

Report to	<b>Planning Committee</b>
Date	<b>12 October 2023</b>
By	<b>Director of Planning</b>
Title of Report	<b>The Joint South Downs National Park Authority, East Sussex County Council and Brighton &amp; Hove City Council Waste and Minerals Local Plan Review: Main Modifications Consultation</b>
Purpose of Report	<b>To update Planning Committee on the progress of the East Sussex Waste and Minerals Local Plan Review and recommend that the National Park Authority agree that the Proposed Modifications and supporting documents are published for a representation period of eight weeks</b>

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**Recommendation:**

**That the Planning Committee recommends the National Park Authority to Agree that the Proposed Modifications to the Submission draft of the Joint South Downs National Park Authority, East Sussex County Council and Brighton & Hove City Council Waste and Minerals Local Plan Review Revised Policies document, and its supporting documents, are published for a representation period of eight weeks**

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**I Introduction**

- I.1 The South Downs National Park Authority has been working in partnership with East Sussex County Council and Brighton & Hove City Council (the Authorities) in the preparation of minerals and waste planning policy for East Sussex, Brighton & Hove and the area of the National Park within the County and City. Together, the Authorities have prepared the Waste and Minerals Plan (WMP, 2013), and the Waste and Minerals Sites Plan (WMSP, 2017). These adopted plans form the Waste and Minerals Local Plan (WMLP) which is used by each of the Authorities in the determination of planning applications for waste management activities, and minerals extraction and infrastructure in the Plan area.
- I.2 Over the past few years, the Authorities have been undertaking a partial review of the WMLP (primarily focussed on minerals planning matters) and in November 2022 the proposed Waste and Minerals Revised Policies document was subject to an independent Examination in Public, which was conducted by two Examining Inspectors from the Planning Inspectorate. The Inspectors raised no concerns over the soundness of the majority of the Revised Policies document and no concerns around legal compliance were raised. However, and as tends to be the case with Local Plans, the Inspectors have requested that the Authorities propose some modifications to certain policies to ensure that the Plan can be found 'sound' and subsequently adopted by the Authorities.
- I.3 Officers have drafted a series of modifications to the plan to address the matters raised by the Inspectors. These modifications now need to be subject to a formal period of consultation for eight weeks, following which the Inspectors will consider any representations and decide whether to find the Plan sound. This report summarises the modifications proposed and sets out the next steps in the Examination.

## 2 Background

2.1 The modifications being proposed to the Submission draft of the Revised Policies document are only in response to the issues raised by the Inspectors and/or to reflect any updated policy and guidance. It would not be appropriate to introduce modifications and/or additions to the Plan that fall outside of this scope. To do so would risk the Examination period for the Plan being further protracted, or even undermine the likelihood of the Plan being found to be 'sound' and therefore capable of being adopted by the Authorities for decision making purposes.

2.2 The Inspectors issued the following statement on 5th September 2023:

“Following minor revisions to the draft Main Modifications (MMs), the Inspectors are content that these are in a suitable form to be used for public consultation subject to prior completion of a Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). There is no need for the SA and HRA of the MMs to have received any prior comment from the Inspectors in advance of the commencement of the consultation process. However, these (SA and HRA) should be sent to the Inspectors on completion and should be made available as part of the consultation process.

The Inspectors wish to be formally advised of the date of the commencement of the consultation process and the date by which the Authorities require any public comments to be received. On completion of the consultation process it is expected that the Authorities will provide the Inspectors with a schedule of any responses received in respect of each MM. In addition, a schedule of any comments that the Authorities may wish to make in respect of the responses received should also be provided, indicating clearly whether any further changes to the MMs are considered necessary or confirming that no change is required”.

2.3 In summary, the modifications being proposed are;

- To reduce the end of the Plan period to 2030 so that it is consistent with the existing WMLP. Such a change has necessitated the need for proposing changes to certain policies (e.g. previously quoted figures for matters such as aggregate need have been recalculated to account for the shorter plan period).
- Setting out clearer explanation that justifies the figures for aggregate need over the plan period and including a slight increase to the provision figures compared to those in the Submission Revised Policies Document due to the revised housing data (this provision can be met with existing permitted capacity).
- Amendments to policies concerning safeguarding of minerals resources and associated infrastructure, as well as the policy and supporting text that sets out requirements for when Local Planning Authorities consult the Minerals Planning Authority on non-mineral related development proposals in the safeguarded areas.
- Set out the commitment to a full review of the WMLP once this partial review has been completed, as well as the timescales for doing so.
- Provide further clarity on how certain proposed revised policies will be applied in practice.

2.3 The proposed modifications do not include any additional waste or minerals allocations. Should approval to publish the proposed modifications be given, the consultation period is expected to commence on the 27 October 2023 and end on the 22 December 2023. Any representations made will be for the Inspectors to consider and only once they have had a chance to review these will we know if any further hearing sessions will be held as part of the Examination process.

2.4 The proposed modifications will be accompanied by the following supporting documents which are available to view at <https://eastsussex-consult.objective.co.uk/kse/folder/95335>

- Waste and Minerals Local Plan Main Modifications - Habitat Regulations Assessment
- Waste and Minerals Local Plan Review - Sustainability Appraisal Addendum (August 2023)

- Aggregates Data Technical Paper - Addendum [R-AG07]

### 3 Conclusion

- 3.1 With the Waste and Minerals Revised Policies document now at the Examination stage, it is clear that the Authorities are at a significantly advanced stage in the preparation of this Plan. To enable the Examination to be concluded, and a positive outcome to be reached by the Planning Inspectors, some modifications need to be made to the version of the Plan that was originally submitted for Examination. The Authorities need to give interested parties the opportunity to comment upon these proposed modifications and, should such comments be forthcoming, it will be for the Inspectors to consider these as part of their considerations of the Plan.
- 3.2 Approval to publish and consult on the proposed modifications will therefore allow the Authorities to progress the Waste and Minerals Revised Policies towards adoption, thereby ensuring an up-to-date Plan exists in which to consider relevant planning applications against.
- 3.3 Planning Committee is reminded that this report is for information and comments, and for the Committee to make recommendations to the National Park Authority which will make the decision on the consultation for the SDNPA. East Sussex County Council will consider a similar report at Cabinet on the 28 September and Full Council on the 10 October. Brighton and Hove City Council has delegated decisions on modifications consultations to officers.

### 4 Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	The consultation on the Modifications will need to be agreed by the National Park Authority on 19 <sup>th</sup> October 2023. If the Inspectors subsequently find the Plan to be sound then there will be further reports to Planning Committee and the National Park Authority in order for it to be adopted.
Does the proposal raise any Resource implications?	The Resources required to progress this Joint Local Minerals and Waste Plan are incorporated in the medium term budget.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes.
Are there any Human Rights implications arising from the proposal?	None.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability	The Modifications and recent work done is in light of the greater need to reuse previous workings and ensure limited environmental impact.

<p>Strategy:</p> <ol style="list-style-type: none"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	
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**6 Risk Management**

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
A legal challenge to a Local Plan can be launched by way of judicial review within six weeks of the LPA publishing a decision to adopt the Plan.	Low	Medium	Officers at the SDNPA are satisfied the proposed Modifications meet the legal requirements for Development Plans and the proposed consultation is part of these requirements.

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 Appendices:
 

1. Schedule of Main Modifications 13 September 2023
2. Schedule of Additional (non-material) Modifications 11 August 2023
3. Schedule of Policy Map Modifications 21 April 2023