



LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS (Depending on the items on the Agenda) to be made by the Lead Cabinet Member for Lead Member for Transport and Environment, Carl Maynard

MONDAY, 21 DECEMBER 2015 AT 10.00 AM

COMMITTEE ROOM, COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 16 November 2015 (*Pages 3 - 4*)
- 2 Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- 3 Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Energy Recovery Facility, Newhaven - Section 106 financial contributions and other projects in Newhaven (*Pages 5 - 8*)
Report by the Director of Communities, Economy and Transport
- 5 Waste and Minerals - Monitoring Report 2014/15 and Local Aggregates Assessment 2015 (*Pages 9 - 16*)
Report by the Director of Communities, Economy and Transport
- 6 Any urgent items previously notified under agenda item 3

PHILIP BAKER
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11 December 2015

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LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Carl Maynard, on 16 November 2015 at County Hall, Lewes

Councillors Davies and Galley spoke on item 5 (see minute 39)

35 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 19 OCTOBER 2015

35.1 Councillor Maynard approved as a correct record the minutes of the meeting held on 19 October 2015.

36 DISCLOSURE OF INTERESTS

36.1 Councillor Maynard declared a personal item in Item 5 (see minute 39), in that he is Leader of Rother District Council, but he did not consider this to be prejudicial.

37 REPORTS

37.1 Reports referred to in the minutes below are contained in the minute book.

38 PETITION REQUESTING THE RESCHEDULING OF BUS SERVICE 7 IN HASTINGS

38.1 The Lead Member considered a report by the Director of Communities, Economy and Transport. He reported the views of the Lead Petitioner and Local Member received by email.

DECISIONS

38.2 RESOLVED to advise the petitioners of the successful negotiations between East Sussex County Council and its contractor, Stagecoach, which have led to the provision of an earlier first bus service 7 departure and an increased daytime frequency.

Reasons

38.3 The changes made to the supported bus network have addressed the concerns raised in relation to service 7 as well as a separate request for an earlier bus from service 27 users. As a result of these changes, all the communities served by these revised services will have a bus journey arriving in the centre of Hastings by 9.45am at the latest. These improvements have been achieved without additional cost to the County Council.

39 ALLOCATION OF THE 2015/16 COMMUNITY MATCH FUNDING TO A NUMBER OF COMMUNITY LED LOCAL TRANSPORT SCHEMES

39.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

39.2 Councillors Anne Jenkins and Robin Ashby of Withyham Parish Council provided an update on fundraising within the Parish for the Blackham to Ashurst footway.

39.3 Councillor Maynard indicated that he supported the Cottage Lane, Westfield footway proposal, subject to the successful completion of negotiations regarding the former Westfield Garage site.

DECISIONS

39.4 RESOLVED to: (1) Agree that £60,000 of match funding should be allocated towards four specific community led transport improvement schemes for construction in 2015/16;

(2) Agree that development work on any further community match schemes is not commenced at this time;

(3) Agree that development work on two other previously approved schemes should continue for possible match funding later in 2016/17; and

(4) Agree that the remaining unallocated £48,607 from the match funding available in 2015/16 should be rolled forward to 2016/17 for potential allocation to schemes in the next round of funding in March 2016.

Reasons

39.5 The resolutions are in line with the recommendations of the Cross Party Member Panel.

Report to: **Lead Cabinet Member for Transport and Environment**

Date: **21 December 2015**

By: **Director of Communities, Economy & Transport**

Title of report: **Energy Recovery Facility, Newhaven – S106 Financial Contributions and Other Projects in Newhaven**

Purpose of report: **To note the spending of Newhaven Energy Recovery Facility S106 monies. To agree to the setting up of a partnership board and to delegate authority to the Director of Communities, Economy & Transport to approve/reject submitted projects in Newhaven that have been recommended by the board.**

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Note the expenditure of Newhaven Energy Recovery Facility S106 Monies;**
 - (2) Agree to the setting up of a partnership board, to be managed by the County Council, that will recommend projects to be funded in Newhaven; and**
 - (3) Agree to delegate authority to the Director of Communities, Economy & Transport to appoint the members of the board and to approve or reject submitted projects recommended by the board.**
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1. Background Information

1.1 Planning Committee resolved on 7 November 2007 to grant planning permission for the Newhaven Energy Recovery Facility (ERF) subject to the completion of a procedure that required a S106 Legal Agreement to be secured covering, amongst other things, a compensatory environmental resource for the landscape impact of the proposal by a substantial financial contribution to “off-site strategic tree planting and associated landscape works within the urban fringe and public open spaces within Newhaven”. Estimates were made at the time that about £335,000 of works could be achieved in the urban fringe and open spaces in Newhaven, and about £565,000 of works at Riverside Park. The Legal Agreement was completed on 9 November 2007 and includes a requirement for a contribution by the applicant (Veolia) of £900,000 for the compensatory environmental resource. The Agreement includes the requirement to repay to the developer any unspent monies after 8 years from the date of the payment being made to the County Council. This effectively means that all the works must be allocated by September 2016.

1.2 The County Council has developed and implemented extensive planting proposals to meet the objectives of the Section 106 Agreement. It has consulted widely on these proposals, including with Newhaven Town Council, South Heighton Parish Council, Piddinghoe Parish Council, Lewes District Council and the South Downs National Park Authority. To date, the County Council has spent approximately £390,000 in the urban fringe and open spaces in purchasing land, carrying out landscape works and securing 5 years of maintenance to ensure that the planting achieves its objective of softening the visual impact of the ERF. The areas planted are shown on the plan in Appendix 1. The County Council has not been able to plant in some areas as it was unable to reach agreement with the relevant landowner to do so. These are also shown on the plan in Appendix 1. The County Council is currently commissioning landscape works in Riverside Park, which have been discussed and agreed with key stakeholders. The cost of these works will be approximately £115,000 and will begin to be implemented during 2015-16.

1.3 It is considered that the totality of the works outlined in 1.2 above represents all reasonable endeavours by the County Council to fulfil the requirements of the Section 106 Legal Agreement. The original estimates (set out in paragraph 1.1 above) were based on only an initial assessment for works at Riverside Park. Further investigation at the Park has clarified a more limited nature and extent for the works which could be undertaken and comply with the planning purposes of the obligation within the S106 Agreement. This means that the total cost of all the compensatory environmental resource works, including longer-term maintenance, is approximately £505,000. This leaves an estimated £425,000 compared with the original contribution (including interest) which is likely to be returned to the applicant under the terms of the Legal Agreement.

1.4 On the completion of the allocation of monies for the compensatory environmental resource, Veolia, inter alia, has agreed a claw-back of an equivalent sum to that to be returned, to be used to fund local community projects in Newhaven. Arrangements now need to be set up to administer these funds.

2 Supporting Information

2.1 There are a number of projects put forward by the local community in Newhaven that have not been able to be funded by the Section 106 monies because they did not meet the specific purposes of the Section 106 obligation. In order to ensure an appropriate and transparent approach to delivering suitable projects, it is proposed that a board of key stakeholders is established to identify appropriate criteria for the allocation of the monies, and to apply the criteria to recommend which projects should be funded. It is likely that the board should comprise representatives from the County Council, Newhaven Town Council, South Highton Parish Council, Piddinghoe Parish Council, Lewes District Council, Brighton & Hove City Council (as the County Council's partner in the Integrated Waste Management Services Contract) and Veolia.

2.2 It is proposed that the Director of Communities, Economy and Transport be given delegated authority to agree membership of the board from the key stakeholder groups. It is further proposed that the Director ultimately determines which submitted projects should be approved for funding.

3. Conclusion and Reason for Recommendation

3.1 The expenditure of the Newhaven ERF S106 monies should be noted including the requirement for the return of the unspent allocation. Following the arrangements for an equivalent sum to be used to fund other projects in Newhaven, it is proposed that the Director of Communities, Economy and Transport agrees membership of a board formed from key stakeholder groups, and that the Director determines which submitted projects should be approved for funding recommended by the board.

3.2 The Lead Member is therefore recommended to agree to the setting up of a partnership board, to be managed by the County Council that will recommend projects to be funded in Newhaven. Also, to agree to delegate authority to the Director of Communities, Economy & Transport to appoint the members of the board and to approve or reject submitted projects recommended by the board.

RUPERT CLUBB

Director of Communities, Economy and Transport

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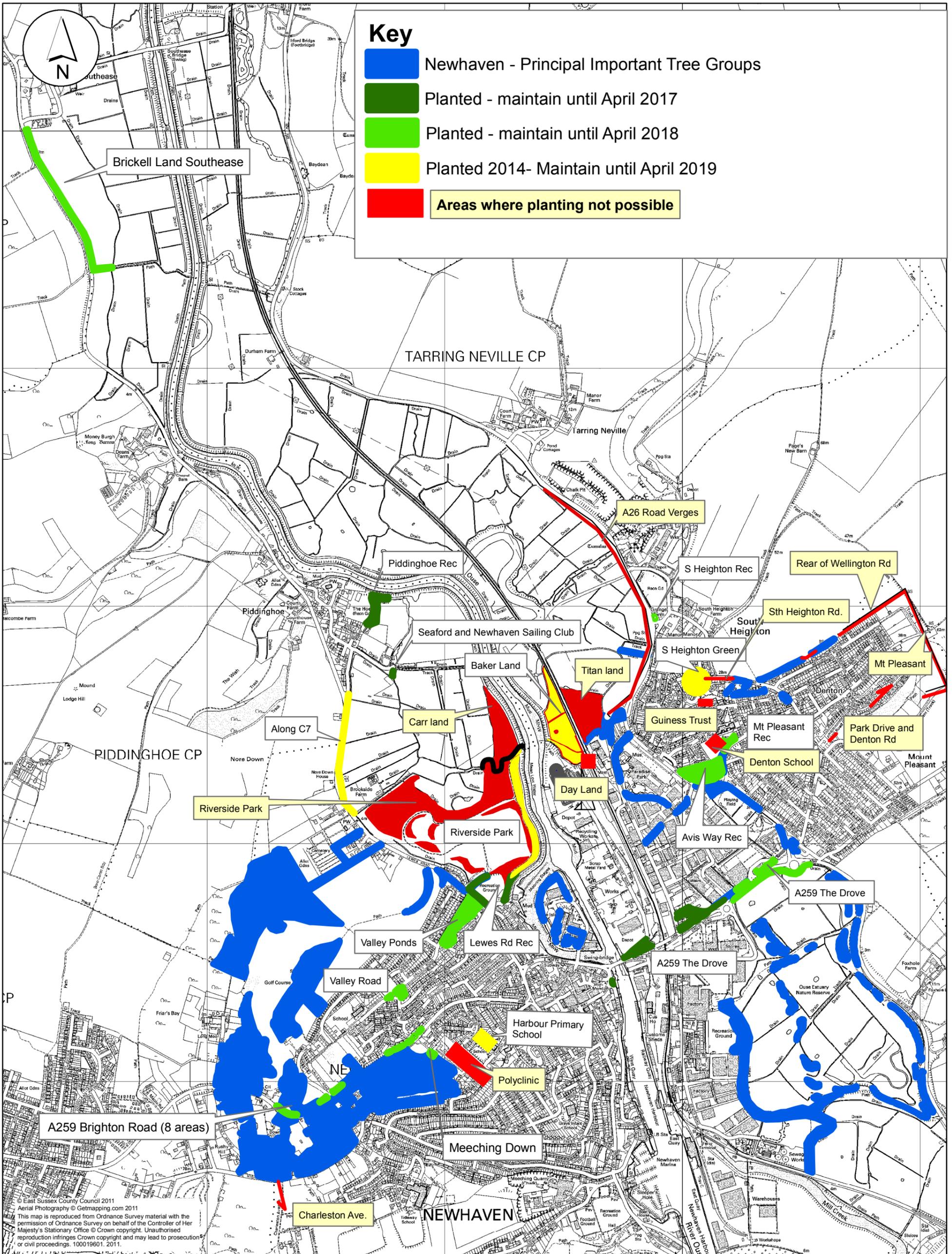
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LOCAL MEMBERS

Councillors Butler and Charlton

BACKGROUND DOCUMENTS

None



Key

- Newhaven - Principal Important Tree Groups
- Planted - maintain until April 2017
- Planted - maintain until April 2018
- Planted 2014- Maintain until April 2019
- Areas where planting not possible

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Map Title: Newhaven ErF S106 Project		East Sussex County Council County Hall St Annes Crescent Lewes	
Date: October 2014	Map No:		
Scale: 1:14,500	Author: VP		

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Committee:	Lead Cabinet Member for Transport and Environment
Date:	21 December 2015
Report By:	Director of Communities, Economy and Transport
Title of Report:	Waste and Minerals - Monitoring Report 2014/15 and Local Aggregate Assessment 2015
Purpose of Report:	To approve East Sussex County Council's Monitoring Report on Waste and Minerals for publication and adopt the Local Aggregate Assessment 2015

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Approve the Waste and Minerals Monitoring Report 2014/15; and**
 - (2) Adopt the Local Aggregate Assessment 2015 for publication.**
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1. Background Information

1.1 The production of a Monitoring Report on waste and minerals policies is a statutory requirement of the Planning and Compulsory Purchase Act 2004 (P&CPA) (as amended by the Localism Act 2011). The National Planning Policy Framework (NPPF) states that mineral planning authorities should prepare an annual Local Aggregate Assessment (LAA). Full copies of both the proposed documents are available in the Members Room.

2. Supporting Information

2.1 To meet legislative requirements, the Monitoring Report covers the following:

- The extent to which policies in the Waste and Minerals Plan (WMP) and Saved Policies in the Minerals Local Plan (MLP) and the Waste Local Plan (WLP) are being achieved; and
- Progress on producing the Policy Documents within the Minerals and Waste Development Scheme (MWDS) – the main document being the Waste and Minerals Sites Plan.
- The Monitoring Report must be in respect of a period which is not longer than 12 months.

2.2 The Executive Summary of the Monitoring Report 2014/15 is enclosed in Appendix 1. Following adoption, the full document will be published on the County Council's website and hard copies will be made available on request. Monitoring data is published for the whole WMP Area covering East Sussex, part of the South Downs National Park and Brighton & Hove. The key findings in this year's report are as follows:

Waste

- In 2014/15, 38% of local authority collected waste (LACW) was recycled (including composted) which is below the 2015/16 WMP target of 45%.
- In 2014/15, 97% of local authority collected waste (LACW) was recycled (including composted) and recovered which is just below the 2015/16 WMP target of 98%.
- In 2014/15, 3% of LACW was sent for land disposal. This has decreased from 40% in 2010/11. In 2014, 58,000 tonnes of waste was sent for land disposal. This was a marked reduction from 2010 when 533,000 tonnes of waste were disposed of to land.
- A recalculation of one of the methods used to estimate Commercial and Industrial Waste (C&I) arisings has been undertaken. Initial results indicate that during the recession C&I fell significantly, but in 2014 returned to their pre-recession levels. No new information relating to Construction Demolition and Excavation Waste has become available.

Minerals

- Data on aggregates production is mainly confidential due to the small number of producers in the area. Available data indicates production of aggregates in 2014 was significantly higher than the anticipated rate.

- The current landbank of aggregates permissions represents about 27 years supply but is decreasing at a fast rate.
- Clay and gypsum continued to be extracted at levels that support brick and tile production, also plasterboard and cement production.

2.3 The NPPF states that authorities should plan for a steady and adequate supply of aggregates. There is a requirement to produce an annual LAA based on a rolling average of 10 years sales data and other relevant local information. The LAA has to consider all supply options (land-won, marine, secondary and recycled material). The Executive Summary of the Draft LAA is enclosed in Appendix 2.

Analysis

2.4 The Draft Waste and Minerals Sites Plan was the subject of public consultation between 4 July and 5 September 2014. A pre-submission consultation on the Sites Plan started on 28 October 2015 and will close on 23 December 2015. A Public Examination is likely to be held in 2016.

2.5 East Sussex County Council continues to work jointly with the South Downs National Park Authority and Brighton & Hove City Council preparing the Waste and Minerals Sites Plan. The preparation of this Plan has involved working closely with the Districts and Boroughs within East Sussex. The Authorities actively participate in regional fora such as the South East Waste Planning Advisory Group and the South East England Aggregates Working Party.

2.6 With regard to waste, the Authorities continue to monitor progress against targets. Achieving future recycling and recovery targets will be challenging.

2.7 With regard to minerals, Policy WMP11 requires the Authorities to maintain provision for land won aggregates at a rate of 0.1m tonnes per annum, and a landbank of permissions of at least 7 years supply. The Authorities are monitoring the situation such that if it appears provision is not being maintained, a specific review of Policy WMP11 will be considered.

2.8 The draft LAA notes the increased production at Lydd Quarry. Current sales though may be enhanced by one off demand for the Bexhill Hastings Link Road. The LAA also notes that the rate of decline of the landbank may increase. The LAA also concludes that the Authorities will continue to monitor the situation at Lydd Quarry. A further Government backed survey will provide more up-to-date information. Any decision to review the minerals policy will take into account available staff, financial resources and appropriate programme.

2.9 Consultations have been carried out on the draft LAA. The South East England Aggregates Working Party supports the current approach in the LAA.

3. Conclusion and Reason for Recommendations

3.1 There are some challenges ahead in waste and minerals. It is therefore recommended that the Monitoring Report 2014/15 and the Local Aggregates Assessment should be adopted and published. These reports recognise that the Authorities will continue to work together on these matters and that the position on waste and minerals will be closely monitored.

RUPERT CLUBB

Director of Communities, Economy and Transport

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

Waste and Minerals Plan (2013)

Submission Draft Waste and Minerals Sites Plan (2015)

Minerals and Waste Development Scheme (June 2012)

Waste and Minerals Plan - Annual Monitoring Report 2014 - 15

1 Executive Summary

1 Executive Summary

Introduction

1.1 East Sussex County Council, as a Waste and Minerals Planning Authority, provides planning policies for waste management and minerals production. Current policies are contained in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, and saved policies within the Waste Local Plan and Minerals Local Plan. The Council is required to monitor implementation of these policies by the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, and partly does this by producing a Waste & Minerals Monitoring Report. The content of Monitoring Reports is prescribed by the Town & Country Planning (Local Planning) Regulations 2012. This Monitoring Report covers the period 1 April 2014 to 31 March 2015. Monitoring Reports from previous years can be found at the following website:

www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/amr1.htm

Key Findings of 2014/15

1.2 Below are the key findings of the East Sussex Waste and Minerals Monitoring Report 2014/15:

Context and Role of the Monitoring Report

1.3 National Planning Policy for Waste and Planning Practice for Waste which provides updated national planning policy and guidance was published on 6 October 2014.

Progress on the Waste & Minerals Local Plan

1.4 Following the adoption of the Waste and Minerals Plan in February 2013, East Sussex County Council working jointly with the South Downs National Park Authority and Brighton & Hove City Council are preparing a Waste and Minerals Sites Plan. Between 4 July and 15 September 2013 a Call for Sites was undertaken. This consultation also asked for comment on the proposed content of the Waste and Minerals Sites Plan. A Draft Plan was subsequently prepared and a public consultation followed between 4 July and 5 September 2014. A pre-submission consultation began on 28 October 2015 and will close on 23 December 2015. A public examination will follow.

Duty to Co-operate

1.5 East Sussex County Council continues to work jointly with the South Downs National Park and Brighton & Hove City Council preparing the Waste and Minerals Sites Plan. The preparation of this Plan has involved working closely with the Districts and Boroughs within East Sussex. The Authorities actively participate in

Executive Summary 1

regional fora such as the South East Planning Waste Advisory Group and the South East Aggregates Working Party. The Authorities published a Duty to Cooperate Statement for the Waste and Minerals Sites Plan in October 2015.

Providing for Waste

1.6 365,000 tonnes of Local Authority Collected Waste was managed in 2014/15. This is an increase of 7,000 tonnes from 2013/14. The review of the Commercial & Industrial Waste arisings has been updated with 2014 data, preliminary results indicate a significant reduction in waste arisings during the recession, but for the first time in 2014 these exceeded the 2008 estimate. No new information relating to Construction, Demolition and Excavation Waste is available. The amount of Local Authority Collected Waste and Commercial & Industrial Waste being sent to landfill fell from 100,000 tonnes in 2013 to 58,000 in 2014. The proportion of Local Authority Collected Waste that was recycled, composted or recovered has increased from 94% in 2013/14 to 97% in 2014/15.

1.7 A total of 59,200 tpa recycling capacity, 14,800 tpa construction, demolition and excavation waste (CDEW) recycling/recovery capacity, 720 tpa bulk metals capacity, and 280 tpa specialist hazardous waste treatment / transfer capacity was permitted in 2014/15.

Providing for Minerals

1.8 The County Council will be adopting the third (2015) Local Aggregate Assessment for East Sussex, South Downs and Brighton & Hove. The first (2013) LAA concluded that a significant proportion of local consumption was derived from either marine dredged material, crushed rock or land won aggregates extracted from outside the Plan Area. The Plan Area, especially the western end, was found to be very dependent on marine landings. With regards to land-won aggregates the 2013 LAA concluded that the past 10 years sales data could not be used as it is too volatile; there is a very small number of production sites and therefore there has been major variations in sales figures from nothing to more substantial output. Given these circumstances, the Authorities were continuing to use the provision figure in the Adopted WMP.

1.9 Overall trends in the components of aggregate supply and consumption have not been found to have altered from last year. With regards to land-won supply there has been some increased production over the last 3 years at Lydd Quarry. This is largely attributed to the construction of the Bexhill Hastings Link Road (BHLR). The Authorities will continue to monitor closely the situation on aggregate supply. The current landbank is 27 years.

1.10 During 2014, marine import via Newhaven Port has decreased, but new rail imports of crushed rock and a small amount of recycled aggregate have been established. Imports at Shoreham Port have slightly increased and material from South Coast Licenses forms the majority of the aggregate.

1 Executive Summary

1.11 Data on secondary aggregates production and consumption is limited. The County Council will endeavour to collect relevant data on secondary and recycled aggregates in advance of next year's AMR.

1.12 Clay and gypsum continues to be extracted at the levels in accordance with policy.

Overarching Policies

1.13 At this time there is insufficient data to effectively judge the performance of these policies since the Waste and Minerals Plan was adopted in February 2013.

Development Management Policies

1.14 At this time there is insufficient data to effectively judge the performance of these policies since the Waste and Minerals Plan was adopted in February 2013.

Enforcement

1.15 The number of cases outstanding has remained historically low albeit increasing, with the caseload standing at 24 in the third quarter of 2015. This remains well below the peak of 78 cases outstanding in the second quarter of 2007.⁽¹⁾

Executive Summary

Executive Summary

Executive Summary

The first East Sussex, South Downs and Brighton & Hove Local Aggregate Assessment (LAA) was published in December 2013. The LAA has been updated annually and is based on the Plan Area for the East Sussex, South Downs and Brighton & Hove Waste & Minerals Plan which was adopted in February 2013. This document represents the third LAA for the mineral planning authorities of East Sussex County Council, Brighton & Hove City Council and South Downs National Park Authority and examines updates to the position on aggregates supply and demand since the time of last reporting in 2014.

This LAA comprises only minor variations from the previous LAAs as the general situation has not greatly altered.

The first LAA concluded that a significant proportion of local consumption was derived from either marine dredged material, crushed rock or land won aggregates extracted from outside the Plan Area. The Plan Area, especially the western end, was found to be very dependent on marine landings. With regard to imports, the LAA reported that the land-won contribution previously received from Kent had ceased, and that East Sussex was now supplying parts of Kent. The small contribution from West Sussex railheads, and marine landings, including crushed rock, as well as recycled and secondary aggregates, were also supplying East Sussex and Brighton & Hove and this is expected to continue.

With regards to land-won aggregates the first LAA concluded that the past 10 years sales data could not be used as it was too volatile; there were a very small number of production sites and therefore there had been major variations in sales figures from nothing to more substantial output. Given these circumstances, the Authorities were continuing to use the provision figure in the Adopted WMP - in actual terms the 10 years sales equates to around this figure, but this utilised confidential information.

The Government's four yearly aggregate monitoring survey has been delayed and as a result preparation of the 2015 LAA has been hampered to some extent by lack of new data. However, the use of currently known figures does not indicate any significant alterations to overall trends in the components of aggregate supply and consumption. Whilst a decrease of marine imports was experienced at Newhaven, new rail imports of crushed rock and a small amount of recycled aggregate were established during 2014 at the Port.

With regards to land-won supply there has been some increased production over the last 3 years at Lydd Quarry. This is largely attributed to the construction of the Bexhill Hastings Link Road (BHLR). The Authorities will continue to monitor closely the situation on aggregate supply.

Executive Summary

The lack of a comprehensive land won resource in the County means that there is still an expectation that imports, particularly marine-borne, will continue to be a major source for construction use in the Plan Area. It is for this reason that the Authorities place great emphasis on safeguarding wharves and railheads for mineral imports through their Waste and Minerals Local Plan documents.