

Schedule of Main Modifications (13 September 2023)

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

Text in bold and light blue is a hyperlink and can be clicked on to access the document or website to which the link points. For example, this is a link to the [East Sussex County Council website](#).

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text. As set out in the Additional Modifications, new paragraphs are marked using the # placeholder symbol. Paragraph and footnote numbering will be updated to be consecutive prior to the adoption of the Plan. References using page numbers will also be updated as required.

Ref	Page	Policy/ Paragraph	Main Modification
MM01	1-5	Section 1 and Section 2	<p>1. Introduction</p> <p>1.1 East Sussex County Council, Brighton & Hove City Council and the South Downs National Park Authority (the Authorities) have responsibility for planning the future management of waste and production of minerals. To guide those decisions the Authorities are required to prepare Minerals and Waste Local Plans which contain policies that guide where minerals and waste developments should go. These policies are then used to make decisions on planning applications for waste management and minerals activities.</p> <p>1.2 The Waste and Minerals Local Plan (WMLP) is currently comprised of the:</p> <ul style="list-style-type: none"> • Waste and Minerals Plan 2013 (WMP), and

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • Waste and Minerals Sites Plan 2017 (WMSP). <p>1.3 The purpose of the review principally focuses on minerals provision, as well as updating and clarifying certain other policies, it is not a complete review of the WMLP Waste and Minerals Local Plan. This document therefore sets out proposed revisions to specific policies within the WMLP Waste and Minerals Local Plan. The Plan Area for this and the other WMLP Waste and Minerals Local Plan documents is the administrative areas of East Sussex and Brighton & Hove, including part of the South Downs National Park and the Plan period for the policies within this document is 2019-2034 inclusive (15 years). This period differs from the period covered by the existing WMLP. However, at the completion of this review, a full plan review of the entire WMLP will be undertaken which will provide an opportunity to align the Plan period. The revised policies include two key changes:</p> <ul style="list-style-type: none"> • East Sussex and Brighton & Hove to become more reliant on aggregates from the marine sources and other sources outside of the Plan Area. • Providing increased protection for minerals and minerals related infrastructure against inappropriate development being located nearby. <p><u>1.# This partial review of the Waste and Minerals Local Plan is being undertaken due to the findings of the Inspector at the Examination into the Waste and Minerals Sites Plan adopted in 2017. The Inspector at this Examination considered this Plan to be sound but concluded that the current rate of land-won aggregates in the Waste and Minerals Plan could not be maintained with the current allocated sites, and therefore indicated that a review of the minerals policies within this Plan would be required prior to the end of the Plan period. For this reason,</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>the Revised Policies Document has primarily focussed on minerals, and more specifically, aggregates provision in the Plan Area. The proposed strategy is one based on importation and the sustainable use of aggregates. Where a clear and obvious need for updates and clarity have been required to other policy areas, these have also been undertaken. However, what is not in scope as part of this review is the waste management provision policies.</u></p> <p>1.4 A number of updates to clarify and consolidate existing policies are also proposed, along with an additional policy for the provision of an additional area of clay extraction at Aldershaw Farm. No other alterations to the existing strategy are being proposed at this time.</p> <p>1.5 This document, if adopted, will join <u>joins</u> the other <u>WMLP Waste and Minerals Local Plan</u> documents in forming part of the Development Plan for the administrative areas set out in Paragraph 1.3. This means that relevant policies within the <u>WMLP Waste and Minerals Local Plan</u> documents apply to all development within this area, not just proposals for waste and minerals development, and that other local authorities within this area will need to consider relevant <u>WMLP Waste and Minerals Local Plan</u> policies when determining planning applications. Similarly, other relevant Development Plan documents besides the <u>WMLP Waste and Minerals Local Plan</u> will need to be considered when determining applications for waste and minerals development.</p> <p>1.6 Once this review has been completed, a composite version of the Waste and Minerals Local Plan comprising of the Waste and Minerals Plan and the Waste and Minerals Sites Plan, incorporating the changes proposed in this document will be published. <u>This will result in a single document containing all the Waste and Minerals Local Plan</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Policies in one place rather than three individual documents. The policies within this review will be in accordance with the ‘Vision for the Plan Area to 2030’ timeframe of the original Waste and Mineral Local Plan policies. The plan period for the Waste and Minerals Local Plan will then allow for all of the adopted plan policies (original and revised) to align until 2030. The synchronising of the timeframes for all the Waste and Mineral Local Plan policies will result in a joined up coherent Plan that should provide clarity for all users. Although Paragraph 22 of the National Planning Policy Framework states that “strategic policies should look ahead over a period of 15 years” it is considered that as this review is only a partial plan review it would be simpler for users if the new policies shared the same time frame as the original Waste and Minerals Plan policies. This will also avoid inconsistency between policies and ensure they are justified by the evidence base. Consequently, new policies within this document share the same plan period of the original Waste and Minerals Plan.</u></p> <p><u>1.# Upon completion of this partial review it is proposed to swiftly undertake a full review of all of the policies within the Waste and Minerals Local Plan in order that a fully updated Waste and Minerals Local Plan can be produced. This review will enable expected forthcoming national policy changes, as well as matters such as secondary legislation and guidance published in relation to the Environment Act, to be taken into consideration. This will then inform the creation of long-term strategic policies beyond the current 2030 Plan period. This review will commence immediately on adoption of this Plan and is anticipated to be completed by 2027.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>For the avoidance of doubt the Plan period for the Revised Policies Document (this document) is 2019 - 2030 (11 Years).</u></p> <p>How to read this document</p> <p>1.7 As the Authorities are proposing to make amendments to specific parts of the <u>WMP Waste and Minerals Plan</u> and <u>WASP Waste and Minerals Sites Plan</u> this document is written in the style of an amendment document. On the following pages there is a table which lists all the policies in the <u>WMLP Waste and Minerals Local Plan</u> and their status.</p> <p>1.8 Over the remainder of the document, to help show and explain the amendments, the following special notations are used:</p> <div style="background-color: #e0e0e0; padding: 5px;"> <p>Explanation</p> <p>Commentary text explaining the proposed changes can be found in these grey bordered boxes. <u>For reference, these boxes will be retained in the adopted Revised Policies Document but will not appear in the consolidated Waste and Minerals Local Plan document. This does not form part of the revised policies and will not be included in the final Plan.</u></p> </div> <p><u>How the Waste and Minerals Local Plan is amended.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification																														
			<p>Text in bold explains what alterations are being proposed, for example if sections are proposed to be deleted or added.</p> <p><i>Text in italics is proposed text on which comments are being sought.</i></p> <p>The Authorities intend to publish a document that consolidates all three documents in due course.</p> <p>2. Summary of <u>Minerals and Waste Local Plan</u> Policy Review</p> <p>2.1 Below is a complete list of adopted and draft policies of the Waste and Minerals Local Plan from the WMP <u>Waste and Minerals Plan</u>, WASP <u>Waste and Minerals Sites Plan</u> and this document, the Revised Policies Document (RPD). Policies proposed for deletion are struck out with a red background, whilst proposed policies are shown <u>underlined</u> with a green background. All relevant policies should be applied in the determination of planning applications.</p> <table border="1"> <thead> <tr> <th>Policy Number</th> <th>Policy Title</th> <th>Document</th> <th>Page</th> <th>Status</th> <th><u>Impact on other policies</u></th> </tr> </thead> <tbody> <tr> <td></td> <td>Overarching Strategy</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>WMP1</td> <td>Presumption in Favour of Sustainable Development</td> <td>WMP</td> <td>33</td> <td>Adopted</td> <td><u>None.</u></td> </tr> <tr> <td>WMP2</td> <td>Minerals and Waste Development affecting the South Downs National Park</td> <td>WMP</td> <td>36</td> <td>Adopted</td> <td>Replaced by RV1.</td> </tr> <tr> <td><u>RV1</u></td> <td><u>Minerals and Waste Development affecting the South Downs National</u></td> <td><u>RPD</u></td> <td><u>18</u></td> <td><u>Draft</u></td> <td><u>Direct replacement for WMP2. Refers to new policy RD1 and existing WMP8b.</u></td> </tr> </tbody> </table>	Policy Number	Policy Title	Document	Page	Status	<u>Impact on other policies</u>		Overarching Strategy					WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted	<u>None.</u>	WMP2	Minerals and Waste Development affecting the South Downs National Park	WMP	36	Adopted	Replaced by RV1.	<u>RV1</u>	<u>Minerals and Waste Development affecting the South Downs National</u>	<u>RPD</u>	<u>18</u>	<u>Draft</u>	<u>Direct replacement for WMP2. Refers to new policy RD1 and existing WMP8b.</u>
Policy Number	Policy Title	Document	Page	Status	<u>Impact on other policies</u>																												
	Overarching Strategy																																
WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted	<u>None.</u>																												
WMP2	Minerals and Waste Development affecting the South Downs National Park	WMP	36	Adopted	Replaced by RV1.																												
<u>RV1</u>	<u>Minerals and Waste Development affecting the South Downs National</u>	<u>RPD</u>	<u>18</u>	<u>Draft</u>	<u>Direct replacement for WMP2. Refers to new policy RD1 and existing WMP8b.</u>																												

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification					
				Park and High Weald Area of Outstanding Natural Beauty				
			WMP3a	Promoting Waste Prevention, Re-use and Waste Awareness	WMP	40	Adopted	<u>None.</u>
			WMP3b	Turning Waste into a Resource	WMP	42	Adopted	<u>None.</u>
			WMP3c	Production of Energy from Waste (EfW)	WMP	45	Adopted	<u>None.</u>
			WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation	WMP	46	Adopted	<u>None.</u>
			WMP3e	Waste Management In New Development in the Plan Area	WMP	48	Adopted	<u>None.</u>
			WMP4	Sustainable Provision and Use of Minerals Providing for Waste	WMP	50	Adopted	<u>No change to policy but amendments to monitoring and implementation.</u>
				Providing for Waste				
			WMP5	Provision of Built Waste Facilities	WMP	53	Adopted	<u>None.</u>
			WMP7a	Sustainable Locations for Waste Development (Excluding Land Disposal)	WMP	64	Adopted	Replaced by RW1, no other policies affected.
			WMP7b	More Detailed Criteria for Waste Development	WMP	62	Adopted	Replaced by RW1, no other policies affected.
			RW1	Sustainable Locations for Waste Development (Excluding Land Disposal)	RPD	22	Draft	<u>Direct replacement for WMP7a & b. Explanatory text refers to policy WMP8 & WMP22.</u>
			SP1	Waste Site Allocations	WMSP	14	Adopted	<u>None.</u>
			SP2	Areas of Opportunity on Previously Developed Land	WMSP	15	Adopted	<u>Makes reference to WMP25.</u>
			SP3	Areas of Search	WMSP	16	Adopted	<u>Makes reference to WMP25.</u>
			SP4	Physical Extension of Existing Waste Site	WMSP	17	Adopted	<u>None.</u>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification					
			SP5	Existing Industrial Estates	WMSP	19	Adopted	<u>Makes reference to deleted WMP7a and deleted WMP27, which are replaced by RW1 and RD1. Refers to retained policies WMP25, WMP26, WMP 28a, WMP24a.</u>
			WMP8a	Land Disposal of Non-Inert Waste	WMP	67	Adopted	<u>None.</u>
			WMP8b	Deposit of Inert Waste on Land for Beneficial Uses	WMP	69	Adopted	<u>None.</u>
			WMP8c	Management of Landfill Gas	WMP	70	Adopted	<u>None.</u>
			WMP9a	Hazardous Waste	WMP	72	Adopted	<u>None.</u>
			WMP9b	Low Level Radioactive Waste	WMP	75	Adopted	<u>None.</u>
			WMP10	Management of Waste Water and Sewage Sludge	WMP	77	Adopted	<u>None.</u>
			WMP6	Safeguarding Waste Sites	WMP	58	Adopted	<u>None.</u>
			SP6	Safeguarding Waste Sites	WMSP	22	Adopted	<u>None.</u>
			SP7	Waste Consultation Areas Providing for Minerals of	WMSP	23	Adopted	<u>Refers to retained policies WMP6, SP4.</u>
				Providing for Minerals				
			WMP11	Provision of Aggregates	WMP	81	Adopted	<u>Replaced by RM1.</u>
			RM0	Sustainable Use of Aggregates	RPD	24	Draft	<u>Stand alone new policy.</u>
			RM1	Provision of Aggregates	RPD	31	Draft	<u>Direct replacement for WMP11, no other policies affected.</u>
			WMP12	Provision of Gypsum	WMP	83	Adopted	<u>None.</u>
			WMP13	Provision of Clay	WMP	85	Adopted	<u>References retained policy WMP4.</u>
			RM2	Provision for an additional extraction area at Aldershaw Farm	RPD	34	Draft	<u>Stand alone new policy.</u>
			WMP14	Safeguarding Mineral Resources	WMP	88	Adopted	<u>Replaced by RM3 also references replaced WMP2.</u>
			SP8	Mineral Safeguarding Areas for land won minerals resources within the Plan Area	WMSP	25	Adopted	<u>Replaced by RM3.</u>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification					
			RM3	Safeguarding Mineral Resources	RPD	38	Draft	Combined replacement policy for WMP14 & SP8.
			RM4	Prior Extraction of Minerals	RPD	40	Draft	
			WMP15	Safeguarding Wharves and Railheads	WMP	90	Adopted	Direct replacement by RM5.
			SP9	Safeguarding wharves and railheads within the Plan Area	WMSP	27	Adopted	Direct replacement by RM5.
			RM5	Safeguarding Minerals Infrastructure	RPD	43	Draft	Combined replacement for WMP15 & SP9. Also references retained policy WMP18.
			SP40	Safeguarding facilities for concrete batching, coated materials...	WMSP	28	Adopted	Replaced by RM6.
			RM6	Safeguarding facilities for concrete batching (etc)	RPD	45	Draft	Direct replacement for SP10.
			SP11	Minerals Consultation Areas	WMSP	29	Adopted	Replaced by RM7. References SP8, 9 & 10.
			RM7	Minerals Consultation Areas	RPD	46	Draft	Direct standalone replacement for SP11.
			WMP16	Exploration for Oil and Gas	WMP	92	Adopted	None.
				Overarching Policies				
			WMP17	Restoration	WMP	94	Adopted	Supporting text references deleted policy WMP27 which is being replaced by RD1. Supporting text references retained policies WMP 28 a & b, WMP 24 & WMP 25.
			WMP18	Transport - Road, Rail and Water	WMP	97	Adopted	Supporting text references deleted policy WMP15. Supporting text references retained policy WMP26.
			WMP19	Co-location of Complementary Facilities	WMP	98	Adopted	None.
			WMP20	Community Involvement and Benefits	WMP	100	Adopted	None.
			WMP21	Opportunities for Sustainable Waste Management and Minerals Production in Other Development	WMP	102	Adopted	None.
			WMP22	Expansion and Alterations Within Existing Waste Facilities	WMP	103	Adopted	None.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification			
			Development Management Policies			
WMP23a		Design Principles for Built Waste Facilities	WMP	106	Adopted	Supporting text references retained policies WMP20, WMP 24 & 24b.
WMP23b		Operation of Sites	WMP	107	Adopted	Supporting text references retained policies WMP20, WMP 24 & 24b.
WMP24a		Climate Change	WMP	109	Adopted	None.
WMP24b		Resource and Energy Use	WMP	109	Adopted	None.
WMP25		General Amenity	WMP	110	Adopted	None.
WMP26		Traffic Impacts	WMP	112	Adopted	Supporting text references retained policy WMP18.
WMP27		Environment and Environmental Enhancement	WMP	113	Adopted	Replaced by RD1. References policy WMP 2.
RD1		Environment and Environmental Enhancement	RPD	51	Draft	Replaces WMP27. No other policies referenced in text.
WMP28a		Flood risk	WMP	117	Adopted	Supporting text mentions policy WMP7 which is to be deleted and replaced by policy RW1.
WMP28b		Water Resources and Water Quality	WMP	118	Adopted	Supporting text mentions policy WMP7 which is to be deleted and replaced by policy RW1.
		Diagrams				
		Waste Key Diagram	WMP	156		None.
		Minerals Key Diagram	WMP	157		None.
<p>Notes</p> <ol style="list-style-type: none"> All policies within the WMLP Waste and Minerals Local Plan are considered to be strategic policies. See paragraphs 20-23 of the National Planning Policy Framework NPPF for further information. Some policies appear out of document order above so that they appear correctly grouped in the table. 						

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>3. <u>In this table WMP means the Waste and Minerals Local Plan, WMSP means Waste and Minerals Sites Plan and RPD is the Revised Policies document (this document).</u></p>
MM02	17	4.12 & Policy RV1	<p>4.12 Quarries and quarrying operations have the potential to impact heavily upon the landscape and surrounding environment, therefore the setting of any proposed development within the context of the National Park or AONB <u>Area of Outstanding Natural Beauty</u> is also an important consideration. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p><u>4.## As appropriate to their scale, nature and location, development which falls within the South Downs National Park or High Weald Area of Outstanding Natural Beauty should clearly demonstrate how it will contribute to the outcomes, objectives and priorities of the relevant Management Plan. Applications should clearly reference the specific outcome, objective or priority and provide further information as to how the planning proposal will contribute to the objectives of the Management Plan.</u></p> <p>4.13 Minerals and waste development not considered to be major should be carefully assessed. Weight should be given towards conservation of the landscape’s natural beauty, the conservation of wildlife and cultural heritage and the need to avoid adverse impact upon recreational opportunities within these areas.</p> <p>Policy RV1: Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>a) Minerals and waste development in the South Downs National Park and the High Weald <u>AONB Area of Outstanding Natural Beauty</u> will have regard to the relevant Management Plan.</p> <p>b) Major minerals and waste development¹ in the South Downs National Park or High Weald <u>AONB Area of Outstanding Natural Beauty</u> will be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest. In this respect, consideration will be given <u>to</u> relevant information, including:</p> <ul style="list-style-type: none"> i. the need for the development, including in terms of any national considerations; and ii. the impact of permitting or refusing the development upon the local economy; and

~~¹ In the case of minerals and waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, the potential for significant impacts on the National Park and AONB will be dependent on the individual characteristics of each case. When assessing what constitutes "major development" within a protected landscape the guidance set out in Footnote 60 to the NPPF will be applied. ¹ When assessing what constitutes "major development" within a protected landscape the guidance set out in Footnote 60 to the National Planning Policy Framework will be applied, this states that 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.~~

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>iii. the cost of and scope for developing outside the designated area <u>South Downs National Park or High Weald Area of Outstanding Natural Beauty</u> or meeting the need in another way; and</p> <p>iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be moderated.</p> <p>c) Small-scale waste management facilities² for local needs are not precluded from the National Park or <u>AONB Area of Outstanding Natural Beauty</u> where they meet the requirements of <u>Policy Policies RD1 and RW1</u>.</p> <p>d) Proposals for the backfilling of redundant quarries within the National Park or <u>AONB Area of Outstanding Natural Beauty</u> need to conform with (b) above and additionally demonstrate net long term benefits to the National Park or <u>AONB Area of Outstanding Natural Beauty</u> and that they meet Policy WMP 8b criteria (a) to (e).</p>

² Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at larger-scale facilities. Smaller scale facilities are defined as those seeking to meet a localised need generally of a particular settlement area, in contrast to larger scale facilities that provide benefits to the whole Plan Area.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>The South Downs National Park and High Weald Area of Outstanding Natural Beauty are identified on the Policies Map.</u></p>
MM03	20-22	Purpose of Policy RW1 – End of Policy RW1	<p>Purpose of Policy RW1</p> <p>To identify broad areas (Areas of Focus) within the Plan Area within which more sustainable opportunities for locating waste recycling and recovery facilities are more likely to be found.</p> <p><u>Introduction</u></p> <p>5.# <u>This policy relates to waste treatment facilities, i.e. facilities involved in processes in the waste hierarchy excluding land disposal. Transfer facilities are included because they play a fundamental part in moving waste to and from the facilities referred to in this policy, and increasingly waste transfer is being integrated with waste processing (such as that which takes place at Materials Recovery Facilities) at the same site and so there is less distinction between them. Land disposal is covered separately in Policy WMP8.</u></p> <p>5.2 National policy requires local planning policy to give a clear indication to industry about the areas where development might be acceptable and to provide flexibility to allow for responses to changes in circumstances. <u>Paragraph 4 of the National Planning Policy for Waste sets out that when considering suitable locations for waste management development Local Plans should consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities, giving</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. Paragraph 5 continues to explain that existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport should also be a consideration when identifying suitable locations. Additionally, paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.</u></p> <p>5.3 — This policy relates to waste treatment facilities, i.e. facilities involved in processes in the waste hierarchy excluding land disposal. Transfer facilities are included because they play a fundamental part in moving waste to and from the facilities referred to in this policy, and increasingly waste transfer is being integrated with waste processing (such as that which takes place at Materials Recovery Facilities) at the same site and so there is less distinction between them. Land disposal is covered separately in Policy WMP8.</p> <p><u>5.# The Authorities are all signatories to the South-East England Waste Planning Advisory Group (SEWPAG) Statement of Common Ground, which is an agreement between all Waste Planning Authorities within the South-East England Region. In this Statement, the signatories agree that their plans will provide for the development of facilities that will manage waste produced within, and beyond, their areas based on net self-sufficiency and in accordance with the waste hierarchy. In seeking to meet this agreement, this policy steers waste management development</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>towards those areas with better transport links, and more urban areas, which should assist in minimising the distance which waste travels to be managed.</u></p> <p><u>5.# All policies within the Waste and Minerals Local Plan must support the Strategic Objectives set out in the Waste and Minerals Plan (pages 23 and 24). This Policy supports Strategic Objectives SO1, SO4 and SO8, and should be read in the context of other policies within the overarching and development management sections of the Waste and Minerals Local Plan documents.</u></p> <p>5.4 <u>Policy WMP5 sets out the estimated additional waste management capacity that is required during the Plan period to achieve net self-sufficiency.</u> This policy (RW1) identifies areas hereon called 'Areas of Focus' where the best opportunities for the development of waste recycling and recovery facilities are most likely to be found. Areas of Focus indicate broadly the areas where the greatest sustainability benefits are likely to be achievable based on the application of national policy. However, this policy recognises that there may be sites which are acceptable in principle but are beyond the Areas of Focus. For example, there may be sites just outside of the Areas of Focus where there may be overriding sustainability reasons for permitting development, such as supporting movement up the waste hierarchy or being well-related to the strategic road network. The policy therefore does not precisely define boundaries, and the overall sustainability benefits of proposals will be considered on their merits. Consideration of locations within the Areas of Focus also needs to be balanced with ensuring the Plan is deliverable, and as such the Plan considers economic viability which is often influenced by economies of scale.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>5.5 The Areas of Focus are those where the greatest sustainability benefits are likely to be achieved regarding new waste development or extensions to existing sites as they are more likely to be close to:</p> <ul style="list-style-type: none"> • waste arisings, • better transport network, • complementary industries and waste development for potential co-location benefits,³ • existing facilities where there is scope for physical site extension (for detail about alterations within the site boundary of existing facilities See Policy WMP 22). <p>5.6 The Areas of Focus reflect the fact that the majority of the population and businesses in the Plan Area are located along the coastal strip so this is where the main proportion of the largest waste streams (C&I, CDEW, and LACW wastes) is either currently generated or likely to be in the future according to predicted growth areas in Local Plans. The Areas also reflect the road, rail and water transport connections within the Plan Area, <u>the limited opportunity to transport waste via railheads, and the lack of abandoned agricultural and forestry buildings. This is in</u></p>

³ See Policy WMP 19.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>accordance with the proximity principle and seeks to minimise the distance over which waste must be transported before it can be managed.</u> Areas outside the Areas of Focus are generally more rural and less densely populated and therefore it is likely that less waste is generated and there are fewer opportunities for maximising sustainability. Much of these areas are also covered by landscape designations of the <u>AONB Area of Outstanding Natural Beauty</u> and the <u>SDNP South Downs National Park.</u> <u>The topic of sustainable transport via road, rail and water is further addressed under Policy WMP18 Transport - Road, Rail and Water, and the topic of co-location is addressed through Policy WMP19 Co-location of Complementary Facilities.</u></p> <p>5.7 The policy also recognises that with modern design and operational techniques, waste management facilities can increasingly be accommodated in general industrial areas as a B2 use class, and even more so with the revised waste hierarchy which includes ‘preparation for reuse’. Detailed criteria to manage the potential impacts of development is covered in the development management policies later in the Plan Document. Proposals will also be subject to the relevant statutory pollution control regulatory frameworks.</p> <p>5.8 Applicants are expected to make reasonable efforts when seeking to demonstrate that there are no suitable sites within the preferred locations under criteria A2 and B2. The level of detail should be appropriate to the scale and type of facility being proposed.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>5.9 Sites identified within the Waste and Minerals Sites Plan and Schedule of Suitable Industrial Estates are all considered to be within the Area of Focus and located on one or more of the types of land specified under criteria B1; as such these sites are considered in accordance with this Policy.</p> <p>Policy RW1: Sustainable Locations for Waste Development (excluding land disposal)</p> <p>The principle of the development will be supported where:</p> <p>A1 The site is located within a broad Area of Focus indicated on the Key Diagram and described in paragraph 5.5, or</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>A2 It has been demonstrated there are no suitable sites available within the Areas of Focus to meet identified needs, or the proposed development is a small-scale facility / extension to existing facility predominantly to meet smaller, more localised needs only⁴.</p> <p>In addition to criteria A1 or A2 the proposed development must also demonstrate:</p> <p>B1 The proposed development is located on: general industrial land including general industrial estates, employment land (B2/B8 uses), previously-developed land, or land already in waste management uses; or</p> <p>B2 There are no suitable sites available within the locations listed under criteria B1; or</p>

⁴ Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at ~~more strategic~~ larger-scale facilities. Smaller scale facilities are defined as those seeking to meet a localised need generally of a particular settlement area, in contrast to larger scale facilities that provide benefits to the whole plan area. See Policy RV1 for additional requirements in relation to waste management development within the South Downs National Park and High Weald Area of Outstanding Natural Beauty.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>B3 The proposal is located at a minerals working or landfill site and the development's lifespan will be limited to the lifespan of the minerals operation or landfill site⁵, unless there are overriding reasons why the lifespan should be extended.</p>
MM04	24	Policy RM0, paragraphs 6.6 and 6.7.	<p>Policy RM0: Sustainable use of aggregates</p> <p>Innovative p-1. <u>To maximise the sustainable use of aggregates, proposals that:</u></p> <ul style="list-style-type: none"> a) minimise the quantities of aggregates used in construction, and b) prioritise the use of recycled and secondary aggregate over virgin aggregate, <p>are encouraged and will be supported.</p> <p><u>2. Applicants should demonstrate the sustainable use of aggregates as part of their wider consideration of resources used when designing their developments. These design choices should be documented and presented through Design</u></p>

⁵ The lifespan of a site may, but does not necessarily, include restoration phases.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>and Access, Sustainability or Circular Economy statements. Applicants should engage with any design panels to explain their approach, where possible.</u></p> <p><u>3.</u> East Sussex County Council will <u>work with stakeholders and delivery partners and</u> support <u>will be given to</u> Local Plan policies that promote sustainable aggregate use as part of design or Circular Economy policies within Local Plans being prepared by the District and Borough Councils within East Sussex.</p> <p>6.6 Policy RM0 is a starting point, for setting a clear direction in relation to ensuring the sustainable use of aggregates. As knowledge and experience develops into good practice it will inform future reviews of the plan, under which this policy may be refined.</p> <p>6.7 Applicants should address the use of aggregates as part of their wider consideration of resources used when designing their developments. These design choices should be documented and presented through Design and Access, Sustainability or Circular Economy statements as applicable. Applicants are also encouraged to engage in any design panels, where available.</p>
MM05	25-32	Explanation of Policy RM1 – End of Policy RM1	<p>Provision of Aggregates <u>for the Plan Area</u> (RM1)</p> <p>Explanation</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>The current adopted WMLP Waste and Minerals Local Plan makes provision for 0.1 million tonnes per annum (mtpa) of land-won aggregate during the Plan plan period, and commits the Authorities to providing a land bank of 7 years permitted aggregate reserves. The permitted sites identified to contribute to this provision in the WMLP Waste and Minerals Local Plan are Lydd Quarry (area in East Sussex), and Novington sandpit located within the SDNP South Downs National Park. This provision rate is therefore a combined rate including both sharp sand and gravel and soft sand.</p> <p>In coming to the 0.1 mtpa provision rate the Authorities maintained that the Plan Area was a "special case" recognising the particular circumstances of:</p> <ul style="list-style-type: none"> • low production; • remote reserves; • high dependence on marine landings; and • large area affected by environmental constraints/designations <p>Following the Public Examination into the Waste and Minerals Sites Plan in 2016, the Inspector concluded in his report that "[...] the Plan cannot maintain provision for the production of land-won aggregates at a rate of 0.10 mtpa throughout the Plan period. There will be no permitted reserves at that date because either mineral working under the planning permissions will cease in accordance with a condition of the permission or the workable reserves will be depleted at current rates of production. For that reason alone it will not be possible to maintain a land-bank</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>of at least 7 years”. The Authorities accepted the Inspector’s conclusions and recognise that the WMLP Waste and Minerals Local Plan aggregate provision levels need to be reassessed.</p> <p>Soft Sand</p> <p>The main source of soft sand in the South East (the Lower Greensand Formation) runs through Kent, Surrey, Hampshire, West Sussex and peters out just over the border of East Sussex. There has been limited working of this material in the Plan Area in recent times. Novington Sandpit is the only permitted soft sand site and lies within the South Downs National Park in the East Sussex Plan Area. It is understood that there is a reserve of around 250,000 tonnes still to be worked as part of the extant planning permission.</p> <p>However, the site has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential. On that basis it is not possible to calculate an LAA rate and it assumed that the need for soft sand in the Plan Area has entirely been met through imports for at least six years.</p> <p>The Authorities have worked with the other South East Mineral Planning Authorities to agree a Position Statement on Soft Sand. This sets out the context for soft sand provision at a regional level. Following on from that work, the Authorities have entered into a Statement of Common Ground with Kent County Council and West Sussex County Council which acknowledges the current reliance on imported materials to meet the needs of the Plan Area and</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>explains the process each Mineral Planning Authority will go through to meet the ‘steady and adequate supply of minerals’ required by the NPPF⁶.</p> <p>Future Provision</p> <p>The NPPF <u>National Planning Policy Framework</u> states that mineral planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual <u>Local Aggregate Assessment</u> (LAA) to forecast demand, based on a rolling average of 10 years sales data and other relevant local information. The LAA should include an assessment of all supply options including land won, marine dredged, secondary and recycled sources. The Authorities have carried out a review of aggregate provision, and further details and calculations are set out in the latest <u>LAA Local Aggregates Assessment</u>.</p> <p>During the Call for Evidence and Sites (CfES) the operator of Lydd quarry submitted proposed extension areas for the site. These were considered for inclusion in the draft Plan but were not considered acceptable as allocations due to</p>

⁶~~Paragraph 213.~~

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>the significant harm mineral working would cause to the interests of designated sites located within the vicinity of the proposals. In addition, the Authorities consider that there are adequate and suitable alternative supplies of material to the proposals which would result in lesser environmental effects. No other aggregate sites were submitted at the CfES Call for Evidence and Sites stage.</p> <p>Following consultation on the draft Revised Policies in 2020 some representations were received relating to aggregates and the provision of material to the Plan Area. These include comments and queries concerning marine dredged aggregate (MDA), recycled aggregates and the calculation and methodology of provision levels. The operator of Lydd quarry also submitted a revised proposal for a quarry extension with more clarified extraction proposals. The Authorities have reassessed the proposed allocations but consider that the issues of harm to designated sites remain and alternatives exist. The proposed allocations are therefore not included in the draft Plan.</p> <p>New aggregate data has been collected and published since 2020, mainly as a result of the annual aggregate monitoring surveys. Revised housing projections figures are also now available which indicate that forecasts of demand for aggregates over the Plan period may now be higher since the publication of the consultation document in 2020. Data is set out in the latest LAA Local Aggregates Assessment and the supporting documents including the Aggregate Data Technical Paper.</p> <p>Following the consultation on the draft Revised policies in 2020, Policy policy RM1 and supporting text have been revised to reflect the matters above. In summary, the following chapter now includes further explanation of how</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>provision will be secured for the Plan Area together with updated information and data. Policy wording has been clarified to confirm that new rail and wharf infrastructure would be supported and where relevant minor corrections have also been made. Some issues are covered further in the Aggregates <u>Data</u> Technical Paper, which also includes detailed workings of the methodology of assessing supply and demand in the Plan Area.</p> <p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>It is proposed that this <u>This</u> section replaces Provision of aggregates WMP11 (pages 78-81) in the WMP <u>Waste and Minerals Plan</u>, and Section 4 Providing for Minerals paragraphs 4.1 to 4.6 (page 24) in the WASP <u>Waste and Minerals Sites Plan</u>.</p> <p>Purpose of Policy RM1</p> <p>To ensure sustainable provision for an appropriate level of aggregates for consumption in the Plan area over the duration of the Plan period.</p> <p>Introduction</p> <p>6.8 Historically there have been low levels of extraction of 'land-won' aggregates in East Sussex, and imports of marine dredged aggregate (MDA), crushed rock and other aggregates have been important in meeting local construction needs. These have been imported via a mixture of rail, road and wharf. Within the Plan Area two types of aggregate resource are to be found: sharp sand and gravel, and soft sand, which have different uses. Sharp sand</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>and gravel uses include concreting applications and soft sand, also known as building sand, uses <u>the</u> include production of mortar.</p> <p>6.9 There is currently one working sharp sand and gravel extraction site in the east of the Plan area at Lydd. Lydd quarry straddles the East Sussex/Kent border and extraction is currently taking place within East Sussex. Approximately 50% of the production is exported to Kent and <u>extraction at this site is due to cease in January 2027</u> it is estimated that less than a year of reserves remain. If this site were to contribute to future aggregate provision in the Plan Area, further reserves at the quarry would need to be identified. The area around Lydd Quarry is constrained by both <u>n</u>National and <u>i</u>International environmental designations including SSSI <u>Site of Special Scientific Interest</u>, Special Protection Area and Ramsar site. The designations cover or are adjacent to all the sand and gravel resource in this part of the County.</p> <p>6.10 The majority of land-won sharp sand and gravel deposits in East Sussex are found in the coastal areas and river valleys. Having assessed these resources, the Authorities have concluded that identification of feasible extensions or new land - won sites in the Plan area is not possible due to the environmental constraints which are considered overriding.</p> <p>6.11 Apart from production at Lydd quarry and road imports from outside the Plan Area, aggregate supply is currently received through the Ports of Shoreham, Newhaven and Rye, and at a railhead at North Quay in Newhaven. Marine imported material is also exported by rail from a different rail head at East Quay, Newhaven. There are also</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>permitted CDEW construction, demolition and excavation waste sites producing recycled aggregates which can in some cases substitute for sharp sand and gravel end-uses, and secondary aggregates, such as brick waste, are also produced and imported into East Sussex.</p> <p>6.12 A new aggregate processing plant, aggregate bagging plant, concrete batching, and rail siding extension has recently been constructed at Fishers Wharf, Newhaven Port. The operation involves the import of marine dredged aggregate (MDA). The plant has now commenced operation with both marine imports being received and rail exports taking place. Once fully implemented the <u>The</u> development will provides up to 0.42 <u>0.586</u> million tonnes per annum (mtpa) of new import capacity. The majority of the material will be <u>is</u> sold and used within the Plan area <u>including for concrete batching.</u> and a <u>A</u> proportion <u>of the imported marine dredged aggregate is</u> will be exported <u>from the site</u> by rail <u>currently to the London area.</u></p> <p><u>6.## The main source of soft sand in the South East (the Lower Greensand Formation) runs through Kent, Surrey, Hampshire, West Sussex and peters out just over the border of East Sussex. There has been limited working of this material in the Plan Area in recent times. Novington Sandpit is the only permitted soft sand site and lies within the South Downs National Park in the East Sussex Plan Area. It is understood that there is a reserve of around 250,000 tonnes still to be worked as part of the extant planning permission. However, the site has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.13 The Plan Area appears to have been reliant on soft sand imports for a number of years. The Authorities have undertaken a number of surveys to confirm this assumption, and to understand where the material is imported from and how the need for soft sand is currently being met. As a partner Authority for waste and minerals plans in Hampshire, West Sussex, East Sussex and Brighton and <u>to</u> Hove, the SDNPA <u>South Downs National Park Authority</u> is working on a unified position across the South Downs National Park relating to the provision of soft sand that is consistent with national policy within a designated landscape.</p> <p><u>6.## The Authorities have worked with the other South East Mineral Planning Authorities to agree a Position Statement on Soft Sand. This sets out the context for soft sand provision at a regional level. Following on from that work, the Authorities have entered into a Statement of Common Ground with Kent County Council, Maidstone Borough Council, Surrey County Council and West Sussex County Council, which is specifically related to making provision for soft sand within Local Plans, in line with national planning policy requirements to ensure that a steady and adequate supply can be maintained in the administrative areas of the Parties. The Statement of Common Ground commits all the Parties to various actions including safeguarding of resources and an agreement that the soft sand resource within their areas may contribute to the needs of other areas. In particular it is recognised that any apparent soft sand surplus in Kent is acknowledged as having potential to meet a wider need in the South East. As the East Sussex Plan Area relies on imports from both West Sussex and Kent (and other areas), additional reserves in the market could help meet a steady and adequate supply for the three Authorities in the future.</u></p> <p>Future Provision</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.14 — Government policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates and so in undertaking the WMLP Review the Authorities have assessed how provision can be continued in the Plan Area. Much of the supporting evidence for the WMLP review is set out in the Authorities' LAA. The most recent LAA Dashboard indicates that at current demand levels the rate for land-won material is 0.15 mtpa. This figure has been calculated on the basis of sales figures for sharp sand and gravel only as the only permitted soft sand site in the Plan area has not produced any mineral for some years. It is acknowledged that less than a years reserve exist at the only active sharp sand and gravel site in the Plan Area. The LAA also identifies rates for other types of aggregate provision including marine and rail imports. It is a particular characteristic of this Plan area that over 80% of aggregates consumed are imported (based on 2014 figures). Indeed, the Plan area has a long-standing unique and particular land-won aggregate situation which has been recognised as a "special case".⁷</p>

⁷-During the review process for the Secretary of State's Proposed Changes to the Review of Policy M3 of the South East Plan the Councils requested to be treated as a special case. This recognised the particular circumstances of low production; remote reserves; and high dependence on marine landings; in an area largely affected by environmental constraints/designations.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>6.## It is a particular characteristic of this Plan Area that about 90% of aggregates consumed are imported (based on 2019 figures). Indeed, the Plan Area has a long-standing unique and particular land-won aggregate situation which has been recognised as a "special case".⁸ Consequently, the Plan Area has not been self-sufficient in land-won sand and gravel in the past and has had to rely on imports of aggregates for supply for many years. Mineral planning authorities which export aggregates to the Plan Area also need to prepare their own Plans and Local Aggregates Assessment to comply with national policy. The Authorities are therefore continuing to work with proximate authorities as part of the Duty to Cooperate to ensure that infrastructure facilities are safeguarded.</u></p> <p><u>6.## Government policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates by preparing Minerals Local Plans and Local Aggregates Assessments and to forecast aggregates demand based on sales data in their Local Aggregates Assessments. However, authorities must also consider other relevant local information in addition to the 10-year rolling supply, which seeks to look ahead at possible future demand,</u></p>

⁸ During the review process for the Secretary of State's Proposed Changes to the Review of Policy M3 of the South East Plan the Councils successfully requested to be treated as a special case. This recognised the particular circumstances of low production; remote reserves; and high dependence on marine landings; in an area largely affected by environmental constraints/designations.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. In undertaking the Waste and Minerals Local Plan Review the Authorities have therefore assessed how provision can be continued in the Plan Area.</u></p> <p><u>6.## The Authorities have been unable to apply Government guidance in using aggregate land won sales figures, owing to the small number of sites and limited data. Consequently, the estimate for future likely sales demand has focused on “other relevant local information”, and in particular the demand for aggregates generated from local planned housing construction.</u></p> <p><u>6.## The Authorities have reviewed their methodology and have taken into account new and updated data. Details of the reassessment are set out in the updated Aggregates Data Technical Paper. The Authorities have established that their methodology of using housing as a proxy for construction also ensures adequate aggregates will be provided for both residential and non-residential construction. The Authorities have concluded that their methodology remains the most robust and appropriate available.</u></p> <p><u>6.## The Authorities have also reapplied their methodology with more recent housing forecasts to calculate revised provision figures as follows. There has been a slight increase to the provision figures compared to those in the Submission Revised Policies Document due to the revised housing data. Taking into account the shortened Plan period ending in 2030, for the 11-year plan period there will be a total sales demand of between 17.2 million tonnes and 18.4 million tonnes of aggregates which averages at between 1.57 and 1.67 million tonnes per annum. Note,</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>these averages are based on the total for the Plan period, and the annual demand will vary from year to year depending on the exact demand at that time.</p> <p>6.## The Authorities consider that this provision can be met with existing permitted capacity. Further details on capacity are detailed below.</p> <p>6.15 — If demand for aggregates in the Plan Area were to remain constant then the total rate of aggregates for provision over the Plan period would be around 0.7 mtpa. The Authorities are also required to assess the effect of demand changes on provision. To do this the Authorities have used projections of homes and infrastructure over the next decade. Calculations carried out for the Review (see Aggregates Data Technical Paper) indicate that aggregate demand requirements could double, meaning that the total provision for the 15 year Plan Period (15 years from 2019, therefore to 2034) could be in the region of about 1.48 mtpa.</p> <p>6.16 — Unused permitted capacity remains at all infrastructure and processing facilities which could be utilised in the future with the minimum of constraints. A significant amount of aggregates imported into Shoreham Port on the West Sussex side are consumed in the Plan Area and it is understood that additional unrestrained capacity remains at the Port. There is also further capacity available for the production of recycled and secondary material (see Aggregates Data Technical Paper).</p> <p>6.17 In terms of quantity, the supply of <u>MDA marine dredged aggregate</u>, from Fisher's wharf, once fully operational, would effectively provide an equivalent amount of aggregate to substitute for land-won sharp sand and</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>gravel from Lydd where resources are near exhaustion. It is also necessary to ensure that the end uses of these materials and their markets are comparable, and that sufficient reserves of MDA <u>marine dredged aggregate</u> are available. In terms of continuing supply to the existing market area, the Fishers Wharf development at Newhaven Port could provide for the western side of the Plan Area, and the Authorities consider that any market variations to the east could be compensated for by, for example, further imports using existing capacity at Rye Harbour as well as from Kent. The Crown Estate advises that marine aggregate is wholly interchangeable with land based sand and gravel, and can perform the same technical tasks. Reserves off the south coast of Sussex and Hampshire are circa 80 million tonnes with a life of 24 years at 10 year average levels of extraction. New capacity is also expected to come on stream in the very near future. The environmental impact of dredging is considered at the application stage of the Marine Licencing system which is determined by the Marine Management Organisation.</p> <p><u>6.## The British Geological Survey Local Aggregates Survey (2019) indicates that a significant amount of aggregates imported into Shoreham Port are consumed within the Plan Area and it is understood that additional capacity remains at the Port. Shoreham Port straddles the boundary between Brighton & Hove and West Sussex minerals planning authority areas. The majority of the minerals wharves are located in West Sussex; West Sussex County Council, as minerals planning authority, report the Port sales figures in their Local Aggregates Assessment, and this underpins the West Sussex Joint Minerals Local Plan which safeguards the wharves to ensure a continued steady and adequate supply of aggregates. The Authorities recognise that the supply from Shoreham Port is accounted for in the West Sussex Local Aggregates Assessment and that it would not be appropriate for the</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Authorities to attribute capacity from Shoreham for potential supply to the Plan Area. It is however important to understand the contribution that Shoreham wharves do make to the Plan Area, therefore a proxy figure derived from Crown Estate marine dredged aggregate landing statistics has been used to represent a minimum annual supply to the Plan Area. Further details are set out in the Aggregates Data Technical Paper. The Authorities continue to work with West Sussex County Council as part of the Duty to Cooperate to ensure steady and adequate supplies continue.</u></p> <p><u>6.## Unused permitted capacity remains at all infrastructure and processing facilities, including for the production of recycled and secondary material, which could be utilised in the future with the minimum of planning constraints. In particular further capacity could be available via the Permitted Development rights which exist for some wharves and may not have been included in the permitted capacity figures, and also if non-operational wharves were to be re-established. There may also be opportunities to increase capacity by improving the operation and efficiency of existing sites.</u></p> <p>6.18 An assessment of the existing capacity at permitted import and processing facilities in the Plan Area indicates that adequate capacity exists to accommodate <u>the proposed level of aggregate provision set out in policy RM1. at least double the current levels of demand. Recent revised housing projections (2020 data) however point to a possible higher level of demand, (although this assumes current building methods endure). All</u> <u>In addition, the Authorities have identified that more capacity is and will be imminently available. Further</u> details are set out in the <u>Local Aggregates Assessment</u> and the updated <u>Aggregate Data Technical paper.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.19 It is acknowledged that if demand were to exceed these levels, there could potentially be shortfalls in supply during the Plan period. However, the Authorities consider that the market is likely to respond in such circumstances to enable additional provision by, for example, diverting exports. In the past regardless of the aggregate demand at that time, supply has occurred and construction has taken place in the Plan Area. In addition, if demand is high enough it could be that market conditions are favourable for new import and recycling infrastructure and/or sites which, where appropriate, would be supported by RM1 and other policies in this Plan. Furthermore, the amount of aggregates needed in new buildings may reduce over time as construction methods change in response to net zero carbon requirements. The sustainable use of aggregate is supported in policy RM0.</p> <p>6.20 With regards to soft sand it is considered that the most appropriate approach is to safeguard the soft sand resource and not allocate any further sites in the Plan Area. It is not appropriate to designate Areas of Search in a</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>protected landscape and no aggregate sites have been put forward during the consultation process in either the National Park or the AONB Area of Outstanding Natural Beauty.^{9,10,11}</p> <p>6.21 The Authorities consider that based on current evidence there are no acceptable or feasible further land-won sites resources available, and that in the context of the Plan Area's long established "special case", future provision in the Plan Area has to be supplied from a combination of recycled and secondary material, and rail, wharf and other</p>

~~⁹ Any future applications for soft sand extraction in the National Park will need to address paragraph 177 of the NPPF and Policy SD3 of the South Downs Local Plan.~~

¹⁰ Mineral extraction is considered to be 'major development' as defined in the Glossary of the [NPPF National Planning Policy Framework](#) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Paragraph 177 of the [NPPF National Planning Policy Framework](#) states that planning permission should be refused for major development in National Parks other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 60 of the [NPPF National Planning Policy Framework](#) states that the question of whether a development proposal is 'major' in a National Park 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.

¹¹ Paragraph 177 of the [NPPF National Planning Policy Framework](#) relates primarily to the determination of planning applications in protected landscapes. However, to ensure that all local plan allocations are deliverable, it is also necessary to consider the issue of major development at the plan making stage.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>aggregate imports. This provision strategy does not therefore include land-won material from within the Plan Area and does not require the allocation of sites or setting of a specific "landbank" for aggregates.</p> <p>6.22 The Plan strategy for meeting the sand and gravel needs of the Plan Area is therefore through supporting and encouraging imports through existing permitted facilities, as well as utilising permitted recycled and secondary aggregate capacity, and encouraging sustainable usage of aggregates. Proposals for new rail and wharf import infrastructure will <u>also</u> be supported, where appropriate. To ensure that that supply is secured and maintained through import facilities it is important that minerals infrastructure, including wharf and rail heads, are adequately safeguarded. This is covered in policy RM5. In addition, any extensions or improvements to existing safeguarded sites which improve the operation and/or efficiency of the landing, processing, handling and storage of minerals will normally be supported. The reuse of existing infrastructure will be supported where appropriate.</p> <p>6.23 The strategy aims to protect and support every mechanism for enabling supply. This will allow provision for <u>at least a doubling of current demand which for the 11-year plan period which equates to a total sales demand of between 17.2 million tonnes and 18.4 million tonnes of aggregates, averaging at between 1.57 and 1.67 million tonnes per annum (mtpa) peaking at just over 2mtpa in 2027/28. just over 22 million tonnes (mt) of aggregates over 15 years at an average of approximately 1.48 mtpa, peaking at 2.02 mtpa in 2025/26. Of the 22mt 17.2 to 18.4 mtpa, between 14.43 mt & 16.56 mt 11.5 and 14.3 mtpa</u> will be sourced from imports, using existing permitted facilities <u>in the Plan Area and beyond</u>.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.## Aggregate supply and demand in the Plan area <u>Area</u>, including the annual provision figure, will be continually monitored via the Authorities’ Monitoring Report and the Local Aggregate Assessment, and will be reviewed when required. by national legislation.</p> <p>6.## <u>The Authorities will commit to reviewing the methodology used to predict demand and establish aggregates provision for the forthcoming full Review of the Waste and Minerals Local Plan. In doing this the Authorities will collaborate with industry, proximate Mineral Planning Authorities, and district and borough Councils in the Plan Area to ensure all relevant information is considered. The Authorities will continue to work closely with proximate Mineral Planning Authorities that supply the Plan Area, to ensure that they continue to protect, maintain and enhance existing infrastructure and capacity.</u></p> <p>6.24 In the event that <u>Where proposals for</u> land-won aggregate proposals are received they will be <u>supported, in principle, subject to</u> consideration <u>consideration</u> against existing the <u>existing the</u> Development Plan policies as a whole. Of particular relevance are the overarching principles set out in Policy WMP4, Policy RD1 (Environment and Environmental Enhancement) and other development management policies. All Plans should be read as a whole and criteria-based policies within the WMLP ensure that there is complete policy coverage for any future proposal.</p> <p>6.25 Proposals for new sites and additional capacity for aggregate importation infrastructure and recycled and secondary aggregate production will <u>be supported and encouraged through the pre-application advice process</u> also be subject to the environmental protection requirements set out in other plan policies.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.26 Proposals which may involve marine operations should also consider Policies S-AGG-3 and S-AGG-4 from the MMO South Marine Plan. These policies refer to proposals in areas where high potential aggregate resource occurs, and local sourcing of aggregates respectively.</p> <p>Policy RM1: Provision of aggregates for consumption in the Plan Area</p> <p><u>1.</u> The Authorities will enable support the provision of at least 22 <u>17.2</u> million tonnes and <u>18.4 million tonnes</u> (averaging 1.48 mtpa <u>between 1.57 and 1.67 million tonnes annum</u>) of aggregate material over the the <u>11-year</u> Plan period by seeking to protect, maintain and enhance existing:</p> <ul style="list-style-type: none"> a) aggregate importation infrastructure and capacity; and b) recycled and secondary aggregate production. <p><u>2.</u> Proposals for new rail and wharf import infrastructure, and additional capacity for a) and b) (including increased operational capacity within the site boundary of existing infrastructure) will be supported. In particular, support will be given to proposals which further enable sustainable provision of aggregates by sea and/or rail.</p> <p><u>3.</u> <u>Proposals for land-won aggregate extraction, including extensions of time and physical extensions to existing sites, will be supported where consideration against other policies in the Development Plan indicates there would be no unacceptable adverse impacts.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
MM06	34-35	Policy RM2 – 6.30	<p>Policy RM2: <u>Provision for an additional extraction area at Aldershaw Farm</u></p> <p>For an An area of additional clay extraction, may be proposed in connection with the specialist tile manufacturing facility at Aldershaw Farm as identified on Map 10.2 [Minerals Sites and Infrastructure Map]. /// To to be acceptable in principle, proposals for an additional extraction area must demonstrate that the following criteria are met:</p> <ul style="list-style-type: none"> i. An assessment of the impact on the Ancient Woodland (Screen Wood and Lane Wood) must be carried out. An Ecological Impact Assessment must be carried out to demonstrate how impacts on biodiversity features, including Ancient Woodland (Screen Wood and Lane Wood) and Beauport Park Local Wildlife Site, have been avoided in line with the mitigation hierarchy. Where necessary and in accordance with Natural England and the Forestry Commission’s standing advice, appropriate buffers should be incorporated, and mitigation provided, to the satisfaction of both bodies. ii. The impact on the High Weald Area of Outstanding Natural Beauty must be assessed and appropriate mitigation should be included, if required, in consultation with the High Weald AONB <u>Area of Outstanding Natural Beauty</u> Unit and Natural England. iii. An assessment of the impact on the Beauport Park Local Wildlife Site must be carried out; and where necessary appropriate mitigation provided, in consultation with and to the satisfaction of the County Ecologist. Beauport Park Local Wildlife Site should be safeguarded, and where necessary, appropriate mitigation provided, in

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>consultation with and to the satisfaction of Natural England or a suitably qualified ecological advisor of the Council's choosing.</u></p> <p>iv. Access to the site is through the existing brickworks.</p> <p>An appropriate mitigation and environmental enhancement scheme for the operations and restoration of the entire extraction site would be required as part of any permission.</p> <p>Proposals must demonstrate how they have considered relevant Policies in the <u>Waste and Minerals Plan WMP</u>, <u>Waste and Minerals Sites Plan WMSPP</u> and the Development Plan (relevant Local Plan). Any application will be assessed in accordance with relevant development plan policies taking into account any material considerations.</p> <p><u>Further Guidance</u></p> <p>6.29 Protected and notable species may be present within or in the vicinity of any future additional area of extraction. Appropriate assessments and surveys should be carried out in accordance with standing advice and development management policies within this Plan.</p> <p>6.30 Any restoration plan should be supported by a landscape and ecological management plan.</p> <p><u>6.## A Transport Assessment and Site Management Plan for the management of impacts arising from vehicle movements including dust reduction measures and wheel washing facilities should be prepared and submitted with</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>any planning application. It is advised that the applicant engages in pre-application discussions with National Highways prior to the submission of any application.</u></p>
MM07	35	Inserted after 6.30	<p><u>Introduction to Minerals Safeguarding</u></p> <p><u>The following section sets out the Policies on Mineral Resources and Infrastructure safeguarding including a policy on minerals consultation areas. These policies (RM3 - RM7) are designed to be read concurrently.</u></p> <p><u>Purpose of Safeguarding</u></p> <ul style="list-style-type: none"> • <u>Safeguarding aims to avoid the unnecessary sterilisation of mineral resources, where non-mineral development effectively prevents and/or unduly affects the ability to extract the underlying mineral.</u> • <u>Safeguarding also aims to prevent the loss of key minerals infrastructure and avoid unreasonable constraints on their operation (including workings at active and proposed extraction sites) that may result from the introduction of proximate sensitive development. For example, there may be conflicts of use and disturbance where a residential development is developed in close proximity to a minerals wharf facility from the impact of noise or light pollution, dust, traffic movements or impact on visual amenity.</u> <p><u>The Agent of Change Principle</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>The National Planning Policy Framework (2023) requires that where the operation of an existing business could have a significant adverse effect on new development in the locality, the applicant of the new development (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed, this is known as the ‘agent of change principle’. The ‘Agent of Change’ (Paragraph 187 of the National Planning Policy Framework 2023) principle and the term ‘incompatible development’ are closely linked; incompatible development refers to development which places unreasonable constraints on the workings of existing businesses/facilities. Both concepts are applied within the safeguarding policies.</u></p> <p><u>For some types of non-mineral development the impact upon safeguarded sites may be negligible. Accordingly, the Authorities consider that the following categories of development/application type would be unlikely to pose a threat to safeguarded areas and are therefore exempt from the Policy requirements of RM3, RM5, RM6 and RM7. The exemptions are referred to as excluded development. They would apply to sites located in Mineral Safeguarding Areas and Mineral Consultation Areas; to the requirements for prior extraction; and for consultations relating to both mineral resources sites and minerals infrastructure sites. Those listed would also be exempt from the requirements of Mineral Resource and Infrastructure Assessments.</u></p> <p><u>Excluded Development</u></p> <ul style="list-style-type: none"> • <u>Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse;</u>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification						
			<ul style="list-style-type: none"> • Applications for Advertisement Consent; • Applications for Listed Building Consent; • Lawful Development Certificate for existing use, proposed use, or operation or activity in breach of a planning condition; • Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas); • Application for non-material amendments; • Developments within a conservation area within existing urban areas. <p>Overview of safeguarding policies</p> <table border="1" data-bbox="618 847 2031 1270"> <thead> <tr> <th data-bbox="618 847 976 895">Policy</th> <th data-bbox="976 847 2031 895">Overview of Policies</th> </tr> </thead> <tbody> <tr> <td data-bbox="618 895 976 1129">RM3</td> <td data-bbox="976 895 2031 1129">This policy safeguards locally important feasible land-won mineral resources and permitted extraction sites from sterilisation and incompatible development. In cases where sterilisation may occur, prior extraction is required unless it can be demonstrated that this is not feasible. The Mineral Safeguarding Areas are identified on the Policies Map.</td> </tr> <tr> <td data-bbox="618 1129 976 1270">RM5</td> <td data-bbox="976 1129 2031 1270">This policy safeguards minerals infrastructure (wharves and railheads) and associated capacity. Wharves and railheads are the key bulk transport routes in the Plan Area. Using the ‘Agent of Change’ principle the policy protects the safeguarded facilities</td> </tr> </tbody> </table>	Policy	Overview of Policies	RM3	This policy safeguards locally important feasible land-won mineral resources and permitted extraction sites from sterilisation and incompatible development. In cases where sterilisation may occur, prior extraction is required unless it can be demonstrated that this is not feasible. The Mineral Safeguarding Areas are identified on the Policies Map.	RM5	This policy safeguards minerals infrastructure (wharves and railheads) and associated capacity. Wharves and railheads are the key bulk transport routes in the Plan Area. Using the ‘Agent of Change’ principle the policy protects the safeguarded facilities
Policy	Overview of Policies								
RM3	This policy safeguards locally important feasible land-won mineral resources and permitted extraction sites from sterilisation and incompatible development. In cases where sterilisation may occur, prior extraction is required unless it can be demonstrated that this is not feasible. The Mineral Safeguarding Areas are identified on the Policies Map.								
RM5	This policy safeguards minerals infrastructure (wharves and railheads) and associated capacity. Wharves and railheads are the key bulk transport routes in the Plan Area. Using the ‘Agent of Change’ principle the policy protects the safeguarded facilities								

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>from negative impacts resulting from non-minerals development which may not be compatible with the operation of minerals infrastructure sites.</u></p>
			<p><u>RM6</u> This policy safeguards other types of minerals plant and infrastructure, for example for concrete batching, coated materials manufacture, and other concrete products, facilities for plasterboard and clay manufacture, from encroachment from incompatible development.</p>
			<p><u>RM7</u> This policy identifies Minerals Consultation Areas. In cases where the Local Planning Authority considers that a non-minerals development affects or could potentially affect an existing minerals site or facility, consultation with the Minerals Planning Authority is required. Proposals within Minerals Consultation Areas, unless identified on the excluded development list, require consultation with the Mineral Planning Authority. Outside Mineral Consultation Areas, Local Planning Authorities may come to a judgement of the potential impact on an existing minerals site or facility and should therefore consult with the Minerals Planning Authority.</p>
			<p><u>Paragraph 210e of the National Planning Policy Framework 2023 states that planning policies should safeguard existing, planned and potential sites for: bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>aggregate material. Sites falling within these categories are safeguarded by various policies¹² within the Waste and Minerals Local Plan.</u></p> <p><u>The Role of District and Borough Councils in Minerals Safeguarding</u></p> <p><u>In two-tier authority areas, such as much of the Plan Area, the District and Borough Councils play a key role in the implementation of the Waste and Minerals Local Plan. The role of District and Borough Councils in Minerals Safeguarding is to:</u></p> <ul style="list-style-type: none"> ▪ <u>Have regard to the Waste and Minerals Local Plan when identifying areas for development in Local Plans and determining planning applications; and,</u>

¹² RM5 safeguards bulk transport sites (wharves and railheads) and the handling and processing of minerals at these sites. RM6 safeguards sites for manufacture (including concrete and concrete products) and associated handling and processing. Recycled and secondary aggregates are safeguarded by Policies WMP6 and SP6 of the Waste and Minerals Local Plan.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> ▪ <u>Consult with the relevant Mineral Planning Authority on development proposals in accordance with the Plan policies and take into account their views; and</u> ▪ <u>Identify Minerals Safeguarding Areas on their Policies Maps.</u> <p><u>The responsibilities set out above have been agreed in direct cooperation with the District and Borough Councils and continual work on the delivery of these will be achieved through the Duty to Cooperate.</u></p>
MM08	36-40	Purpose of Policy RM3 – End of Policy RM4	<p>Purpose of Policy RM3</p> <p>To ensure known mineral resources of local <u>and national</u> importance are safeguarded <u>and that safeguarded mineral resources are not sterilised by development by encouraging their extraction prior to development.</u></p> <p><u>Introduction</u></p> <p>6.31 The National Planning Policy Framework requires <u>MPAs Mineral Planning Authorities</u> to prevent mineral resources from being unnecessarily sterilised. Sterilisation of known or potential resources would reduce the ability and flexibility to supply future demand. However, it is also important to find a balance between protecting mineral resources for the future and allowing for necessary development of some of those areas.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.32 Government advice contained in the NPPF National Planning Policy Framework and other guidance¹³ requires mineral planning authorities to define Mineral Safeguarding Areas (MSAs) which should contain resources that are of local and national importance to warrant protection for future generations. Mineral safeguarding allows for potential resources to be examined; however, there is no presumption that resources defined in Mineral Safeguarding Areas MSAs will be worked. <u>To ensure safeguarding is effective and provides a meaningful function, the Plan seeks to safeguard resources.</u></p> <p>6.33 <u>In addition to Mineral Safeguarding Areas,</u> Minerals Consultation Areas <u>have also been defined by the Authorities. These are</u> areas where Local Planning Authorities (District & Borough Councils) will consult with the Authorities on alternative development proposals, not including excluded development. They have been identified using information on known minerals resources, existing permitted extraction and transport infrastructure sites. <u>The Mineral Consultation Areas in the Plan Area cover the same areas as the Mineral Safeguarding Areas plus a 100-metre buffer. Further bespoke Mineral Consultation Areas based on site specific circumstances, other than those included</u></p>

¹³ British Geological Survey ([BGS](#)) guidance for Mineral Safeguarding published in 2011.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>within Policy RM7, may be considered through future reviews of the Plan. Policy RM7 sets out consultation requirements for developments within or proximate to Minerals Consultation Areas.</u></p> <p><u>6.## There might be specific circumstances when the Local Planning Authority may wish to consult the Mineral Planning Authority for proposals which do not fall within a Minerals Consultation Area but are near to a minerals site. This will be down to the judgement of the Local Planning Authority but could include, for example, a proposed development that potentially would be affected by Heavy Goods Vehicle movements from an existing minerals site.</u></p> <p><u>6.## Where an application is made for non-mineral development within a Minerals Safeguarding Area identified in this Plan, then the determining authority will consult the Minerals Planning Authority for its views on the application and take them into account in its determination. For non-minerals development determined by the Authorities e.g. schools and waste management, the safeguarding policies will equally apply.</u></p> <p><u>Review of Mineral Safeguarding Areas</u></p> <p><u>6.## The Authorities have not received any evidence or intelligence to support the inclusion of any new or amended Minerals Safeguarding Areas, therefore other than the Mineral Safeguarding Areas included on the Policies Map, no other Mineral Safeguarding Areas are confirmed within the Plan.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>6.## The Mineral Safeguarding Areas will be reviewed under future reviews of the Plan. Any intelligence provided, such as geological data and workability of the resource, by the industry or site operators will be taken into consideration in the review process. Other matters to be taken into account in these reviews include:</u></p> <ul style="list-style-type: none"> • <u>Proposed urban extensions and site allocations for non-minerals uses in adopted local plans;</u> • <u>Consultation with stakeholders including landowners and local district/borough councils;</u> • <u>The accessibility of the minerals resource i.e. whether it can be practicably and feasibly worked.</u> <p><u>6.## Furthermore, as part of future reviews of the Plan the need to safeguard infrastructure (safeguarded by Policy RM5), and production and manufacture sites (safeguarded by Policy RM6) will also be reviewed.</u></p> <p><u>Minerals Resource Assessments and Prior Extraction</u></p> <p><u>6.## The National Planning Policy Framework requires that Mineral Planning Authorities should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place.</u></p> <p>6.34 Where non-mineral development is proposed which could potentially sterilise minerals resource, developers will be required to carry out investigation work to ascertain whether economically feasible mineral resources are present and whether prior extraction is practicable. <u>It is for the developer or site proposer to demonstrate whether prior extraction is not feasible.</u> The results of this work should be reported in a ‘Minerals Resource Assessment’ which should be proportionate to the nature and scale of the proposal (for more detail see separate guidance on</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>safeguarding). The developer will be expected to have regard to <i>The Minerals Products Association and the Planning Officers' Society Minerals Safeguarding Practice Guidance (April 2019)</i> in preparing a Mineral Resource Assessment.</u></p> <p><u>6.## For the Authorities to raise no objection to the non-mineral development, they will need to be satisfied that either minerals sterilisation will not occur (either because the mineral resources are not economically feasible or that an appropriate and practicable level of prior extraction can take place) or because there is an overriding need for the development.</u></p> <p><u>6.## In forming its view on the proposed development the Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, and provide advice to the Local Planning Authority.</u></p> <p><u>6.## Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.</u></p> <p><u>Sharp Sand & Gravel</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>6.## Storm beach deposits have been worked in the past in the Plan Area. However, these deposits have now either been sterilised, exhausted or are constrained by both national and international environmental designations. Consequently, no provision is made in the Plan for the working of storm beach deposits.</u></p> <p><u>6.## Permitted extraction sites (Scotney Court Farm, Scotney Court extension and Wall Farm) are currently being worked and near exhaustion at Lydd Quarry. The continued safeguarding of these sites is therefore not considered necessary. Furthermore, the area around Lydd Quarry, including Broomhill, is constrained by both national and international environmental designations and further working is not feasible due to the irreversible harm this would cause to the interests of designated sites which are considered overriding. Therefore, Broomhill is no longer safeguarded.</u></p> <p><u>6.## Within the Plan Area, river terrace deposits are located within very narrow seams and several of these sites are located within the High Weald Area of Outstanding Natural Beauty and South Downs National Park. There has been no historical interest to extract these resources. Furthermore, surface development on river terrace deposits is unlikely due to the limitations of building on riverbeds and on floodplains.</u></p> <p><u>6.## Given these limitations, the Authorities consider it highly improbable that any sharp sand and gravel resource in the Plan Area would be workable in the future and that safeguarding this resource would not therefore be appropriate.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.35 — Clay sites and permitted Gypsum reserves and soft sand are safeguarded. No strategic need for chalk extraction was identified in the WMP, and there is no evidence to suggests that the situation has altered. No areas have therefore been identified to safeguard chalk resource within the review.</p> <p>Soft Sand</p> <p>6.36 When considering proposals for mineral extraction, national policy¹⁴ requires planning authorities to ‘provide the provision of non-energy minerals outside of National Parks, the Broads, Areas of Outstanding Natural beauty and World Heritage Sites, scheduled monuments and conversation areas’ where practicable. <u>In considering proposals for mineral extraction, minerals planning authorities should as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas</u>¹⁵. However, the soft sand resource within East</p>

¹⁴ ~~NPPF 2021 paragraph 211.~~

¹⁵ National Planning Policy Framework 2023 paragraph 211.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Sussex lies entirely within the boundary of the South Downs National Park. This soft sand resource then extends through the SDNP South Downs National Park and its boundary in West Sussex and Hampshire.</p> <p>6.37 As soft sand resource <u>Soft sand resource in the south-east is a regionally important mineral that, for certain end uses, cannot be easily substituted.</u> It is relatively limited and constrained by a number of designated landscapes¹⁶. The Authorities have entered into a <u>Statement of Common Ground with Kent County Council, West Sussex County Council, Surrey County Council and Maidstone Borough Council in which the agreed position is to safeguard any soft sand resource in the respective plan areas. Moreover, the South East England Mineral Planning Authorities have agreed a</u> <u>Joint Position Statement on Soft Sand</u> <u>that sets out the overall supply position within the South East and is designed to underpin statements of common ground. Therefore,</u> the Plan safeguards the extent of the soft sand resource in East Sussex.</p> <p><u>Other Minerals</u></p>

¹⁶ South East Soft Sand Position Statement.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.## Clay sites and permitted Gypsum reserves are safeguarded. No strategic need for chalk extraction was identified in the Waste and Minerals Plan, and there is no evidence to suggest that the situation has altered. No areas have therefore been identified to safeguard chalk resource within the Review.</p> <p>6.38—The Authorities consider that the following categories of development/application type are exempt from the Policy requirements of RM3, RM4, RM5 and RM7. The exemptions would apply to sites located in MSAs and MCAs; to the requirements for prior extraction; and for consultations relating to both mineral resources sites and minerals infrastructure sites. Those listed would also be exempt from the requirements of Mineral Resource and Infrastructure Assessments.</p> <p>Excluded Development</p> <ul style="list-style-type: none"> • Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse • Applications for Advertisement Consent • Applications for Listed Building Consent • Lawful Development Certificate (LDC) for existing use, proposed use, or operation or activity in breach of a planning condition • Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> ● Application for non-material amendments ● Applications for small-scale urban infill development within existing built-up areas i.e. the development of a small gap between existing buildings/enclosed by other types of development ● Developments within a conservation area within existing urban areas <p>Policy RM3: Minerals Safeguarding Areas</p> <p>Mineral Safeguarding Areas (MSAs), as shown on the Policies Map, identify potentially <u>feasible viable</u> land-won mineral resources and <u>permitted</u> sites <u>which remain feasible viable</u>.</p> <p>Proposals for non-minerals development on or near the <u>Mineral Safeguarding Areas MSA</u> that would sterilise or prejudice the extraction of the mineral resource, or result in incompatible development, should not be permitted <u>unless it can be demonstrated, within a Mineral Resource Assessment, that:</u></p> <ul style="list-style-type: none"> <u>a) the development is not incompatible with any permitted minerals operations; and</u> <u>b) mineral extraction in advance of surface development (prior extraction) would not be practical and feasible.</u> <p>Development proposals within areas shown as Mineral Safeguarding Areas on the Policies Map or that may affect a mineral operation or resource, must demonstrate that mineral resources will not be sterilised and the development is not incompatible with any permitted minerals operations.</p> <p>The Authorities will periodically review and update MSAs as required.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Prior Extraction of Mineral Resources (RM4)</p> <p>Explanation</p> <p>Prior extraction of minerals resources is required by the NPPF (2021) to be promoted and considered for development proposals which would sterilise resources. Following an assessment of viability of sand and gravel resource within the Plan Area, it is proposed that no additional sharp sand and gravel resource will be safeguarded. A prior extraction policy is required to ensure that soft sand resource (all of which is to be safeguarded), clay and gypsum reserves are appropriately safeguarded and does not become sterilised. A separate policy requiring prior extraction where feasible and practicable has been included.</p> <p>No changes to the direction of this Policy have been made since the 2020 consultation. For clarity, some minor updates to the supporting text have been made.</p> <p>Purpose of Policy RM4</p> <p>To ensure the best and most sustainable use of minerals by seeking their extraction prior to development.</p> <p>6.39 The NPPF requires that MPAs should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. Where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether there are economically viable mineral resources present and whether prior extraction is practicable. The results of this work should be presented within a Minerals Resource Assessment (MRA) which should be proportionate to the</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>nature and scale of the proposal. Guidance on preparing a MRA can be found within the separate guidance document on safeguarding. The Minerals Resource Assessment may conclude that prior extraction is not practicable due to constraints and location, delay to construction timetable, and effect on landform thereby making the site not viable for the proposed development.</p> <p>6.40—The Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, in forming its view on the proposed development and provide advice to the Local Planning Authority.</p> <p>6.41—Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.</p> <p>6.42—Policy RM4 must be read in conjunction with the Excluded Development list, please refer to paragraph 6.38 for further details.</p> <p>Policy RM4: Prior Extraction of Mineral Resources</p> <p>All developments permitted within or near Mineral Safeguarding Areas should undertake prior extraction unless it can be demonstrated to the satisfaction of the MPA that:</p> <p>a) — The mineral resource would not be sterilised by the proposed development, and/or</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>b) — The mineral cannot be practically or feasibly extracted.</p>
MM09	42 - 43	Paragraph 6.47 – End of Policy RM5: Safeguarding Minerals Infrastructure	<p>6.47 Proposals affecting safeguarded mineral infrastructure sites or the associated <u>Mineral Consultation Areas</u> MCAs including rail depots, wharves, concrete batching and asphalt plants, and aggregate recycling sites should be supported by a Mineral Infrastructure Assessment (MIA). This should provide sufficient evidence which is proportionate to the nature and type of development, to enable the <u>Minerals Planning Authority</u> MPA to assess whether the proposed development is likely to have an adverse effect on the facility including its capacity. Further guidance on preparing the <u>Minerals Infrastructure Assessment</u> MIA can be found within the <u>separate guidance document on safeguarding</u>. <u>Proposals will be expected to have regard to The Minerals Products Association and the Planning Officers' Society Minerals Safeguarding Practice Guidance (April 2019) in preparing a Minerals Infrastructure Assessment.</u></p> <p>6.48 The <u>NPPF National Planning Policy Framework</u> requires that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Development proposals in the vicinity of safeguarded wharves (including vacant wharves) and railheads should be designed to minimise the potential for conflicts of use and disturbance (e.g. light disturbance, noise pollution, dust, odour, other emissions, impact on visual amenity of potential occupiers and impacts arising from traffic movements</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>associated with Minerals Infrastructure sites), in line with the Agent of Change principle as set out within the National Planning Policy Framework NPPF¹⁷.</p> <p>6.49 The Joint Area Action Plan (JAAP) for Shoreham Harbour which was adopted in October 2019 sets out the future vision and planning policies for the Shoreham Harbour regeneration area. The intention is to consolidate port related uses in the eastern harbour arm. It is important that wharf safeguarding policies are applied to ensure capacity is maintained whilst regeneration proposals come forward.</p> <p>6.50 Shoreham Port is partly within West Sussex, so landings at wharves in the West Sussex part may also help meet demand in the western part of the Plan Area. On that basis, provision of equivalent capacity (tonnage) of minerals wharfage within either part of Shoreham Port may be acceptable subject to similar safeguarding by West Sussex County Council as Minerals Planning Authority. Future joint working by authorities on the Joint Area Action</p>

¹⁷ Paragraph 187 of the National Planning Policy Framework NPPF ([2021-2023](#)).

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Plan JAAP</u> has been addressed through a Statement of Common Ground which has been agreed between the Shoreham Harbour Planning Authorities and the Shoreham Port Authority.</p> <p>6.51 The wharves and railheads safeguarded for the purposes of minerals transportation are listed on the Policies Map. A list of the permitted mineral infrastructure sites is published alongside the Annual Monitoring Report (AMR) on the County Council’s website. It is updated periodically outside the Annual Monitoring Report process. Updated GIS layers are re-issued accordingly.</p> <p>6.52 Policy RM5 must be read in conjunction with the Excluded Development List, please refer to paragraph 6.## for further details.</p> <p>Policy RM5: Safeguarding Minerals Infrastructure</p> <p>Existing, planned and potential minerals wharf and railhead facilities (including rail sidings) and their consequential capacity are safeguarded in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The need for railheads and minerals wharves will be monitored.</p> <p>Capacity for landing, processing and handling and associated storage of minerals at wharves in Shoreham, Newhaven and Rye Ports is safeguarded. Alternative use proposals should demonstrate that there is no net loss of capacity for handling minerals within a port.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Proposals for non-minerals related uses within the vicinity of an infrastructure site should be designed to minimise the potential for conflicts of use and disturbance in accordance with the Agent of Change principle. Proposals for incompatible non-minerals development should not be permitted.</p> <p>The Authorities will support the co-location of railheads and minerals wharves with processing capacity subject to it being demonstrated that this does not adversely affect space requirements for operational use.</p> <p>The Authorities will periodically review and update Mineral Infrastructure Safeguarded Areas as required.</p>
MM10	44-46	Section Safeguarding facilities for concrete batching (etc.) (RM6) – From Title to end of Policy	<p>Safeguarding other minerals plant and infrastructure facilities for concrete batching (etc.) (RM6)</p> <p>Explanation</p> <p>To ensure the plan remains relevant throughout the Plan Period, it is proposed that the list of safeguarded facilities is removed from the policy wording and is moved to the Policies Map. The Policies Map would be periodically reviewed and updated as necessary.</p> <p>Since the 2020 consultation, the direction of the Policy remains the same. The Policy wording has been amended to strengthen the wording and emphasise the limited circumstances in which permission may be granted. Reference to the agent of change principle has been added to supporting text to ensure consistency with other policies.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>It is proposed that This section replaces pages 27-28 of the Waste and Minerals Sites Plan. Policy SP10 is proposed to be superseded by RM6, as drafted below.</p> <p>Purpose of Policy RM6</p> <p>To ensure adequate provision of minerals of the plan area by protecting infrastructure facilities from encroaching development.</p> <p>6.53— Whilst the development management of concrete batching and similar facilities are generally district and borough council planning matters, in order to provide a comprehensive safeguarding mechanism for minerals infrastructure in the Plan Area it is considered appropriate to safeguard such sites in the WMLP.</p> <p>6.54 The NPPF requires that planning policies safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; National policy requires other types of mineral infrastructure to be safeguarded. This includes existing, planned and potential sites for the handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material. No such sites were received in response to the Call for Evidence and Sites consultation, and a need for additional facilities has not been identified. <u>However, existing and potential sites are safeguarded. Safeguarded facilities will be reviewed through future reviews of the Plan.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.## Whilst the development management of concrete batching and similar facilities are generally district and borough council planning matters, in order to provide a comprehensive safeguarding mechanism for minerals infrastructure in the Plan Area it is considered appropriate to safeguard such sites in the Waste and Minerals Local Plan.</p> <p>6.## Facilities for the production of clay products are usually safeguarded by RM3. However, in instances where facilities exist but no quarrying is taking place and where the facility is not time-limited they are safeguarded by RM6.</p> <p>6.55 Development proposals within the vicinity of safeguarded <u>minerals plant and infrastructure facilities</u> concrete batching, coated materials manufacture and other concrete products must be compatible with the operations at the safeguarded concrete and concrete products sites in accordance with the Agent of Change Principle and national</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>policy¹⁸. <u>Where the operation of an existing facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) is required to provide suitable mitigation before the development has been completed.</u> Proposals should be accompanied by a proportionate Minerals Infrastructure Assessment (MIA) comprising a compatibility assessment. Further guidance on preparing the MIA Minerals Infrastructure Assessment can be found within the <u>separate guidance document on safeguarding. Proposals will be expected to have regard to The Minerals Products Association and the Planning Officers’ Society Minerals Safeguarding Practice Guidance (April 2019) in preparing a Minerals Infrastructure Assessment.</u></p> <p>6.56 Safeguarded concrete batching facilities are listed <u>identified</u> on the Policies Map.</p> <p>Policy RM6: Safeguarding other minerals infrastructure facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area</p>

¹⁸ Paragraph 187 of the NPPF National Planning Policy Framework (2023) states that proposals must ensure that the new development can be integrated effectively with existing businesses and existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Facilities for production and manufacture, including concrete batching, plasterboard production and brick manufacture etc. concrete batching, coated materials manufacture and other concrete products are safeguarded against development that would unnecessarily sterilise the facility or prejudice its use. <u>Where these facilities are situated within a host quarry, wharf or rail depot facility they are safeguarded for the life of the host site.</u> The safeguarded facilities are identified in the Policies Map.</p> <p>Development proposals that do not comply with the Agent of Change requirements for non-minerals development on or near the site and that would prejudice the use of the facility, or result in incompatible development, should not be permitted. Planning permission will only be granted where it is demonstrated that:</p> <ul style="list-style-type: none"> • the proposed development is in accordance with a site allocation in an adopted local plan or neighbourhood plan; • the site is no longer needed; • the proposal is of a temporary nature; or • the capacity of the site can be relocated elsewhere. <p>The Authorities will periodically review and update safeguarded facilities as required.</p>
MM11	45-47	Minerals Consultation Areas (RM7) –	Minerals Consultation Areas (RM7)

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
		Paragraph 6.58	<p>Explanation</p> <p>Based on local constraints and changes to the surroundings of safeguarded sites, it is proposed that the extents of <u>some</u> Mineral Consultation Areas are altered dependent on the constraints of each site. These can be found in <u>on</u> the Policies Map.</p> <p>The proposed wording of this policy would allow the <u>Minerals Planning Authority MPA</u> discretion to raise concern in cases where the minerals sites and facilities may be adversely affected by non-minerals development.</p> <p>In response to representations received during the 2020 consultation, to avoid confusion, reference to <u>Mineral Safeguarding Areas MSAs</u> has been removed from the supporting text and the exemptions list has been moved earlier in the document.</p> <p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>It is proposed that This section replaces Minerals Consultation Areas (SP11) on pages 28 & 29 of the <u>Waste and Minerals Sites Plan WMSP</u>.</p> <p><u>Purpose of Policy RM7</u></p> <p>To ensure appropriate consultation is undertaken by Local Planning Authorities on alternative development proposals.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.57 Policies RM3, and RM5 and RM6 seek to safeguard land-won minerals resources and minerals infrastructure from sterilisation and incompatible development. Minerals Consultation Areas (MCAs) are required to be defined by National Policy (<u>National Planning Policy Framework 2023 NPPF 2024</u>). They are a means to ensure that, in determining non-minerals development by another local planning authority within the Plan Area, account is taken of the need to safeguard such assets. Brighton & Hove City Council and the South Downs National Park Authority can achieve this consideration within their own decision taking. In the County of East Sussex outside the South Downs National Park, local planning authorities need to consult the Minerals Planning Authority on relevant applications. To ensure a manageable process, Policy RM7 below sets out how the consultation process will be implemented.</p> <p><u>6.## Minerals Consultation Areas are drawn up based on the safeguarded site boundaries and extended to include a buffer zone of 100 metres. In cases where the Mineral Planning Authority has observed that the effect upon a safeguarded area or site is potentially greater in a particular locality, bespoke Minerals Consultation Areas have been included. These areas are Rye Harbour and East Quay, Newhaven. Future bespoke Mineral Consultation Areas may be considered through future reviews of the Plan.</u></p> <p><u>6.## At Rye Harbour, the Minerals Consultation Area extends to include the two safeguarded wharf sites (Rastrums Wharf and the “Old ARC” Wharf) and a wider area around the harbour to ensure the Minerals Planning Authority is consulted on proposals for residential or other types of sensitive development. Similarly, at East Quay, Newhaven, a wider buffer is applied to reflect the urban surroundings.</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Policy RM7: Minerals Consultation Areas</p> <p>Within the County of East Sussex outside the South Downs National Park, the local planning authority will consult the Minerals Planning Authority on non-minerals development affecting, or potentially affecting, existing minerals sites and facilities identified in the Policies Map. Neighbourhood planning groups will also need to consult the relevant MPA where allocating land affecting MSAs in their Neighbourhood Plan.</p> <p>Types of planning applications not included within the excluded development list which fall into a Mineral Consultation Areas (MCA) will require the consultation of the Minerals Planning Authority. MCAs will be updated when necessary and included in Annual Monitoring Reports, and the local planning authorities informed accordingly.</p> <p><u>Within the County of East Sussex outside the South Downs National Park:</u></p> <ul style="list-style-type: none"> • <u>Types of planning applications not included within the excluded development list which fall into a Mineral Consultation Areas will require the consultation of the Minerals Planning Authority.</u> • <u>The local planning authority will consult the Minerals Planning Authority on non-minerals development that affects or may affect, existing minerals sites and facilities identified on the Policies Map.</u> • <u>Neighbourhood planning groups will also need to consult the relevant Minerals Planning Authority where allocating land affecting Mineral Safeguarding Areas in their Neighbourhood Plan.</u>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.58 Minerals Consultation Areas do not apply to development considered unlikely to affect Mineral Safeguarding Areas MSAs. Please see Excluded Development (page ##) paragraph 6.## for further details.</p>
MM12	50-52	Purpose of Policy (RD1) - Paragraph 7.11	<p>Purpose of Policy</p> <p>To conserve and enhance the built and natural environment including: natural assets; biodiversity and geodiversity; landscapes; historic environment; geology and geomorphology; Heritage assets; and landscape character.</p> <p>7.4 The Plan Area has a range of natural and built features which are recognised for their environmental and / or historic qualities, a number of which are formally recognised via international, national, or local level designations. Within the existing policy hierarchy, sites or features designated at a national or international level receive statutory protection via legislation. Others designated at a more local level carry less policy weight in decision-making, although the Authorities recognise that such features are an important part of the local environment and should be safeguarded.</p> <p>7.5 Policy RD1 sets out the Plan's policy in respect to of proposed minerals and waste development and the natural and historic environment. This policy is based on the principles set out in the NPPF National Planning Policy Framework. The NPPF National Planning Policy Framework also details information which applicants are expected to provide and contains guidance on how planning applications that affect environmental and historic sites should be determined in certain circumstances. Applicants are expected to provide the information as set out in the NPPF</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>National Planning Policy Framework</u> and the Minerals and Waste Planning Minerals and Waste Planning Authority <u>Authorities</u> will follow the policy set out when determining planning applications.</p> <p>Policy RD1: Environment and Environmental Enhancement</p> <p>To conserve and enhance the built and natural environment development should:</p> <ul style="list-style-type: none"> a) protect and enhance designated sites, areas and features of environmental, landscape and historic importance, as listed in Appendix 2; b) provide measurable net gain in biodiversity and enhancement of natural capital, as guided by the Sussex Nature Recovery Network and any future Local Nature Recovery Strategy, following the mitigation hierarchy with gain provided on site where possible, or at the best strategic location for nature's recovery; and c) maximise opportunities for functional habitat creation including inter-connectivity between habitats within and outside the site. <p>Permission will not be granted where:</p> <p>x) a site or area of national or international importance is adversely affected, or an appropriate assessment has concluded that the plan or project may adversely affect the integrity of the site or area, unless there are no alternative solutions and there is an imperative overriding public interest for the development, or</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>x) a site or area of national importance (such as a Site of Special Scientific Interest) is adversely affected (either individually or in combination with other developments). The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</u></p> <p><u>y) a site or area of international importance is adversely affected, or an appropriate assessment has concluded that the plan or project may adversely affect the integrity of the site or area, unless there are no alternative solutions and there are is an imperative reasons of overriding public interest for the development; or</u></p> <p><u>y-z) the development would have a significant adverse impact on such a site, area or feature as referred to in a) above.</u></p> <p>7.6 Proposals are expected to assess the topics raised under this Policy within an Environmental Statement, particularly if there are known features in the vicinity of the application site. <u>The level of biodiversity net-gain to be provided using the Department for Environment, Food & Rural Affairs metric is set at a minimum of 10% in Schedule 14 of the Environment Act 2021, which is anticipated to come into effect during 2023. Until it comes into effect, net gain is interpreted as per the National Planning Policy Framework and Planning Practice Guidance. Applicants should, however, seek to secure a minimum of 10% net gain in biodiversity wherever possible, while maximising opportunities for functional habitat creation including inter-connectivity between habitats within and outside the site.</u> Any proposals for net gain in biodiversity to be achieved should be proportionate to the proposed development and its</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>location in relation to the Nature Recovery Network. Applicants are expected to follow the latest biodiversity net-gain best practice when addressing this policy.</p> <p>7.7 The importance placed on the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra Department for Environment, Food & Rural Affairs publication ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’, and the Institute of Quarrying’s Good Practice Guide for Handling Soils in Mineral Workings. Natural England currently recommends the adoption of the “Bed/Strip by Strip” methods (as described by Sheets A-D of the Guide), to minimise damage to soil structure and achieve high standards of restoration.</p> <p>7.8 A list of different types of designated sites, priority, legally protected and notable species & habitats, (including irreplaceable habitats) are included in Appendix 2. To assist in identifying where there may be potential impacts on Sites of Special Scientific Interest and Special Areas of Conservation, Natural England have published Impact Risk Zones on the magic.defra.gov.uk website. Applicants are advised to review the Impact Risk Zones and may wish to consider pre-application advice from Natural England. Where there is evidence that identifies an un-designated environmental or historic site, area or feature as important, these are considered in the same way as designated sites of similar characteristics, following best practice guidance in relation to species.</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>7.## A functional habitat is defined as habitat which is capable of supporting the relevant species and populations, biodiversity, and ecosystem processes over time, including its role in the wider landscape and habitat network. Considerations include, but are not limited to, scale, connectivity, physical characteristics such as soils, geology and hydrology, and pressures or barriers such as disturbance. For example, a development could propose the creation of a wildlife corridor to connect two existing habitats, providing a commuting corridor for bats. To demonstrate the habitat will be functional for this purpose, proposals should include details on links with the wider habitat network, scale and structure of the wildlife corridor, appropriate species planting, adequate distances from disturbance such as noise and light pollution and demonstrate how the habitat will serve certain functions for a specific species.</u></p> <p>7.9 When assessing significance, the appropriate tests as set out in the <u>NPPF National Planning Policy Framework 2023</u>, where relevant, should be applied. At the time of publication, this is paragraphs 176, 180, 181 (natural environment), 194 and 197-205 (heritage assets) of the <u>NPPF National Planning Policy Framework 2023(Feb 2024)</u>.</p> <p>7.10 In the cases where proposed development may affect the integrity of sites or areas that are subject to the Habitat Regulations and Appropriate Assessment, the presumption is that development should not be permitted. This follows the broad approach set out in the <u>NPPF National Planning Policy Framework 2023</u> and the Habitats Directive and will be appropriate for the vast majority of proposed developments. The Habitats Regulations do make an exception in instances where, subject to a number of strict requirements, there are clear imperative reasons of overriding public interest for the development. When considering the proposal due weight will be given to the</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>approach the applicant has taken to follow the Habitats Regulations, and the reasons of overriding public interest that are put forward.</p> <p>7.11 Where appropriate, the Authorities will include planning conditions that provide for notification, evaluation and (if confirmed) recording of important natural or archaeological features that may be encountered and, where relevant, the retrieval of finds and placing in recognised national collections. Agreements for restoration, after-care and after-use will be flexible to allow for active conservation of any interest, as they are discovered, throughout the life of the planning permission.</p>
MM13	53-57	Section 8. Implementation and Monitoring	<p>8. Implementation and Monitoring</p> <p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>8.1 — It is proposed that the <u>The</u> implementation and monitoring table in section 7 of the Waste and Minerals Plan (pages 120-137) is updated. Entries for policies WMP4, WMP7a, WMP7b, WMP11, WMP14, WMP15 and WMP27 would be deleted and replaced with the table below.</p> <p><u>Introduction</u></p> <p>8.2 Monitoring and reporting on the implementation of the policies in the Plan is important to establish whether they are being successful in achieving their aims. Monitoring also allows corrective action to be taken if the aims of</p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification																											
			<p>the Plan are not being met. Performance of the policies is currently and will continue to be evaluated yearly and reported via the Local Aggregates Assessment and Annual Monitoring Report.</p> <p><u>8.# In this table ESCC means East Sussex County Council, BHCC means Brighton & Hove City Council, and SDNPA means South Downs National Park Authority.</u></p> <table border="1"> <thead> <tr> <th>Policy</th> <th>Delivery Body/Mechanism</th> <th>Key Delivery Partners</th> <th>Delivery Target (how much, when, where)</th> <th>Delivery Indicator</th> <th>Trigger</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>RW1 - Sustainable Locations for Waste Development</td> <td>ESCC, SDNPA Strategic facilities developed in the most sustainable locations.</td> <td>BHCC, waste industry</td> <td>Waste industry Minerals industry</td> <td>Strategic facilities located consistent with the approach identified in the Plan.</td> <td>Locations of waste facilities consistent with policy.</td> <td><u>Pattern of regular approval of developments not in conformity with Policy RW1.</u></td> <td><u>Review of policy approach to locating new waste facilities as part of the review of the Plan.</u></td> </tr> <tr> <td>WMP4</td> <td>ESCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.</td> <td>BHCC, Environment Agency Landowners Port Authorities</td> <td>Minerals industry</td> <td>A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period.</td> <td>Data about minerals produced in the Plan Area or imported into the Plan Area. Data about <u>construction and demolition C&D</u> waste being recycled at permitted waste sites.</td> <td><u>A sustained decrease in the proportion of secondary and recycled aggregates used in the Plan Area. Duty to Cooperate discussions and/or survey data</u></td> <td><u>Review of evidence to consider why the use of secondary and recycled aggregates is declining to inform the review of the Plan. Review strategic policy</u></td> </tr> </tbody> </table>					Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator	Trigger	Action	RW1 - Sustainable Locations for Waste Development	ESCC, SDNPA Strategic facilities developed in the most sustainable locations.	BHCC, waste industry	Waste industry Minerals industry	Strategic facilities located consistent with the approach identified in the Plan.	Locations of waste facilities consistent with policy.	<u>Pattern of regular approval of developments not in conformity with Policy RW1.</u>	<u>Review of policy approach to locating new waste facilities as part of the review of the Plan.</u>	WMP4	ESCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.	BHCC, Environment Agency Landowners Port Authorities	Minerals industry	A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period.	Data about minerals produced in the Plan Area or imported into the Plan Area. Data about <u>construction and demolition C&D</u> waste being recycled at permitted waste sites.	<u>A sustained decrease in the proportion of secondary and recycled aggregates used in the Plan Area. Duty to Cooperate discussions and/or survey data</u>	<u>Review of evidence to consider why the use of secondary and recycled aggregates is declining to inform the review of the Plan. Review strategic policy</u>
Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator	Trigger	Action																								
RW1 - Sustainable Locations for Waste Development	ESCC, SDNPA Strategic facilities developed in the most sustainable locations.	BHCC, waste industry	Waste industry Minerals industry	Strategic facilities located consistent with the approach identified in the Plan.	Locations of waste facilities consistent with policy.	<u>Pattern of regular approval of developments not in conformity with Policy RW1.</u>	<u>Review of policy approach to locating new waste facilities as part of the review of the Plan.</u>																							
WMP4	ESCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.	BHCC, Environment Agency Landowners Port Authorities	Minerals industry	A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period.	Data about minerals produced in the Plan Area or imported into the Plan Area. Data about <u>construction and demolition C&D</u> waste being recycled at permitted waste sites.	<u>A sustained decrease in the proportion of secondary and recycled aggregates used in the Plan Area. Duty to Cooperate discussions and/or survey data</u>	<u>Review of evidence to consider why the use of secondary and recycled aggregates is declining to inform the review of the Plan. Review strategic policy</u>																							

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification							
								<p><u>indicating a decline in available supply from outside the Plan Area</u></p> <p><u>approach to minerals provision as part of the review of the Plan to take into account reduced available supply of secondary and recycled aggregates.</u></p>		
			<p>RM0 Sustainable Use of Aggregates</p>	<p>ESCC, SDNPA, Change construction practices</p>	<p>BHCC, in</p>	<p>District/Borough Councils Development Industry</p>	<p>Sustainable use of aggregates being a considered as a design consideration in the design of all developments.</p>	<p>Policy Citation Consideration of aggregate usage in design in random sample review of Design and Access Statement / Planning Statements. <u>Demonstrable reduction in aggregate use.</u></p>	<p><u>Sustainable use of aggregates not being a design consideration in the majority of developments sampled.</u></p>	<p><u>Review development management approach to policy implementation.</u></p>
			<p>RM1 Provision of Aggregates</p>	<p>ESCC, SDNPA Importation of aggregates by sea, rail, and road.</p>	<p>BHCC, of</p>	<p>Minerals industry CDEW industry Environment Agency</p>	<p>Sufficient primary and recycled/secondary aggregates provided to the</p>	<p>Data on imports of aggregates to the Plan Area</p>	<p><u>See WMP4 above</u></p>	<p><u>See WMP4 above</u></p>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification						
			Provision of recycled and secondary aggregates for use in the Plan Area	Landowners Port Authorities MMO Crown Estate <u>Mineral Planning Authorities</u>	Plan Area over plan period.	<u>Sales Consumption</u> of aggregates in the Plan area. Data about C&D waste being recycled at permitted waste sites. <u>Aggregate monitoring survey data.</u>			
			RM2 - Provision for an additional extraction area at Aldershaw Farm	Policy RM2 is monitored under the arrangements for WMP13 Provision of Clay.	N/A	N/A	N/A	<u>N/A</u>	<u>N/A</u>
			RM3 - Safeguarding Mineral Resources & <u>Prior Extraction of Minerals Resources</u> RM4 - Prior Extraction of Minerals Resources	ESCC, SDNPA Safeguarding of land-won resources and identifying consultation areas. Development industry to undertake extraction of	BHCC, District/Borough councils. Minerals industry Environment Agency Natural England Development industry <u>Mineral Planning Authorities</u>	No viable resources sterilised	Number of applications for built development on safeguarded or consultation areas. Tonnage figures of prior extracted resources.	<u>Viable resources sterilised by alternative development.</u>	<u>Review reasons for viable resources not being extracted to inform an assessment of the need to review the policy approach.</u>

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification						
				minerals where feasible. Review Minerals Resource Assessments.			Review of Minerals Resource Assessments and number of applications for prior extraction proposals		
RM5 - Safeguarding Minerals Infrastructure		ESCC & BHCC Identify and safeguard sites and capacities at wharves and railheads. Review Minerals Infrastructure Assessments.	District/Borough councils and regeneration area partners Port Authorities Minerals industry Waste industry Network Rail Mineral Planning Authorities	No net loss of wharf/rail capacity in the Plan Area.		Annual monitoring of wharf status (active or redundant) and existing rail sidings/tracks. Number of applications for built development on safeguarded wharves/rail sidings. Review of Minerals Resource Assessments and number of applications for prior extraction proposals	Net loss of minerals wharf/rail capacity in the Plan Area	Consider options for increasing wharf/rail capacity in the Plan Area through a review of the plan.	
RM6 - Safeguarding		ESCC, SDNPA, BHCC,	Waste/minerals industry	No net loss of concrete batching		Ongoing monitoring of	Net loss of concrete	Review policy approach to	

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification							
			Facilities for Concrete Batching	Industry address environmental protection proposals.	to in Environment Agency Natural England	to in <u>Mineral Planning Authorities</u>	facilities. Proposals should be compatible with batching plants.	conditions on waste developments.	<u>batching facilities</u>	<u>safeguarding concrete batching facilities as part of the review of the Plan.</u>
		RD1 - Environment and Environmental Enhancement	ESCC, SDNPA Industry address environmental protection proposals.	BHCC, to in Environment Agency Natural England	Waste/minerals industry to in <u>Sussex Local Nature Partnership</u>	Proposals should <u>avoid and</u> minimise environmental impacts where possible and mitigate where necessary. Overall maintenance, and where possible enhancement, of environmental assets in the Plan Area. <u>A net gain in biodiversity is delivered across the Plan Area.</u>	Ongoing monitoring of conditions on waste developments. Enforcement cases or complaints about environmental assets related to waste/minerals developments. <u>Percentage of relevant</u> proposals resulting in <u>biodiversity</u> net gain. <u>Percentage of biodiversity net gain secured.</u> <u>Number and type of</u>	<u>Target not met in consecutive years.</u>	<u>Review development management approach to policy implementation.</u>	

Schedule of Main Modifications (13 September 2023)

Ref	Page	Policy/ Paragraph	Main Modification			
						<p><u>biodiversity units lost or gained.</u> <u>Location of secured biodiversity net gain (on-site or off-site).</u> <u>Number of proposals considered to have an adverse impact on designated sites (see policy for definition of designated sites).</u></p>

