relevant and effective. Although the Government has announced that there is a moratorium on development involving hydraulic fracturing, the ban could be lifted and the NPPF and associated guidance has not been amended to that effect. Therefore, Policy M7b continues to be relevant and effective.

Green	Policy M7a remains relevant and effective. Policy M7b remains relevant and effective.
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Policy M8: Mineral Processing at Mineral Sites

JMLP Measure / Indicator	JMLP Trend / Target
Number of mineral extraction proposals that include plant, processing, and secondary activities. Number of proposals for plant, processing or secondary proposals that are refused because of unsatisfactory impacts on the mineral working scheme.	No trend/targets identified, as it is not expected that unacceptable proposals will progress to planning applications.

Intervention levels	Upward trend in proposals involving plant, processing or secondary activities that are refused
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Changes to National Policy or guidance relevant to Policy M8

3.50. No changes to national policy related to mineral processing have been made since adoption of the JMLP.

Planning Applications

3.51. Since adoption of the JMLP, there have been two planning applications for mineral processing at mineral sites, one each in 2018/19 and 2019/20.

Summary and RAG Score.

3.52. Since adoption of the JMLP, there have been no changes to national policy, and no issues with the use of the policy.

Green	Policy M8 remains relevant and effective
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Policy M9: Safeguarding Minerals

JMLP Measure / Indicator	JMLP Trend / Target
Sterilisation of important mineral resources.	There should not be any sterilisation unless the benefits of the development outweigh the loss of the mineral.
Intervention Levels	Significant sterilisation of safeguarded minerals.

Changes to National Policy or guidance relevant to Policy M9

3.53. There have been no substantive changes to national policy or planning guidance related to safeguarding minerals. Policy M9 also safeguards existing mineral site (clause a). The NPPF now includes a specific reference to the 'agent of change' principle, that was added to paragraph 187 of NPPF in 2018. This principle seeks to ensure that *existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*. The inclusion of agent of change within NPPF is considered positive as it ensures that where existing businesses could have significant adverse impacts on new development, it is the 'agent of change' that should provide suitable mitigation.

3.54. Although the JMLP itself does not refer to the agent of change, it was included within an updated version of the Authorities' [Minerals and Waste Safeguarding Guidance](#), that sets out how the safeguarding policies in the JMLP (and WLP) will be implemented in practice. Policy M9 sets out how *existing mineral extraction sites will be safeguarded against non -mineral*

development that prejudices their ability to supply minerals in the manner associated with the permitted activities. If the 'agent of change' is proposing development with mitigation to ensure it would not prejudice permitted mineral activities, then Policy M9 is considered effective without needing to reference the 'agent of change'.

Minerals consultations

- 3.55. Since adoption of the JMLP, the Authorities have worked with West Sussex district and borough planning authorities (D&Bs) to provide support and guidance on the application of safeguarding policies, on how to consult the authorities, and through updates to the Safeguarding Guidance as necessary. Over time, the D&Bs have incorporated safeguarding matters into their consultation process on planning applications, ensuring that the Authorities are consulted on the right applications. The way data has been collated on safeguarding matters has therefore changed since adoption of the Plan.
- 3.56. As national parks are the sole local planning authorities for their areas, the SDNPA are responsible for all development in the Park. This means the SDNP consider policies in both the South Downs Local Plan and the JMLP for non-minerals development.
- 3.57. The table below sets out how many times WSCC have been consulted by D&Bs for non-mineral development applications that were being considered in Mineral Consultation Areas, broken down into three categories based on the response provided on those applications. This data excludes instances where WSCC were consulted in error.

Period	No Objection, subject to Policy M9(b)(iii)	Objection – more information needed / minerals will be sterilised	No Objection	Total
2018/19	2	6	12	20
2019/20	6	4	9	19
2020/21	9	3	5	17
2021/22	0	10	11	21

- 3.58. The data shows that the D&B authorities regularly consult WSCC.

Sterilisation of important mineral resources

- 3.59. Since adoption of the Plan, there have been two occasions where D&B authorities have refused planning permission for non-mineral development, citing mineral sterilisation as one of the reasons for refusal. Both of these applications were for outline permission for the development of homes.

- 3.60. One of the refusals, at Land West of Tye Lane, Walberton, was appealed by the applicant. The appointed planning inspector decided to approve the appeal, and with reference to minerals, included a specific condition to secure incidental extraction of any viable minerals, which would be secured at construction phase as part of an incidental extraction plan.
- 3.61. The other refusal, at Land West of Yapton Lane, Walberton, is currently subject to an appeal. As part of the appeal, the appellant submitted further information related to minerals that overcomes WSCCs main concerns in relation to mineral safeguarding. A condition as that for Land West of Tye Lane has been suggested, ensuring any incidental minerals are extracted for beneficial use. A decision is pending.
- 3.62. There are other instances in which the D&B authorities have been required to decide whether there was an overriding need for development, that outweighs the safeguarding of the mineral as per Policy M9(b)(iii). Decisions on overriding need may have resulted in some sterilisation, however this would only occur following consideration of information submitted in support of applications by developers, as well as comments from WSCC, as the Mineral Planning Authority.
- 3.63. There has been no significant sterilisation of safeguarded minerals since adoption of the JMLP.

Summary and RAG Score

- 3.64. Policy M9 is still considered to be consistent with the requirements of the NPPF. The inclusion of 'agent of change' to the NPPF is a positive change that strengthens the safeguarding of existing uses. Since adoption of the Plan, the consultation process has proven to be effective, no sites safeguarded have been lost, and there has been no significant sterilisation of safeguarded minerals.

Green	Policy M9 remains relevant and effective
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Policy M10: Safeguarding minerals infrastructure

JMLP Measure / Indicator	JMLP Trend / Target
Loss or unacceptable impact on sites listed in the policy.	No loss of, or unacceptable impact on, the sites listed.
<i>Intervention Levels</i>	Loss or unacceptable impact on the sites listed

Changes to National Policy or guidance relevant to Policy M10

- 3.65. No substantive changes to national policy or planning guidance related to safeguarding mineral infrastructure processing have been made since adoption of the JMLP. The NPPF now includes a specific reference to the 'agent of change' principle, that was added to paragraph 187 of NPPF in

2018. This principle seeks to ensure that *existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*. The inclusion of agent of change within NPPF is considered positive as it ensures that where existing businesses could have significant adverse impacts on new development, it is the 'agent of change' that should provide suitable mitigation.

- 3.66. Although the JMLP itself does not refer to the agent of change, it was included within an updated version of the Authorities' [Minerals and Waste Safeguarding Guidance](#), that sets out how the safeguarding policies in the JMLP (and WLP) will be implemented in practice. Policy M10 sets out how *development on, or near to, sites hosting permanent minerals infrastructure, that would prevent or prejudice its operation will not be permitted*. If the 'agent of change' is proposing development with mitigation to ensure it would not prevent or prejudice minerals infrastructure, then Policy M10 is considered effective without needing to reference the 'agent of change'.

Loss of safeguarded sites

- 3.67. Since adoption of the JMLP, one site has been lost, Kingston Railway Wharf, that was safeguarded under clause (e), for a temporary period in line with its planning permission. The operator of that wharf has since relocated to another site, which was expected due to the strategy of the Shoreham Joint Area Action Plan. None of the other sites listed in Policy M10 have been lost to other uses since adoption of the Plan. Policy M10 also applies to minerals infrastructure listed in the Authorities Monitoring Reports.
- 3.68. The District and Borough Planning Authorities of West Sussex are required to consult The Authorities when development is proposed near to any safeguarded mineral infrastructure. Since adoption of the JMLP, WSCC have been consulted a further three times for development near to safeguarded mineral infrastructure. On all three occasions, WSCC had no objections subject to the deciding authority being satisfied that there would be no impact on the specific safeguarded sites.

Summary and RAG Score

- 3.69. Policy M10 is still considered to be consistent with the requirements of the NPPF. The inclusion of 'agent of change' to the NPPF is a positive change that strengthens the safeguarding of existing uses. Since adoption of the Plan, the consultation process has proven to be effective, and there has been no unexpected loss of safeguarded sites.

3.70.

Green	Policy M10 remains relevant and effective
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Policy M11: Strategic Mineral Site Allocations

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications for minerals working on allocated sites permitted per annum.	n/a
Type of facilities permitted per annum.	In line with the requirements of the Plan area as set out in Policy M11.
Intervention Levels	<p>A downward trend in applications on allocated sites (compared with applications on unallocated sites).</p> <p>Loss of allocations to non-minerals uses or use for minerals determined as being undeliverable.</p>

- 3.71. Policy M11 of the JMLP was updated as part of the soft sand review, that was adopted in 2021, and saw the inclusion of three allocations for soft sand extraction in the JMLP. Since adoption of the JMLP (and subsequent soft sand review), there have been no applications submitted on the strategic mineral site allocations.
- 3.72. There have been no applications for new sites on unallocated sites since for soft sand since adoption of the Plan.
- 3.73. No allocations have been lost to non-mineral uses. The allocation for clay extraction at West Hoathly Brickworks (clause (a)) is unlikely to come forward as West Hoathly Brickworks permanently ceased production in March 2020, and a restoration scheme for the quarry site has since been approved.

Summary and RAG Score

- 3.74. Although the allocation at West Hoathly is now not expected to come forward, the remainder of the policy is still relevant and effective. It is not considered necessary to update the policy in order to remove an allocation. The permanent closure of the brickworks and on-going restoration of the extraction site would be a key material matter in deciding the weight given to the of safeguarding the allocation, as per clause M9(d).

Green	Policy M11 remains relevant and effective
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Policy M12: Character

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused on character grounds per annum (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M12.
Intervention Levels	Planning applications for minerals facilities which conflict with the character and identity of the surrounding land are permitted against advice.

3.75. There were a number of changes made to the NPPF in 2021 related to character. This includes the requirement for authorities to now prepare design guides and codes that reflect local character. Principles of this have been set out in the National Design Guide and National Model Design, although they do not reference minerals planning authorities, or mineral sites. Policy M12 is considered consistent with National policy as it ensures that there is no unacceptable impact on the character or distinctiveness of the areas of West Sussex.

3.76. There have been no applications (0%) refused on character grounds since adoption of the JMLP.

Green	Policy M12 remains relevant and effective
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Policy M13: Protected Landscapes

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused in the AONBs and SDNP (including percentage against total applications received) for large scale and small-scale facilities. Number of applications for minerals facilities permitted per annum within protected landscapes.	100% of decisions made on planning applications are consistent with Policy M13.
Intervention levels	Upward trend of minerals applications refused as a result of unacceptable impacts on protected landscapes arising from the proposal. Applications permitted against landscape advice.

3.77. NPPF was updated in 2018 to specifically make reference to “enhancing protected landscapes”, as well as the need to conserve (now paragraph 176). Policy M13 does not make reference to conserve or enhance, done purposefully to avoid repeating Strategic Objective 7 of the Plan, that reads

To conserve and enhance the landscape and townscape character of West Sussex and the special qualities of the South Downs National Park and the local distinctiveness and character of the High Weald AONB and Chichester Harbour AONB and the settings of all protected landscapes.

3.78. Furthermore, the changes to the NPPF included a new footnote at paragraph 177, that states;

For the purposes of paragraphs 176 and 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

3.79. This makes clear how major development is to be defined, and that it is for the decision maker to determine.

3.80. In 2021, amendments were made to NPPF 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.

3.81. The NPPF changes that have been made are positive, strengthening the position of protected landscapes. Policy M13 is considered to be consistent with national policy.

3.82. Since adoption of the JMLP, there has been one application refused for minerals development in the AONBs or SDNPA, whilst there have been no decisions made contrary to landscape advice.

3.83. Since adoption of the JMLP, there have been three applications permitted for minerals facilities within protected landscapes.

3.84. All decisions made have been consistent with Policy M13.

Green	Policy M13 remains relevant and effective
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Policy M14: Historic Environment

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused on historic grounds (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M14
Intervention Levels	Upward trend of minerals applications refused as a result of unacceptable impacts on the historic environment arising from the proposal.

- 3.85. There have been no substantive changes to national policy on the historic environment since adoption of the JMLP. Therefore, Policy M14 is considered consistent with National policy.
- 3.86. Since adoption of the JMLP, there have been no applications (0%) refused for minerals development on historic environment grounds and all decisions made have been consistent with Policy M14.

Green	Policy M14 remains relevant and effective
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Policy M15: Air and Soil

JMLP Measure / Indicator	JMLP Trend / Target
Applications refused on air quality and grounds (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M15.
Intervention levels	Upward trend in mineral applications refused as a result of unacceptable impact on air and soil arising from the proposal.

- 3.87. There have been no substantive changes to national policy on air and soil since adoption of the JMLP. Therefore, Policy M15 is considered consistent with National policy.
- 3.88. Since adoption of the JMLP, there have been no applications (0%) refused for minerals development on air or soil grounds and all decisions made have been consistent with Policy M15.

Green	Policy M15 remains relevant and effective
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Policy M16: Water Resources

JMLP Measure / Indicator	JMLP Trend / Target
Applications refused on water grounds (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M16.
Intervention levels	Upward trend in mineral applications refused as a result of unacceptable impact on the water environment arising from the proposal.

3.89. There have been no substantive changes to national policy on water resources since adoption of the JMLP. Therefore, Policy M16 is considered consistent with National policy.

3.90. Since adoption of the JMLP, there have been no applications (0%) refused for minerals development on water grounds and all decisions made have been consistent with Policy M16.

Green	Policy M16 remains relevant and effective
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Policy M17: Biodiversity and Geodiversity

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused on biodiversity and geodiversity grounds (including percentage against total applications received).	n/a
Number of applications with associated mitigation measures provided.	100% of decisions made on planning applications are consistent with Policy M17.
Intervention levels	Upward trend of minerals applications refused as a result of unacceptable impacts on biodiversity and geodiversity arising from the proposal.

3.91. NPPF includes a new paragraph (131) that makes clear the contribution that trees make, and the importance of ensuring the long-term maintenance of newly planted trees and the retention of existing trees in developments. There have been no substantive changes to national policy on Biodiversity and Geodiversity since adoption of the JMLP. Therefore, Policy M17 is considered consistent with National policy.

3.92. The Environment Act will result in eventual changes to National Policy, including biodiversity net gain and Local Recovery Nature Strategies, which will have implications for the JMLP. For example, Policy M17(e) refers to “where possible” regarding biodiversity net gain, meanwhile the intention of Government is that a minimum requirement of 10% is achieved. Until

such time that these changes are made to national policy and any changes can be assessed as to their effect on the JMLP, the JMLP is considered to remain consistent with national policy.

- 3.93. Locally, concerns have been raised that groundwater abstraction within the Sussex North Water Supply Zone may be harming biodiversity within internationally designated sites in the Arun Valley.
- 3.94. As a result of this, in October 2021, Natural England issued a Position Statement to the County Council. The statement sets out that it cannot be concluded that the existing abstraction within the zone is not having an adverse impact on the Arun Valley sites and advises that development within the zone must not add to this impact. This means, for any development within the Sussex North Water Supply Zone, developers are required to demonstrate water neutrality. Policy M17 does not require any updates as a result of this issue, as development that is not water neutral with the Sussex North Water Supply Zone will be refused, due to the harm it may cause to protected sites.
- 3.95. Since adoption of the JMLP, there have been no applications refused (0%) for minerals development on biodiversity and geodiversity grounds, and two applications approved with associated mitigation measures provide. All decisions made have been consistent with Policy M17.

Green	Policy M17 remains relevant and effective
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Policy M18: Public Health and Amenity

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused on health and amenity grounds (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M18.
Intervention levels	Upward trend of minerals applications refused as a result of impacts on human health and amenity.

- 3.96. There have been no substantive changes to national policy on public health or amenity since adoption of the JMLP. Therefore, Policy M18 is considered consistent with National policy.
- 3.97. Since adoption of the JMLP, there have been no applications (0%) refused for minerals development on public health and amenity grounds and all decisions made have been consistent with Policy M18.

Green	Policy M18 remains relevant and effective
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Policy M19: Flood Risk Management

JMLP Measure / Indicator	JMLP Trend / Target
<p>Applications refused on flooding grounds (including percentage against total applications received).</p> <p>Permissions granted with associated mitigation measures (including percentage against total applications received).</p> <p>Number of applications refused/permitted in flood risk zones 2b and 3 (including percentage against total applications received).</p>	<p>100% of decisions made on planning applications are consistent with Policy M19.</p>
<p>Intervention levels</p>	<p>Upward trend of minerals applications refused as a result of unacceptable impacts on flood regime arising from the proposal.</p>

3.98. NPPF Chapter 14 (Planning and Flood risk) was updated in 2018 and 2021, to provide clarity on ensuring the right decisions are made to mitigate all forms of flood risk. Changes were also made to PPG in 2022 to reflect the amendments to NPPF. The changes to NPPF and PPG are not considered substantive, and Policy M19 remains consistent with National policy.

3.99. Since adoption of the JMLP, there have been no applications refused (0%) for minerals development on flooding grounds. A total of four applications have been granted with associated mitigation measures (33% of all applications in 2018/19, and 67% of applications in 2019/20, one of which was in flood risk zone 2b or 3 (33%).

Green	Policy M19 remains relevant and effective
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Policy M20: Transport

JMLP Measure / Indicator	JMLP Trend / Target
<p>Number of applications refused on transport grounds (including percentage against total applications received).</p>	<p>100% of decisions made on planning applications are consistent with Policy M20.</p>
<p>Intervention Level</p>	<p>Upward trend of mineral applications refused as a result of unacceptable transport impacts arising from the proposal.</p>

3.100. There have been no substantive changes to national policy on transport since adoption of the JMLP. Therefore, Policy M20 is considered consistent with National policy.

3.101. Since adoption of the JMLP, there have been no applications refused (0%) for minerals development on transport grounds, and all decisions made have been consistent with Policy M20.

Green	Policy M20 remains relevant and effective
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Policy M21: Aerodrome Safeguarding

JMLP Measure / Indicator	JMLP Trend / Target
Upward trend of minerals applications refused as a result of unacceptable impacts on aviation safety arising from the proposal.	100% of decisions made on planning applications are consistent with Policy M21.
<i>Intervention Levels</i>	Upward trend in minerals applications refused on aviation grounds

3.102. There have been no substantive changes to national policy on Aerodrome Safeguarding since adoption of the JMLP. Therefore, Policy M21 is considered consistent with National policy.

3.103. Since adoption of the JMLP, there have been no applications refused for minerals development on aerodrome safeguarding grounds, and all decisions made have been consistent with Policy M21.

Green	Policy M21 remains relevant and effective
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Policy M22: Cumulative Impact

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused on cumulative impact grounds (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M22.
<i>Intervention Levels</i>	Upward trend of mineral applications refused on grounds of cumulative impacts.

3.104. There have been no substantive changes to national policy on Cumulative Impact since adoption of the JMLP. Therefore, Policy M22 is considered consistent with National policy.

3.105. Since adoption of the JMLP, there have been no applications (0%) refused for minerals development on cumulative impact grounds, and all decisions made have been consistent with Policy M22.

Green	Policy M22 remains relevant and effective
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Policy M23: Design and Operation of Mineral Developments

JMLP Measure / Indicator	JMLP Trend / Target
Number of applications refused because of unacceptable scale, form, or layout. Number of applications permitted that include low carbon energy initiatives/sources (including percentage against total applications received).	100% of decisions made on planning applications are consistent with Policy M23.
<p><i>Intervention Levels</i></p>	Upward trend in applications refused because of unacceptable scale, form, or layout. Downward trend of applications permitted that include low carbon energy initiative/sources.

3.106. There have been no substantive changes to national policy on design and operation of minerals sites. Policy M23 is considered consistent with National policy.

3.107. Since adoption of the JMLP, there have been no applications (0%) refused for minerals development due to scale, form or layout. The nature of mineral applications provides limited scope for low carbon energy initiatives, however, where appropriate, applicants are required to explore opportunities. To date, there have been no mineral applications where low carbon energy initiatives would have likely been practicable or relevant. As a result there has been no downward trend of applications. All decisions made have been consistent with Policy M23.

Green	Policy M23 remains relevant and effective
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Policy M24: Restoration and Aftercare

JMLP Measure / Indicator	JMLP Trend / Target
Sites restored in a timely manner and to a satisfactory standard.	Sites restored in a timely manner. Site restored to a satisfactory standard.
Intervention Levels	One site left unrestored for prolonged period of time. Restoration of one site does not achieve environmental enhancements and/or benefits to the community in accordance with Plan expectations.

3.108. There have been no substantive changes to national policy on restoration or aftercare since adoption of the JMLP. Therefore, Policy M24 is considered consistent with National policy.

3.109. There are a number of sites that are undergoing restoration, some of which are that are subject to fees monitoring visits. Some sites are not being restored as quickly as hoped. Where applicable, these are being addressed through current planning applications.

3.110. Since adoption of the JMLP, there have been three applications permitted that included restoration and aftercare plans. All decisions made have been consistent with Policy M24.

Green	Policy M24 remains relevant and effective
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Policy M25: Community Engagement

JMLP Measure / Indicator	JMLP Trend / Target
Number of sites permitted with liaison committees.	Increase in the number liaison committees.
Intervention Levels	Downward trend in the number of sites with liaison committees.

3.111. There have been no substantive changes to national policy on community engagement since adoption of the JMLP. Therefore, Policy M25 is considered consistent with National policy.

3.112. Since adoption of the JMLP, there has been one new liaison committee set up, in 2018/19. All decisions made have been consistent with Policy M25.

Green	Policy M25 remains relevant and effective
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Policy M26: Maximising the Use of Secondary and Recycled Aggregates

JMLP Measure / Indicator	JMLP Trend / Target
Number of planning permissions permitted per annum where the use of recycled and secondary aggregate has been considered as part of the proposal. Recycling of inert waste (capacity, tonnes per annum, and % of total arisings)	Upward trend.
<i>Intervention Levels</i>	A downward trend in the production capacity and tonnage of secondary and recycled materials.

- 3.113. There have been no substantive changes to national policy on secondary and recycled aggregates. Therefore, Policy M26 is considered to be consistent with National policy.
- 3.114. Since adoption of the JMLP, there has been one application permitted where recycled and secondary aggregates were considered as part of the proposal.
- 3.115. Since adoption of the Plan, the levels of recycling and permitted capacity have fluctuated (see figure 7 below). Capacity changes are expected over time given the often-temporary nature of these types of facility. The changes in capacity have not been such to cause concern, particularly given that the recycling rates are considerably less than capacity, suggesting there is scope for increased recycling. It is assumed that the recycling rates falling in recent years can be attributed to the Covid Pandemic and associated lockdowns. Recycling amounts have increased in the latest monitoring period, suggesting a potential recovery.

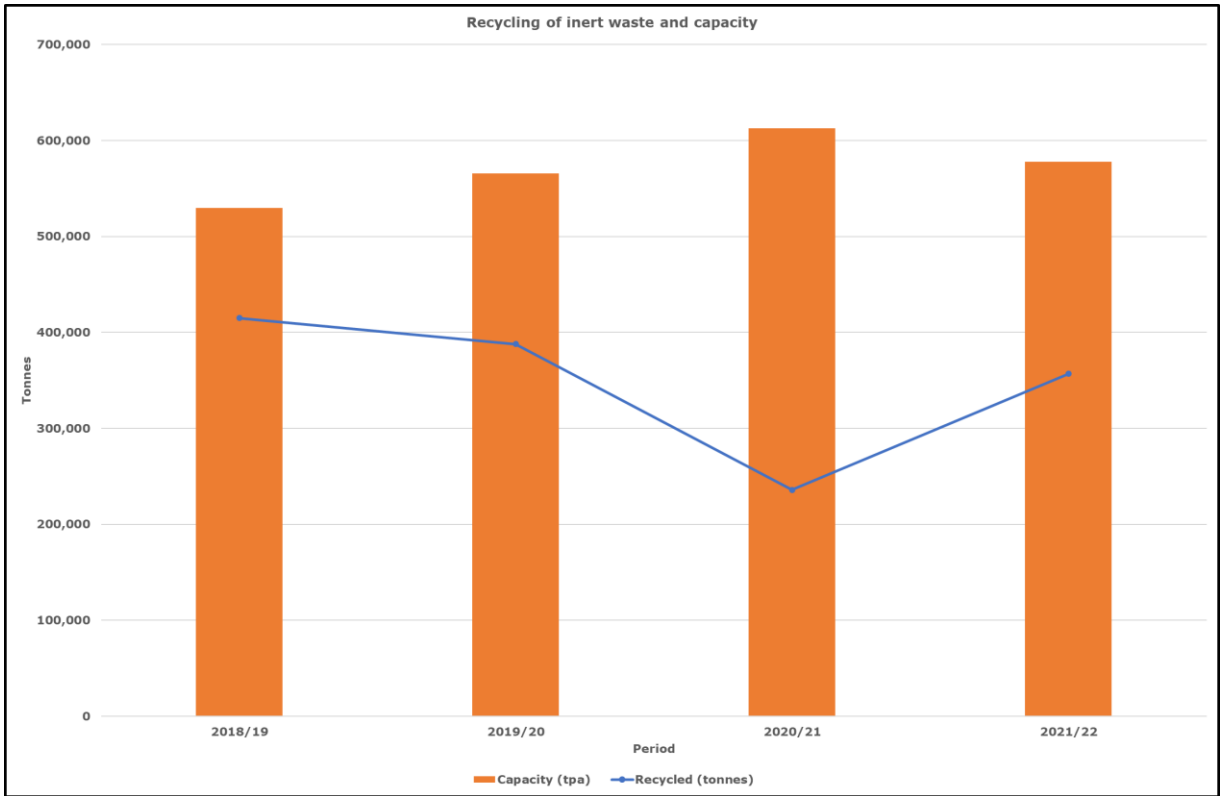


Figure 7: Inert waste recycling and capacity

3.116. All decisions made have been consistent with Policy M26.

Green	Policy M26 remains relevant and effective
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4. Conclusions

- 4.1. The assessment of the JMLP has identified that since adoption of the Plan, there have been no substantive changes in national or 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.
- 4.2. 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 table below, sets out the RAG assessment score for each policy in the JMLP

Joint Minerals Local Plan Policy	RAG Score
Policy M1: Sharp sand and gravel	Amber
Policy M2: Soft Sand	Amber
Policy M3: Silica Sand	Green
Policy M4: Chalk	Green
Policy M5: Clay	Amber
Policy M6: Building Stone	Green
Policy M7a: Hydrocarbon development not involving hydraulic fracturing	Green
Policy M7b: Hydrocarbon development involving hydraulic fracturing	Green
Policy M8: Mineral processing at mineral sites	Green
Policy M9: Safeguarding minerals	Green
Policy M10: Safeguarding minerals infrastructure	Green
Policy M11: Strategic minerals site allocations	Green
Policy M12: Character	Green
Policy M13: Protected Landscape	Green
Policy M14: Historic Environment	Green
Policy M15: Air and Soil	Green
Policy M16: Water Resources	Green
Policy M17: Biodiversity and Geodiversity	Green
Policy M18: Public health and amenity	Green
Policy M19: Flood Risk Management	Green
Policy M20: Transport	Green
Policy M21: Aerodrome Safeguarding	Green
Policy M22: Cumulative impact	Green
Policy M23: Design and operation of mineral developments	Green
Policy M24: Restoration and aftercare	Green
Policy M25: Community engagement	Green
Policy M26: Maximising the use of secondary and recycled aggregates	Green

- 4.3. The main conclusions from this review are as follows:

- 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.
- Since adoption of the JMLP, 16 planning applications have been considered for minerals development (2018/19 – 2021/22), of which 13 were permitted, two refused, and one withdrawn.
- Three policies scored Amber in the RAG assessment, indicating that although the policies remain relevant and effective, monitoring indicates potential issues;
 - **Policy M1 - Sharp sand and gravel:** the sharp sand and gravel landbank has fallen below 7-years. Unique local circumstances, due to incidental extraction, result in a reduced the landbank. Policy M1 allows unallocated sites to come forward to ensure a steady and adequate supply.
 - **Policy M2 - Soft sand:** the soft sand landbank has fallen below 7-years. The JMLP allocates three sites (through the partial review, 2021), for which applications are expected. Policy M2 is a criteria-based policy that would allow unallocated sites to be permitted.
 - **Policy M5 – Clay:** the stock of permitted reserves at two brickworks is below the required 25-year landbank, indicating potential supply issues, although none of the operators have indicated as such to the Authorities. Policy M5 allows unallocated sites to come forward to help maintain stock of permitted reserves for individual brickworks.
- There has been no significant sterilisation of safeguarded minerals since adoption of the JMLP. The district and borough planning authorities regularly consult WSCC on proposals in the Minerals Consultation Area.
- No safeguarded sites have been lost, with the exception of a minerals wharf that was temporarily safeguarded; the operators have relocated.
- The development management policies are working effectively.

4.4. Therefore, 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.