

Report to	<b>Planning Committee</b>
Date	<b>13 June 2024</b>
By	<b>Director of Planning</b>
Title of Report	<b>West Sussex Waste Local Plan (WLP) – A Five-Year Assessment of Relevance and Effectiveness.</b>
Purpose of Report	<b>To provide an overview of the second five-year assessment on the relevance and effectiveness of the West Sussex Waste Local Plan (WLP), so that the planning committee can recommend to the National Park Authority that an update to the WLP is not required at this time.</b>

#### **Decision**

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#### **Recommendation:**

**That the Planning Committee recommends the National Park Authority:**

- 1. Notes the findings and conclusion of the second five-year assessment on the relevance and effectiveness of the West Sussex Waste Local Plan (WLP); and**
  - 2. Approves the findings and conclusion of the second five-year assessment on the relevance and effectiveness of the West Sussex Waste Local Plan (WLP) in that the WLP is still relevant and effective and a formal review (in whole or in part) is not required.**
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#### **Executive Summary**

The West Sussex Waste Local Plan (WLP) provides the basis for making consistent decisions about planning applications for waste management and waste related activities in West Sussex, both inside and outside the South Downs National Park. The WLP covers a plan period up to 2031 and was adopted by West Sussex County Council and South Downs National Park Authority in April 2014.

The Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended) and the National Planning Policy Framework (2023) require local plans to be assessed at least once every five years from their date of adoption. In 2019, the WLP was subjected to its first five-year assessment. This concluded that the WLP remained relevant and effective at that time. As another five years have passed, the WLP has been subjected to a second five-year assessment (Appendix I). The second five-year assessment concludes that the WLP is still relevant and effective, and that it does not require a formal review, either whole or in part, at this time.

**1. Background**

- 1.1 The [West Sussex Waste Local Plan](#) (WLP) was prepared in partnership by West Sussex County Council and the South Downs National Park Authority (the “authorities”). The WLP was adopted by both authorities in April 2014 and covers a plan period up to 2031.
- 1.2 Regulation 10A of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), and Paragraph 33 of the National Planning Policy Framework (December 2023), require local planning authorities to assess local plans every five years from their date of adoption. The purpose is to determine whether a plan is still relevant and effective, and if a plan requires a formal review, either in whole or in part.
- 1.3 The first five-year assessment on the relevance and effectiveness of the WLP was carried out in 2019. The assessment concluded that the WLP remained relevant and effective at that time. As another five-years has passed, a second five-year assessment has been carried out. This latest assessment has considered any relevant changes in national and local policy and circumstances affecting the plan area, as well as the performance of each WLP policy using data collected through the authorities’ annual monitoring reports.

**2. West Sussex Waste Local Plan (WLP)**

- 2.1 The WLP is part of the development plan for the county of West Sussex (both inside and outside the South Downs National Park) and is a material consideration in the determination of planning applications. The WLP provides the basis for making consistent decisions about waste management and related activities and is the most up-to-date statement of land-use planning policy for waste in the county. Its policies are implemented via the development management functions of both authorities, as well as the district and borough councils.
- 2.2 The WLP includes four key areas, and 23 planning policies, as follows:
  - A county-wide vision, strategic objectives, and monitoring / implementation; and
  - Nine (9) policies to achieve the strategic objectives (see Policies W1-W9); and
  - Six (6) allocations to meet the need for new facilities (see Policy W10); and
  - Thirteen (13) development management policies to ensure there is no unacceptable harm to the environment, economy, or communities (see Policies W11-W23).
- 2.3 The WLP policies all contain trends, targets and/or intervention triggers which are reported on annually in the authorities’ monitoring reports. Since the publication of the first five-year assessment in 2019, a total of five monitoring reports have been published on the county council website. Chapter five of these reports provides a summary of waste activities, whilst Appendices C-E provide information about waste capacity and sites, and Appendix G sets out how each policy is performing against the baseline and anticipated targets.

**3. The Second Five-Year Assessment of Relevance & Effectiveness – Findings**

- 3.1 The second five-year assessment on the relevance and effectiveness of the WLP is in Appendix I of this report.

National & Local Context

- 3.2 There have been several legislative, national, and local policy updates since the adoption of the WLP. This includes but is not limited to: the transposition of EU directives, packages, policies, and strategies; the enactment of the Environment Act 2021 and Levelling Up & Regeneration Act (LURA) 2023; revisions to the National Planning Policy Framework, National Planning Policy for Waste, and the Planning Practice Guidance; and the adoption of the South Downs Local Plan. Further information is set out in Section 2 of the second five-year assessment (Appendix I).

Waste Local Plan (WLP) & Policies

- 3.3 The second five-year assessment provides information on how each of the 23 policies have performed in the last five years. The assessment presents tables setting out the monitoring, implementation, and trends of each policy, along with commentary about changes in national or local circumstances; information from the authorities’ annual monitoring reports; and the views of development management officers. The assessment presents the overall conclusion for each policy as a RAG (Red, Amber, and Green) status. This RAG status is as follows:
- **Red:** The policy is no longer relevant or effective and requires formal review.
  - **Amber:** The policy is relevant and effective, but monitoring indicates potential issues.
  - **Green:** The policy is relevant and effective with no monitoring issues.
- 3.4 No policies have been assessed as “**Red**”.
- 3.5 Three policies have been assessed as “**Amber**”. The key matters noted were principally in connection to legislation and national policy. However, upon consideration through the second five-year assessment, the three policies are still considered to be relevant and effective. Further information about these three policies is set out below.
- 3.6 **Policy WI4 (Biodiversity & Geodiversity).** The Environment Act 2021 has introduced mandatory measures for Local Recovery Nature Strategies (LNRS) to be prepared to support a nature recovery network, and for most developments to deliver at least a 10% biodiversity net gain (BNG). Although the policy does not explicitly refer to LNRS or BNG, any planning application would need to consider the National Planning Policy Framework and mandatory requirements in legislation.
- 3.7 **Policy WI5 (Historic Environment).** Concern has been raised that the policy does not specifically refer to the “setting of a heritage asset”. However, reference to “setting” is included in Paragraph 8.6.2 of the WLP, as well as the National Planning Policy Framework (Paragraph 212 and Annex 2) and the Planning Practice Guidance. The lack of reference in the policy wording does not preclude the “setting of a heritage asset” from being considered as it is clearly referenced in national policy.
- 3.8 **Policy WI7 (Flooding).** Chapter 14 of the National Planning Policy Framework was updated in 2018, 2021, and 2023 to provide clarity in decision making for flood risk and the Planning Practice Guidance was amended accordingly in 2022. The above national updates are not considered to be substantive enough to necessitate a change to Policy WI7.
- 3.9 Twenty policies have been assessed as “**Green**”. Given the South Downs National Park Authority’s landscape-led approach to development in a protected landscape, the following policies may be of particular interest to Members: Policy WI1 (Character), Policy WI2 (High Quality Developments), and Policy WI3 (Protected Landscapes). Although these policies were adopted in April 2014, it is important to remember that they would be considered alongside National Park purposes and the adopted policies in the South Downs Local Plan – i.e., Policy SD4 (Landscape Character) and Policy SD5 (Design) etc.
- 4. The Second Five-Year Assessment of Relevance & Effectiveness – Conclusions**
- 4.1 The second five-year assessment on the relevance and effectiveness of the WLP has identified that, since the adoption of the WLP, there have been no substantive changes in national or local circumstances that require changes to be made to the WLP and its policies. The WLP policies have generally performed as expected and it is considered that the WLP remains relevant, effective, and consistent with national policy. Given the above, a formal review of the WLP (either in whole or in part) is not required at this time.
- 5. Next Steps**
- 5.1 The second five-year assessment on the relevance and effectiveness of the WLP will be published on the West Sussex County Council website, and a weblink will be made available on the South Downs National Park Authority website.
- 5.2 In terms of the three “amber” policies and the introduction of a new planning system via the Levelling Up & Regeneration Act (LURA) 2023 and anticipated secondary legislation, the

authorities will continue to monitor the WLP through their annual monitoring reports. In the instance that any issues are identified, a new joint waste local plan will be prepared.

**6. Other implications**

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes. If the Planning Committee agree the recommendations, then a further decision will be required by the National Park Authority. Further assessments and reviews will return to the Committee and National Park Authority as appropriate.
Does the proposal raise any Resource implications?	The cost of preparing and assessing the WLP is reviewed annually and shared proportionally between West Sussex County Council and the South Downs National Park Authority. There have been no costs other than officer time associated with the preparation of this five-year assessment and report.
How does the proposal represent Value for Money?	Working in partnership with the county council is an effective way to share costs and reduce the burden on plan-making for minerals and waste.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Minerals and waste local plans have the potential to contribute to the three corporate plan priorities. In terms of the PMP, the WLP can contribute (but is not limited) to: 1.1 Protect landscape character; 1.2 Creating green infrastructure; 2.1 Improve soil and water; 3.1 Join up habitats; 5.2 Improve accessibility; and 10.1 Strengthen enterprise.
Links to other projects or partner organisations	Working in partnership with the county council is an effective way to share costs, meet corporate objectives, and reduce the burden on plan-making for minerals and waste.
How does this decision contribute to the Authority's climate change objectives	WLP Strategic Objective 14 is to minimise carbon emissions and adapt to, and mitigate the potential adverse impacts of, climate change. Paragraph 5.3.14 states that opportunities will be taken in waste management to minimise carbon emissions. This will be done by ensuring energy efficiency in design, minimising waste transportation, minimising use of non-renewable energy resources, and maximising use of lower-carbon energy generation. See also WLP Policy W12.
Are there any Social Value implications arising from the proposal?	It is considered that the proposal does not raise any social value implications.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	It is considered that the proposal does not raise any implications for the South Downs National Park Authority's equality duty.
Are there any Human Rights implications arising from the proposal?	It is considered that the proposal does not raise any human rights implications.
Are there any Crime &	It is considered that the proposal does not raise any crime and

Implication	Yes*/No
Disorder implications arising from the proposal?	disorder implications.
Are there any Health & Safety implications arising from the proposal?	It is considered that the proposal does not raise any health and safety implications.
Are there any Data Protection implications?	It is considered that the proposal does not raise any data protection implications.

**7. Risks Associated with the Proposed Decision**

7.1 Further details on risks are as follows.

Risk	Likelihood	Impact	Mitigation
The review assessment is out of date and not adequate.	2	3	The authorities will continue to annually monitor the WLP.

**MIKE HUGHES**

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Appendices Appendix I - West Sussex Waste Local Plan (April 2014) – A Five Year Assessment of Relevance and Effectiveness (May 2024).

SDNPA Consultees Director of Planning (Interim); Chief Finance Officer; Monitoring Officer; and Legal Services.

External Consultees None

Background Documents [West Sussex Waste Local Plan \(2031\)](#)  
[West Sussex Minerals and Waste Monitoring Reports](#)  
[West Sussex Minerals and Waste Safeguarding Guidance \(2020\)](#)  
[Review of the West Sussex Waste Local Plan 2014 \(May 2019\)](#)

