

Report to: Lead Member for Transport and Environment

Date of meeting: 20 May 2019

By: Director of Communities, Economy and Transport

Title: Statement of Common Ground (SoCG) on Soft Sand between Kent County Council, West Sussex County Council, East Sussex County Council, Brighton & Hove City Council and the South Downs National Park Authority

Purpose: To seek Member agreement to sign a SoCG between Kent County Council, East Sussex County Council and other neighbouring mineral planning authorities (mpas).

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

1. Background Information

1.1 East Sussex County Council (ESCC) 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. ESCC 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 2017. These plans together make up the Waste and Mineral Local Plan (WMLP) which is currently being reviewed. Consultation on a draft Review document (Regulation 18) is anticipated early this autumn.

1.2 In accordance with national policy, ESCC 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. Section 110 of the Localism Act sets out a “Duty to Cooperate” (DtC) 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 is therefore important for the County Council in meeting DtC requirements.

1.3 The emphasis on DtC measures was strengthened last year by the revised National Planning Policy Framework which now requires strategic policy-making authorities “to prepare and maintain one or more statements of common ground (SoCG), documenting the cross-boundary matters being addressed and progress in cooperating to address these.” Planning authorities are required to include SoCGs at the time of Plan submission to the Secretary of State. In the case of Minerals Plans, National guidance requires that the relevant Aggregate Working Party should be treated as an additional signatory to a SoCG.

1.4 In 2016 Kent County Council (KCC) adopted its Minerals and Waste Local Plan. KCC is now preparing a subsequent Minerals Sites Plan which has been subject to consultation during the plan preparation process. The Kent Plan includes provision of aggregate minerals, including a site allocation for the supply of soft sand. KCC have invited ESCC, B&HCC, SDNPA and West Sussex County Council (WSCC) to participate in a SoCG covering soft sand which is to be submitted along with the Kent Minerals Site Plan.

2. Supporting Information

Soft sand

2.1 Soft sand (also known as building sand) is an important aggregate mineral used specifically in building mortar and asphalt by the construction industry. For certain end uses it cannot be substituted by other materials. Soft 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, extends across Kent, Surrey, Hampshire, West Sussex and East Sussex.

2.2 The outcrop of the sand deposit is very limited, and in the western part of East Sussex consists of a narrow strip, which is exclusively located in the SDNP. Within this area there is one extraction site (Stanton's Farm Quarry) that has not been active for at least 5 years. This has meant that the supply of soft sand in East Sussex has been entirely met with imports over this time. Imports have included material quarried in Kent, West Sussex and Surrey. The WMLP Review will consider the continuing supply of soft sand; however the ability to identify additional further resources in the Plan area will be affected by its limited extent and the National Park designation.

Kent Minerals Sites Plan

2.3 The draft Kent Minerals Sites Plan recognises the role that soft sand originating from Kent plays in the South East of England. In 2018 the first draft Plan identified two potential soft sand sites which it was stated could provide a surplus to Kent's needs to help meet increasing demand in other areas and for exports. At that time ESCC strongly supported the allocations which, in the absence of sources within East Sussex, could have enabled imports of soft sand to continue. However, the proposed submission Plan published in January this year, included only one allocated soft sand site. ESCC has therefore objected to the Kent Plan on the basis that it does not provide sufficient soft sand resources for the wider area. This representation will be considered further at the Independent Examination Hearing into the Plan later this year.

SOCCG

2.4 Notwithstanding representations received on their Plan, KCC have engaged with ESCC, WSCC, SDNPA and B&HCC to prepare a SoCG to identify areas where all mpas can agree on the provision of soft sand. Officers from all authorities have attended meetings and worked thoroughly to establish a statement that is acceptable in principle to all parties. The draft SoCG (see Appendix 1) sets out each mpa's situation with regard to soft sand reserves and concludes with a list of agreed positions by the Parties. The SoCG is factual and does not propose areas of new policy.

2.5 The draft SoCG was reported to SEEAWP on 9 April 2019. At that meeting members were unable to come to an overall view and more time has been given for comments to be received by the Chair. SoCGs are considered to be "living documents" and so can be amended if necessary after plan submission to record any further DtC involvements.

3. Conclusion and reasons for Recommendations

3.1 The draft Kent SoCG is a welcome collaborative attempt to identify common areas of agreement regarding supply issues of an important construction mineral. Apart from assisting KCC in their Plan making process and DtC obligations, participating in the preparation of this joint statement on soft sand also helps ESCC provide an agreed evidence base for the WMP Review. The measures set out in the SoCG do not conflict with existing policies and will assist in future working with the other SoCG parties. 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 this SoCG as considered necessary in the future.

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None