

Report to: Lead Member for Transport and Environment

Date of meeting: 18 July 2017

By: Director of Communities, Economy and Transport

Title: Statement of Common Ground on Soft Sand between the South East Mineral Planning Authorities

Purpose: To respond and agree to the Statement of Common Ground which has implications for the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and its imminent review.

RECOMMENDATION: To authorise the Director of Communities, Economy and Transport to sign the Statement of Common Ground and review/update and agree to amendments to it as necessary

1 Background

1.1 The County Council as minerals planning authority (mpa) is required to plan for a steady and adequate supply of aggregates (sand and gravel) to serve the constructional needs of the area. The County Council works jointly with Brighton & Hove City Council (B&HCC) and the South Downs National Park Authority (SDNPA) to prepare waste and minerals planning policies. Policies for aggregates provision are contained in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 (WMP) and the corresponding Sites Plan adopted in February this year. The County Council is committed to a review of these policies and anticipates the first stage of the process ("call for sites") starting later this year.

1.2 In accordance with national policy the County Council also participates in the operation of the South East England Aggregate Working Party (SEEAWP), which is made up of mpas in the South-East area. Advice from this Party is taken into account in the preparation of the County Council's annual Local Aggregate Assessment (LAA). Section 110 of the Localism Act sets out a "duty to cooperate" under which planning authorities are required to engage constructively, actively, and on an ongoing basis where there are significant cross-boundary issues, such as the supply of minerals. Involvement in SEEAWP activities is therefore important for the County Council in fulfilling the Duty to Cooperate requirement.

1.3 Monitoring data from 2014/15 indicates that some authorities in the South East have issues with supplying soft sand, an important aggregate mineral that is used specifically in building mortar and asphalt by the construction industry. Sales and reserves have declined over the last decade due in part to landscape constraints covering many of the areas where soft sand exists. The SEEAWP authorities have therefore drafted a Statement of Common Ground (SoCG) to underpin effective cooperation and collaboration in addressing supply of this aggregate. Each authority, including the County Council, B&HCC and SDNPA, has been asked to sign the SoCG.

2 Supporting information

2.1 Soft sand (also known as building sand) is extracted in some but not all of the mpa areas in the South East and has historically been extracted from three geological formations. One of these, the Folkestone Formation (the Folkestone Beds) extends across Kent, Surrey, Hampshire, West Sussex and East Sussex. The outcrop of the sand deposit is very limited, and in the western part of the WMP area consists of a narrow strip, which is exclusively located in the SDNP.

2.2 Policies in the joint WMP require provision of land won aggregates throughout the Plan period and the maintenance of a 7 year landbank of permissions for extraction. This supply includes soft sand from an existing site, Novington sandpit (currently inactive) in the SDNP area of the WMP, and sharp sand from Lydd quarry in the east of the county. The landbank is not however divided into

separate provision for soft sand, and sharp sand and gravel because the resources in the WMP area are particularly constrained and production has been intermittent.

3 The Statement of Common Ground

3.1 The SoCG seeks to ensure that the approach to planning for the supply of soft sand is coordinated and consistent between authorities, whilst recognising that provision by the mineral industry is based on commercial considerations. The SoCG approach is for authorities to positively plan to meet the demand for soft sand in their areas. This includes making appropriate provision in their local plans, including, as required, the allocation of sites for new quarries and transport infrastructure (wharves and railheads). A copy of the draft SoCG and accompanying map is attached as Appendix 1 of this report.

Safeguarding

3.2 One of the actions identified is for authorities to safeguard the entire soft sand resource in their Mineral Local Plans (MLPs) from surface development that would otherwise sterilise the mineral, and to include policies for the prior extraction of the mineral. It should be noted that safeguarding a resource does not imply future working; it is a mechanism to protect unnecessary sterilisation of a mineral. The current WMP does not safeguard soft sand and so this will be a matter for consideration in the forthcoming review of policies. As there are no soft sand resources within East Sussex outside of the National Park, safeguarding arrangements will be a matter for the SDNPA to determine, although this would still form part of the joint WMP.

3.3 Previously it was understood that there were no substitute materials for certain soft sand end uses. However, various resources of marine sands with similar properties have now been identified, for example in the Bristol Channel and also close to the Netherlands, which could provide future alternatives to land won soft sand. The allocation and safeguarding of wharf and railheads for possible imports of this material in the future would therefore be important to the soft sand strategy. The WMP already contains robust safeguarding policy for railheads and wharf capacity. The review of policies will examine whether any future additional provision is necessary. Wharves in East Sussex which currently import aggregates are located at Newhaven and Rye, and at Shoreham Harbour in Brighton & Hove. A railhead at Newhaven currently imports crushed rock, recycled and other sources of aggregate.

Extraction in the National Park

3.4 With regard to extraction of soft sand within National Parks and Areas of Outstanding Natural Beauty, the SoCG sets out the following "... consistent with national policy (NPPF), the general approach will be to not allocate sites, or areas of search, for soft sand extraction". The NPPF would provide for extraction in "exceptional circumstances"; however the SoCG goes on to say that these may not exist in the south east partly because there may be sufficient opportunities for meeting the demand for soft sand from alternative sources located beyond these protected areas (e.g. the marine sands). Apart from the existing site at Novington there are no allocations for soft sand in the WMP. This will be a matter for the SDNPA to consider as part of the review of policies. The SDNPA are currently working jointly with West Sussex County Council to prepare a MLP and have pursued a "managed retreat" to soft sand in their area, allocating no further sites within the National Park. It could be that this will be the case with the forthcoming review of policies.

Landbanks

3.5 The SoCG also seeks that authorities "plan, where appropriate, and on the basis of sub-regional markets, for the supply of soft sand separately from sharp sand and gravel due to its distinct properties and end-uses." As referred to in paragraph 2.2 of this report, the WMP does not have separate landbanks. However, the SoCG does not actually specify that this aspect of planning needs to be addressed by "landbanks" and also is caveated by being "where appropriate". This subject will need to be examined by the review of policies but provided robust evidence on constraints and patterns of past working are demonstrated it is not anticipated to present a problem for future planning policy.

Monitoring

3.6 The SoCG also requires that the authorities monitor sales and reserves of soft sand on an annual basis and report, within their LAAs, on the extent to which a seven year soft sand landbank is

being maintained within their areas; and this should be monitored collectively in the annual South East Aggregates Monitoring Report, prepared by SEEAWP. The SoCG will be subject to review. The County Council produces a joint LAA annually and so this point is already covered by existing arrangements.

4. Conclusion and reasons for recommendations

4.1 The draft SoCG is to be welcomed as a collaborative attempt to address supply issues facing an important mineral used by the construction industry. Participating in this joint approach to soft sand planning will also help the County Council to fulfil its Duty to Cooperate obligations. The measures set out in the SoCG do not conflict with existing policies and any additional requirements can be examined as part of the forthcoming Review of the Waste and Minerals policies. The Lead Member is therefore recommended to authorise the Director of Communities, Economy and Transport (CET) to sign the SoCG, and delegate authority to the Director of CET to review/update and agree amendments to the SoCG as considered necessary in the future.

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None