

Report to	Planning Committee
Date	13 June 2024
By	Director of Planning
Title of Report	Adoption of the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Document (RPD) and Revised Policies Map.
Purpose of Report	To update the Planning Committee on the progress of the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Document (RPD), and to request that the Committee recommends the adoption of the WMLP RPD and Revised Policies Map to the National Park Authority.

Decision

Recommendation:

That the Planning Committee recommends the National Park Authority:

- 1. Notes the content of the Inspectors' Report and their conclusion that the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Document (RPD) is legally compliant and sound subject to main modifications; and**
 - 2. Notes the findings of the Sustainability Appraisal (incorporating Strategic Environment Assessment) and the Habitats Regulations Assessment on the main modifications of the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Document (RPD); and**
 - 3. Delegates to the Director of Planning, in consultation with the Chair of the Authority, to make any inconsequential changes to the text required prior to the publication of the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Document (RPD); and**
 - 4. Adopts and publishes the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Document (RPD) and Revised Policies Map, as amended by the Inspectors' main modifications and the authorities' additional and further (non-material) modifications, to form part of the development plan for the South Downs National Park.**
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Executive Summary

The **East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP)** was prepared in partnership by East Sussex County Council, the South Downs National Park Authority, and Brighton & Hove City Council (the “authorities”). The WMLP comprises the Waste & Minerals Plan (adopted 2013) and the Waste & Minerals Sites Plan (adopted 2017). A partial review of the WMLP has been carried out by the authorities in the form of a Revised Policies Document (RPD). The RPD principally focuses on policies related to minerals provision and activities. The RPD has been subjected to public consultation and Examination in Public. The Inspectors’ published their final report in April 2024. This concludes that the RPD is legally compliant and sound subject to main modifications. If adopted, the RPD will supersede some of the policies in the WMLP and become part of the development plan for the East Sussex Area of the South Downs National Park.

1. Background

- 1.1 East Sussex County Council, Brighton & Hove City Council, and the South Downs National Park Authority (the “authorities”) are responsible for planning for the future management of waste, and production of minerals, in East Sussex.
- 1.2 The authorities worked in partnership to produce the **East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP)**. The WMLP comprises:
 - Waste and Minerals Plan (adopted 2013); and
 - Waste and Minerals Sites Plan (adopted 2017).
- 1.3 The WMLP covers a plan period up to 2030 and a plan area comprising the administrative areas of East Sussex County Council and Brighton & Hove City Council, along with the part of the South Downs National Park that falls within these administrative areas. The WMLP forms part of the development plan for East Sussex (both inside and outside the South Downs National Park) and is a material consideration in the determination of planning applications. The WMLP provides the basis for making consistent decisions about waste management and minerals activities in East Sussex. The WMLP sets out the vision and strategic objectives for the plan area, along with four main overarching policies (see WMP1 to WMP4). Together, these policies aim to:
 - Promote the movement of waste up the waste hierarchy so that waste is prevented, then reused, recycled, recovered and, as a last resort, disposed of safely, by enabling the provision of the required waste management facilities; and
 - Make provision for a steady supply of minerals by promoting the use of secondary and recycled aggregates and the use of sustainable transport methods, whilst using viable primary mineral resources as a least preferred option.
- 1.4 The Inspector at the Examination of the Waste and Minerals Sites Plan (adopted 2017) considered the plan to be sound but concluded that the current rate of land-won aggregates in the Waste and Minerals Plan (adopted 2013) could not be maintained through allocated sites. The Inspector indicated that a review of minerals policies was required.

2. The preparation of the East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP) Revised Policies Document (RPD)

- 2.1 The authorities have carried out a partial review of the WMLP in the form of a Revised Policies Document (RPD) [Appendix 1] and Revised Policies Map [Appendix 2]. The RPD principally focuses on mineral provision and related activities. The RPD is not a complete review of the WMLP. Instead, it sets out proposed revisions to, and replacements of, specific policies. The key changes are:

- The plan area is to become more reliant on aggregates from marine and other land-won sources outside of the plan area; and
 - Increased protection and safeguarding of minerals and minerals related infrastructure against inappropriate development located nearby; and
 - Improved effectiveness of specific policies as identified through monitoring.
- 2.2 The RPD and Revised Policies Map was subject to four public consultations before it was submitted for Examination in May 2022. The consultations are listed below:
- Autumn 2017 – Call for Evidence and Sites.
 - Spring 2018 – Sustainability Appraisal Scoping Consultation.
 - Summer 2020 – Regulation 18 Draft Revised Policies Document.
 - Winter 2021/22 – Regulation 19 Submission Version of Revised Policies Document.
- 2.3 The RPD was subject to an independent Examination in Public in Autumn 2022. This was conducted by two Examining Inspectors from the Planning Inspectorate and included two Hearings which were held at County Hall in Lewes between 08 and 10 November 2022.
- 2.4 The Inspectors raised no concerns around legal compliance, nor the soundness of most of the RPD. However, the Inspectors requested that the authorities propose modifications to ensure that the RPD and Revised Policies Map could be found “sound” and adopted by the authorities. Modifications were drafted to address the matters raised by the Inspectors. A summary of the modifications is as follows:
- The end of the plan period to be reduced to 2030 to be consistent with the WMLP.
 - Clearer explanation and updated figures for aggregate need over the plan period.
 - Amendments concerning the safeguarding of mineral resources and infrastructure.
 - Commitment to a full review of the WMLP once the partial review is completed.
 - Clarification on how certain revised policies will be applied in practice.
- 2.5 The proposed modifications were subject to public consultation between 27 October and 22 December 2023 (8 weeks). This was supported by addendums/updates to the Sustainability Appraisal and Habitats Regulations Assessment [Appendices 3 and 4 respectively]. Following the publication of an updated National Planning Policy Framework in December 2023, the authorities prepared a schedule of further (non-material) modifications in January 2024. The Inspectors considered all representations received and issued their final report in April 2024. The Inspectors concluded that the WMLP RPD is sound and legally compliant subject to main modifications. The Inspectors’ report, main modifications, and further (non-material) modifications can all be found in the Background Documents. The RPD and Revised Policies Map (incorporating all main modifications and further non-material modifications) are in Appendices 1 and 2 of this report, respectively.
- 3. The content of the East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP) Revised Policies Document (RPD)**
- 3.1 The Revised Policies Document (RPD) [Appendix 1] includes revisions and replacements to specific planning policies in the **East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP)**. The revisions and replacements are in accordance with the adopted vision for the plan area up to 2030, and the adopted overarching strategy of the WMLP remains unchanged. A summary of all WMLP policies - including proposed new or replaced policies – is in Section 2 of the RPD [Appendix 1]. In total, 11 policies have been replaced by 8 revised policies and 2 new standalone policies. Those likely to be of particular interest to Members are below.

Allocations

3.2 The RPD does not propose any new site allocations in the South Downs National Park.
Policy RVI (Minerals and Waste Development Affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty).

3.3 Policy RVI replaces WMP2 in the Waste and Minerals Plan (2013). The changes include:

- Alignment with the National Planning Policy Framework (2023).
- Clarification in relation to minerals and waste developments affecting the High Weald National Landscape (Area of Outstanding Natural Beauty).
- Reference in supporting text to the duty to “seek to further” National Park purposes.
- Criterion (a) - Strengthened to have regard to the National Park Management Plan.
- Criterion (b) – Strengthened to explain that major development should be refused other than in exceptional circumstances and where it is in the public interest.
- Criterion (c) – Deleted and re-provided (with amendments) in Policy RMI.

3.4 Criterion (c) addresses new, and extensions to existing, soft sand quarries in the National Park. The criterion is proposed for deletion in Policy RVI, and a revised criterion is proposed in Policy RMI as set out below. Please note, the development plan includes the adopted South Downs Local Plan.

“Proposals for land-won aggregate extraction, including extensions of time and physical extension to existing sites, will be supported where consideration against other policies in the Development Plan indicates there would be no unacceptable adverse impacts.”

Policy RMI (Provision of Aggregates for the Plan Area).

3.5 Policy RMI replaces WMPI I in the Waste and Minerals Plan (2013).

3.6 Government policy requires the authorities to plan for a steady and adequate supply of aggregates. The plan area is considered to be a “special case” in recognition of its low extraction levels, remote reserves, and high dependence on marine aggregates. The above is largely due to geology, environmental constraints, and landscape designations – i.e., two-thirds of the plan area is covered by the South Downs National Park and High Weald National Landscape (Area of Outstanding Natural Beauty). The above has meant that the authorities have been unable to apply Government guidance in using past sales of land-won aggregate to forecast aggregate demand. Instead, the authorities have used “other relevant local information” – i.e., the demand for aggregates generated from levels of planned future construction (incl. housebuilding) in the plan area. In line with the above, Policy RMI explains that the authorities will support the provision of at least 17.2 to 18.4 million tonnes (approx. 1.57 to 1.67 million tonnes per annum) of aggregate material over the plan period up to 2030. The authorities consider that this provision can be met within existing permitted capacity; through the protection, maintenance, and enhancement of existing aggregate importation infrastructure and capacity; and recycled and secondary aggregate production.

Policy RDI (Environment and Environmental Enhancement).

3.7 Policy RDI replaces WMP27 in the Waste and Minerals Plan (2013). The policy and its supporting text now align more closely with the National Planning Policy Framework (2023) in relation to biodiversity net gain (BNG) and Habitats Regulations Assessment. The policy also now refers to the Sussex Nature Recovery Network and any future Local Nature Recovery Strategy. Finally, the policy has been made more flexible by identifying environmental and historic designations as a whole, rather than listing specific designations.

4. Next Steps & Timeline

- 4.1 The adoption of the RPD and Revised Policies Map is also being considered by East Sussex County Council and Brighton & Hove City Council. If all three authorities adopt the RPD [Appendix 1] and Revised Policies Map [Appendix 2], then it will become part of the East Sussex, South Downs, and Brighton & Hove WMLP - alongside the Waste and Minerals Plan (adopted 2013) and the Waste and Minerals Sites Plan (adopted 2017) – and it will become part of the development plan for the East Sussex Area of the South Downs National Park. A composite version of the WMLP will be published. This will result in a single document containing all the WMLP policies in one place rather than across three documents.
- 4.2 A full review of the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) will commence upon the completion of this partial review. The full review will consider forthcoming national policy changes, secondary legislation, and guidance. The most recent South Downs Local Development Scheme points to the East Sussex Minerals & Waste Development Scheme which will be updated by the county council in due course.

5. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes. The adoption of the WMLP RPD and Revised Policies Map will require the approval of the National Park Authority.
Does the proposal raise any Resource implications?	The cost and officer time to prepare the WMLP RPD and Revised Policies Map is reviewed annually and shared proportionally between the three authorities.
How does the proposal represent Value for Money?	Working in partnership with the authorities is an effective way to share costs and reduce the burden on plan-making for minerals and waste. The cost of preparing the WMLP RPD is shared on a proportional basis by the three authorities.
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, minerals and waste local plans can contribute to: 1.1 Protect landscape character; 1.2 Creating green infrastructure; 2.1 Improve soil and water; 2.2 Improve trees and woodland; 3.1 Join up habitats; 4.1 Conserve heritage; 5.2 Improve accessibility; and 10.1 Strengthen enterprise.
Links to other projects or partner organisations	Working in partnership with the two other authorities 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	The Adopted WMLP includes Policies WMP24a (Climate Change) and WMP24b (Resource and Energy Use). The RPD is not a full review. However, the above policies will be updated as part of the forthcoming full review of the WMLP.
Are there any Social Value implications arising from the proposal?	The requirements of the Public Services (Social Value) Act 2012 will be considered for appropriate expenditure and programmes undertaken by the authority.
Have you taken regard of the South Downs National Park	Due regard, where relevant, has been taken of the South Downs National Park Authority’s Equality Duty as contained

Implication	Yes*/No
Authority's equality duty as contained within the Equality Act 2010?	within the Equalities Act 2010. An Equality Impact and Outcome Assessment (EqIA) was prepared by East Sussex County Council in 2021 to support the WMLP RPD.
Are there any Human Rights implications arising from the proposal?	The WMLP RPD has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	It is considered that the proposal does not raise any crime and disorder implications.
Are there any Health & Safety implications arising from the proposal?	It is considered that the proposal does not raise any health and safety implications.
Are there any Data Protection implications?	It is considered that the proposal does not raise any data protection implications.

6. Risks Associated with the Proposed Decision

6.1 Further details on risks are as follows.

Risk	Likelihood	Impact	Mitigation
The adoption of the WMLP RPD is subject to the judicial review process. If the RPD is not adopted, then there will not be an appropriate policy basis for decision making on mineral and waste proposals within the East Sussex part of the South Downs National Park.	Low	High	The authorities have prepared the WMLP RPD and Revised Policies Map under the required legislation and regulations.

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Appendices: Appendix I - East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP) **Revised Policies Document (RPD)**.

Appendix 2 - East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan (WMLP) **Revised Policies Map**.

[Appendix 3 - East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan \(WMLP\) Waste and Minerals Local Plan Review **Sustainability Appraisal** Main Modifications Addendum \(August 2023\).](#)

[Appendix 4 - East Sussex, South Downs, and Brighton & Hove Waste and Minerals Local Plan \(WMLP\) Revised Policies Main Modifications **Habitats Regulations Assessment** \(September 2023\).](#)

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

External Consultees: None

Background Documents: [East Sussex, South Downs, and Brighton & Hove Waste and Minerals Plan \(Adopted 2013\)](#)
[East Sussex, South Downs, and Brighton & Hove Waste and Minerals Sites Plan \(Adopted 2017\)](#)
[East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan \(WMLP\) Revised Policies Examination Portal](#)

This includes:

- **Aggregates Data Technical Paper.**
- **Duty-to-Cooperate.**
- **Inspectors' Report** of the Examination of the East Sussex, South Downs, and Brighton & Hove Waste & Minerals Local Plan (WMLP) Revised Policies Proposed Submission Consultation Document (April 2024).
- Schedule of **Main Modifications** (April 2024) [as appended to the Inspectors' Report].
- Schedule of **Further Modifications** (January 2024).
- Summary of **representations** received.
- Other **evidence base** documents.

