

**Report to:** Cabinet

**Date of meeting:** 24 January 2017

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

**Title:** Waste and Minerals Sites Plan and updated Minerals and Waste Development Scheme - Adoption

**Purpose:** To inform Cabinet of the outcome of the Public Examination of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, and seek approval to recommend to Full Council the formal adoption of the Plan and an updated Minerals and Waste Development Scheme.

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**RECOMMENDATIONS:**

Cabinet is recommended to recommend the County Council to:

- (1) agree to adopt and publish the Waste and Minerals Sites Plan, incorporating the main modifications and minor modifications, and updated Policies Map;
  - (2) publish the relevant adoption statement and Sustainability Appraisal (incorporating Strategic Environmental Assessment) Report;
  - (3) authorise the Director of Communities, Economy and Transport to agree any further minor non-material changes to the content of the Waste and Minerals Sites Plan with the South Downs National Park Authority and Brighton & Hove City Council prior to publication; and
  - (4) agree to adopt the revised Minerals and Waste Development Scheme attached as Appendix 2 to the report.
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## **1 Background Information**

The Waste and Minerals Plan (WMP) was adopted by the County Council, Brighton & Hove City Council (BHCC) and the South Downs National Park Authority (SDNPA), collectively known as the Authorities, in February 2013. The WMP sets out the Authorities' planning policy for waste and minerals development in the Plan Area. It included ambitious targets for diverting 98% of all waste from landfill by 2020/21 and proposed that the Plan Area be net self-sufficient in waste management capacity. In order to achieve this, additional recycling and recovery facilities are required for the Plan period up to 2026. The WMP did not identify any specific sites but saved certain previous site allocations. To meet these targets and to have a complete and up-to-date Waste and Minerals Local Plan, as required by Government, an up to date and adopted sites plan is also required.

## **2 Supporting Information**

2.1 Preparation of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (WMSP) began in 2013, following the adoption of the WMP. A 'Call for Sites' was held in the summer/autumn, this was followed by a public consultation on a Draft WMSP during summer 2014. The WMSP was then refined and a consultation on the proposed Submission WMSP took place in winter 2015. Based on the responses to the consultation, a number of Proposed Modifications to the WMSP were agreed by the Authorities. The WMSP and the Proposed Modifications were subsequently submitted to Government on 14 April 2016. An independent Inspector was appointed by Government to hold the subsequent Public Examination. Public Hearings, as part of the Public Examination, were held between 2 and 4 August 2016 at County Hall, Lewes during which, in response to the Inspector's concerns, the Authorities proposed two additional Main Modifications to the WMSP. These were the identification of where particular waste management uses would not be appropriate on the specific identified sites, and the extension of the safeguarded minerals resource at Lydd Quarry. A six week consultation on the revised Main Modifications was then held. On 7 November 2016 the Inspector issued his report with his findings.

2.2 The Inspector concluded that, subject to inclusion of the Main Modifications, the Waste and Minerals Sites Plan provides an appropriate basis for the planning of the area; is 'sound' and legally compliant; and, therefore capable of adoption by the Authorities. However, the Inspector also identified that the current rate of land-won aggregates in the WMP cannot be maintained with the current allocated sites, and indicated that a review of relevant minerals policies within the WMP will be required prior to the end of the Plan Period, as triggered by the conditions set in Policy WMP11.

2.3 On adoption by the three Authorities, the WMSP will replace the remaining saved policies of the Council's adopted Waste Local Plan 2006 and Minerals Local Plan 1999. It will provide updated spatial planning policy for the management of all wastes and the production of all minerals in East Sussex, the South Downs National Park and Brighton & Hove to 2026 and will help ensure that East Sussex meets the targets for waste management set out in the WMP. It will also ensure that the Council has an up-to-date Waste and Minerals Local Plan as required by the National Planning Policy Framework. In combination with the WMP, it will be used by the Council as the basis for determining planning applications for waste and minerals related development. To ensure an up-to-date Local Plan is maintained, the Authorities are required to adopt an updated policies map. A copy of the WMSP, with modifications, is attached as Appendix 1.

2.4 Additionally, in light of the proposed adoption and the requirement to review the WMP minerals policies, it is also recommended that an updated Minerals and Waste Development Scheme be adopted. This will reflect the adoption of the WMSP and commit, in ongoing partnership with the South Downs National Park Authority and Brighton & Hove City Council, to the undertaking of a review of relevant minerals policies within the WMP. The updated Minerals and Waste Development Scheme is attached as Appendix 2.

2.5 The adoption of the WMSP, updated Policies Map and updated Development Scheme is to be considered by Brighton & Hove City Council on 26 January 2017 and by the South Downs National Park Authority on 31 January 2017. A six week period for legal challenge would then begin. If the three Authorities adopt the WMSP it will become part of the statutory Development Plan for East Sussex.

### **3 Conclusion and Reasons for Recommendations**

3.1 Following a Public Examination into the WSMP, the Inspector who carried out the examination has found that the Plan, subject to Main Modifications, is legally compliant and sound which means that the Council should now adopt the WMSP. The WMSP contains waste and minerals site specific planning policy to 2026 which replaces the remainder of the saved polices contained in the Waste Local Plan (2006) and Minerals Local Plan (1999). It is therefore recommended that Cabinet recommend to Full Council that the Waste and Minerals Sites Plan and updated policies map are adopted and published, and that delegated authority is given to the Director of Communities, Economy and Transport to agree any further non-material changes to the content of the WMSP with the South Downs National Park Authority and Brighton & Hove City Council. As part of the adoption of the WMSP, an Adoption Statement and the final Sustainability Appraisal report (incorporating Strategic Environmental Assessment) have to be published in order to satisfy the Town and Country Planning Regulations 2012. Therefore, it is recommended to Full Council that this is done in order to satisfy these legislative requirements.

3.2 The revised Minerals and Waste Development Scheme, should Council adopt the WMSP, will reflect the adoption of the WMSP and commit the Council to undertaking a review of relevant minerals policies within the WMP in partnership with the South Downs National Park Authority and Brighton & Hove City. It is therefore recommended that Cabinet recommend Full Council to adopt the revised Minerals and Waste Development Scheme.

**RUPERT CLUBB**

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#### LOCAL MEMBERS

All

#### BACKGROUND DOCUMENTS

Waste and Minerals Plan (2013)

Waste and Minerals Plan – Adopted Policies Map (2017)

Waste and Minerals Sites Plan (2017)

Waste and Minerals Sites Plan - Schedule of Suitable Industrial Estates (2017)

Waste and Minerals Sites Plan – Sustainability Appraisal (incorporating Strategic Environmental Assessment) (2017)

Inspector's Report on the Examination of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (November 2016)