

East Sussex, South Downs and Brighton & Hove
Waste and Minerals Local Plan

Waste and Minerals Local Plan
Draft Revised Policies

Regulation 18 Consultation Document

March 2020



Draft Revised Policies Consultation 2020

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East Sussex County Council, the South Downs National Park Authority and Brighton & Hove City Council (the Authorities) are undertaking a review of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan. Following the Call for Evidence and Sites in 2017 this document sets out the Authorities' draft proposed changes to the plan. It has been published for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (as amended).

The Authorities are seeking your views on the draft revised policies in this document.

How do I respond?

Responses may be made by email or post using the addresses below, or using the online form. Please include your name and your address in any response. For more information on how we will use your data, please see our [privacy notice](#).

Online - <http://consult.eastsussex.gov.uk>

Email - wasteandmineralsdf@eastsussex.gov.uk

Post - WMLP Review 2020, Planning Policy and Development Management - Communities, Economy and Transport, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, BN7 1UE.

The deadline for comments is ?? ????? 2020.

Can I respond anonymously?

Responses without a name or address, or indicating that they do not wish their name or address to be published will be treated as anonymous responses, these will be published as such and may not carry the same weight as other responses. Further information can be found in the [privacy notice](#).

What happens next?

All responses will be collated and published as a public document at a later date. After considering all the comments received the draft Revised Policies will be updated as considered necessary. There will then be a consultation on the soundness and legal compliance of the Plan before it is examined at a Public Examination.

Questions?

If you have any questions please do contact us using the email above or by phone on 01273 481846 (East Sussex) or email planningpolicy@brighton-hove.gov.uk (Brighton & Hove).

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Introduction 1

1 Introduction

1.1 East Sussex County Council, Brighton & Hove City Council and the South Downs National Park Authority (the Authorities) have responsibility for planning the future management of waste and production of minerals. To guide those decisions the Authorities are required to prepare Minerals and Waste Local Plans which contain policies that guide where minerals and waste developments should go. These policies are then used to make decisions on planning applications for waste management and minerals activities.

1.2 The Waste and Minerals Local Plan (WMLP) is currently comprised of the:

- Waste and Minerals Plan 2013 (WMP), and
- Waste and Minerals Sites Plan 2017 (WMSP).

1.3 This document sets out proposed revisions to specific policies within the WMLP. The Plan Area for this and the other WMLP documents is the administrative areas of East Sussex and Brighton & Hove including part of the South Downs National Park and the Plan period for the policies within this document is 2019-2034 inclusive (15 years). The revised policies include two key changes:

- East Sussex and Brighton & Hove to become more reliant on aggregates from the marine sources and other sources outside of the Plan Area.
- Providing increased protection for minerals and minerals related infrastructure against inappropriate development being located nearby,

1.4 A number of updates to clarify and consolidate existing policies are also proposed, along with a small extension to a clay quarry. No other alterations to the existing strategy are being proposed at this time.

1.5 At this stage, this document contains draft policies and the Authorities are seeking your views on these. This consultation, known as a Regulation 18 consultation, is one of the stages in preparing a local plan. Examples of topics you may wish to comment on include specific parts of proposed text, alternative strategies that you wish the Authorities to consider or topics which you believe have been overlooked.

1.6 Following the consultation the Authorities will consider the response before publishing a revised document for further consultation. At this stage, the draft policies in this document do not form part of the WMLP.

1 Introduction

How to read this document

1.7 As the Authorities are proposing to make amendments to specific parts of the WMP and WMSP this document is written in the style of an amendment document. On the following pages there is a table which lists all the policies in the WMLP and their status.

1.8 Over the remainder of the document, to help show and explain these the amendments, the following special notations are used:

Explanation

Commentary text explaining the proposed changes can be found in these blue bordered boxes. This does not form part of the revised policies and will not be included in the final Plan.

Text in bold explains what alterations are being proposed, for example if sections are proposed to be deleted or added.

Text in italics is proposed text on which comments are being sought.

The Authorities intend to publish a document that consolidates all three documents in due course.

Summary of Policy Review 2

2 Summary of Policy Review

2.1 Below is a complete list of adopted and draft policies of the Waste and Mineral Local Plan from the WMP, WMSP and this document (RPD). Policies proposed for deletion are ~~struck out~~ with a red background, whilst proposed policies are shown underlined with a green background. All relevant policies should be applied in the determination of planning applications.

Policy Number	Policy Title	Document	Page	Status
Overarching Strategy				
WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted
WMP2	Minerals and Waste Development affecting the South Downs National Park	WMP	36	Adopted
<u>RV1</u>	<u>Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty</u>	<u>RPD</u>	<u>17</u>	<u>Draft</u>
WMP3a	Promoting Waste Prevention, Re-use and Waste Awareness	WMP	40	Adopted
WMP3b	Turning Waste into a Resource	WMP	42	Adopted
WMP3c	Production of Energy from Waste (EfW)	WMP	45	Adopted
WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation	WMP	46	Adopted
WMP3e	Waste Management In New Development in the Plan Area	WMP	48	Adopted
WMP4	Sustainable Provision and Use of Minerals	WMP	50	Adopted
Providing for Waste				
WMP5	Provision of Built Waste Facilities	WMP	53	Adopted
WMP7a	Sustainable Locations for Waste Development (Excluding Land Disposal)	WMP	61	Adopted
WMP7b	More Detailed Criteria for Waste Development	WMP	62	Adopted
<u>RW1</u>	<u>Sustainable Locations for Waste Development (Excluding Land Disposal)</u>	<u>RPD</u>	<u>21</u>	<u>Draft</u>
SP1	Waste Site Allocations	WMSP	14	Adopted
SP2	Areas of Opportunity on Previously Developed Land	WMSP	15	Adopted
SP3	Areas of Search	WMSP	16	Adopted
SP4	Physical Extension of Existing Waste Site	WMSP	17	Adopted
SP5	Existing Industrial Estates	WMSP	19	Adopted
WMP8a	Land Disposal of Non-Inert Waste	WMP	67	Adopted
WMP8b	Deposit of Inert Waste on Land for Beneficial Uses	WMP	69	Adopted
WMP8c	Management of Landfill Gas	WMP	70	Adopted
WMP9a	Hazardous Waste	WMP	72	Adopted
WMP9b	Low Level Radioactive Waste	WMP	75	Adopted
WMP10	Management of Waste Water and Sewage Sludge	WMP	77	Adopted
WMP6	Safeguarding Waste Sites	WMP	58	Adopted
SP6	Safeguarding Waste Sites	WMSP	22	Adopted

2 Summary of Policy Review

Policy Number	Policy Title	Document	Page	Status
SP7	Waste Consultation Areas	WMSP	23	Adopted
Providing for Minerals				
WMP11	Provision of Aggregates	WMP	81	Adopted
RM1	<u>Provision of Aggregates</u>	RPD	27	Draft
WMP12	Provision of Gypsum	WMP	83	Adopted
WMP13	Provision of Clay	WMP	85	Adopted
RM2	<u>Provision of Clay</u>	RPD	28	Draft
WMP14	Safeguarding Mineral Resources	WMP	88	Adopted
SP8	Mineral Safeguarding Areas for land-won minerals resources within the Plan Area	WMSP	25	Adopted
RM3	<u>Safeguarding Mineral Resources</u>	RPD	31	Draft
RM4	<u>Prior Extraction of Minerals</u>	RPD	33	Draft
WMP15	Safeguarding Wharves and Railheads	WMP	90	Adopted
SP9	Safeguarding wharves and railheads within the Plan Area	WMSP	27	Adopted
RM5	<u>Safeguarding Minerals Infrastructure</u>	RPD	35	Draft
SP10	Safeguarding facilities for concrete batching, coated materials...	WMSP	28	Adopted
RM6	<u>Safeguarding facilities for concrete batching (etc)</u>	RPD	37	Draft
SP11	Minerals Consultation Areas	WMSP	29	Adopted
RM7	<u>Minerals Consultation Areas</u>	RPD	38	Draft
WMP16	Exploration for Oil and Gas	WMP	92	Adopted
Overarching Policies				
WMP17	Restoration	WMP	94	Adopted
WMP18	Transport - Road, Rail and Water	WMP	97	Adopted
WMP19	Co-location of Complementary Facilities	WMP	98	Adopted
WMP20	Community Involvement and Benefits	WMP	100	Adopted
WMP21	Opportunities for Sustainable Waste Management and Minerals Production in Other Development	WMP	102	Adopted
WMP22	Expansion and Alterations Within Existing Waste Facilities	WMP	103	Adopted
Development Management policies				
WMP23a	Design Principles for Built Waste Facilities	WMP	106	Adopted
WMP23b	Operation of Sites	WMP	107	Adopted
WMP24a	Climate Change	WMP	109	Adopted
WMP24b	Resource and Energy Use	WMP	109	Adopted
WMP25	General Amenity	WMP	110	Adopted
WMP26	Traffic Impacts	WMP	112	Adopted
WMP27	Environment and Environmental Enhancement	WMP		Adopted
RD1	<u>Environment and Environmental Enhancement</u>	RPD	43	Draft

Summary of Policy Review 2

Policy Number	Policy Title	Document	Page	Status
WMP28a	Flood risk	WMP	117	Adopted
WMP28b	Water Resources and Water Quality	WMP	118	Adopted
Diagrams				
	Waste Key Diagram	WMP	156	
	Minerals Key Diagram	WMP	157	

Notes:

1. All policies within the WMLP are considered to be strategic policies. See paragraphs 20-23 of the NPPF for further information.
2. Some policies appear out of document order above so that they appear correctly grouped in the table.

3 Context

3 Context

Explanation

This section does not contain any Policy changes, and instead serves as an update to the factual information provided in the WMP, and gives an overview of the minerals produced and imported into the Plan Area which are subject to the review.

Background to the Review

3.1 The Authorities monitor the success of the WMLP and its policies through their Annual Monitoring Reports (AMRs) and Local Aggregate Assessments (LAAs). Through this process, three areas of the Plan have been identified which the Authorities consider should be reviewed. These are:

- The provision of sand and gravel (aggregates);
- the safeguarding of minerals resources and infrastructure; and
- improving the effectiveness of specific policies.

3.2 As a result of the Call for Evidence and Sites in 2017, a minor extension to the pit at Aldershaw Tiles has also been included as part of the Review.

3.3 The Authorities have also checked current WMLP policies against the latest iteration of the NPPF, proposing changes where necessary, and have factored in updated evidence, changes in relevant policy and emerging policy. The Authorities have also monitored the effectiveness of the policies in the WMLP in the determination of planning applications, and this has in turn formed part of the consideration when identifying the topics of the review.

3.4 The Authorities remain committed to the concept of net self-sufficiency for the management of non-hazardous waste, meaning that they plan for the management of an amount of waste which is equivalent to the amount arising in the Plan Area. The overall approach to waste policies in the WMP is not considered to require review at this time.

Policy Context

3.5 Local Plans, including minerals and waste plans, must be prepared in the context of national policy and other relevant documents. Since the adoption of the WMP in February 2013, the policy context for Minerals and Waste planning has evolved, with the publication of new key documents informing the content of this review. Policies and documents which have influenced the approach

Context 3

taken in this Plan revision are detailed below⁽¹⁾. This is not an exhaustive list of documents, and does not include documents published before the publication of the WMLP; a more complete list of documents will be available in the Sustainability Appraisal that will be published online as part of this consultation.

National Policies and Strategies

3.6 National planning policy is set out in the '[National Planning Policy Framework](#)' (NPPF) (February 2019). This document provides the framework for sustainable development in England, and contains a chapter on facilitating the sustainable use of minerals. Waste policies are set out in the [National Planning Policy for Waste](#) (October 2014). [Planning Practice Guidance](#) provides further information on how national policy should be implemented, including notes on Minerals, Waste and Plan-Making, and is updated periodically.

3.7 The [25 Year Environment Plan](#) sets out the government's overall approach to protecting and improving the natural environment, which has been taken into consideration when preparing the Review.

3.8 The [Resources and Waste Strategy for England](#) sets out policy for the preservation of material resources in England by minimising waste, promoting resource efficiency and moving towards a circular economy. This document is of particular relevance to the production of secondary and recycled aggregates, and has been taken into account when preparing the Review.

3.9 [Practice Guidance on the Production and Use of Local Aggregate Assessments](#) is produced by the Planning Officers Society and the Minerals Products Association. The Authorities have considered this guidance when working on this Plan Review. The South East England Aggregates Working Party (SEEAWP), to which the Authorities are party, is also in the process of producing guidance on the production of LAAs, however this is not yet published.

3.10 The Planning Officers Society and the Minerals Products Association have also produced [Minerals Safeguarding Practice Guidance](#) which has instructed the safeguarding of minerals infrastructure in this Plan Review.

Local Plans and Strategies

3.11 The District and Borough Councils in East Sussex, as well as the South Downs National Park Authority and Brighton & Hove City Council have published, or are preparing, Local Plans which set out planning policies governing development in their areas. There are also a number of Neighbourhood Plans in place or in preparation in the Plan Area, which contain planning policies for smaller-scale areas, although these cannot plan for strategic matters such as waste and minerals.

1 A list of references for this section is available in the Appendix

3 Context

3.12 The Marine Management Organisation (MMO) is responsible for managing the seas around England through marine planning, which includes providing licenses for marine dredging that are necessary for the marine extraction of minerals. The MMO [South Marine Plan](#), adopted July 2018, covers the areas of sea which border the Plan Area.

3.13 The [Newhaven Enterprise Zone](#) is a designation which covers a number of sites in Newhaven which are identified and/or safeguarded in the WMP, including North Quay which contains a number of safeguarded mineral wharves.

3.14 The [Joint Area Action Plan](#), which sets out the future vision and development policies for the Shoreham Harbour area, has been adopted by Brighton & Hove City Council, Adur District Council and West Sussex County Council. Minerals wharves at Shoreham Harbour import significant amounts of marine dredged aggregate and crushed rock into the WMLP Area.

3.15 The Shoreham Port Authority adopted a revised [Port Masterplan](#) in August 2017, setting out the Port's plans for future growth over the next 20 years.

3.16 A new Environment Strategy for East Sussex is currently being prepared, which will set out a long term goal for East Sussex to be carbon neutral by 2050, or earlier, in line with the new national statutory target set by Parliament in 2019. The document will focus on five key themes: climate change, natural capital, air quality, water, and resource efficiency.

3.17 The South Downs National Park Authority [Partnership Management Plan](#) sets out a vision for what the National Park should look like by 2050. The [High Weald AONB Management Plan](#) sets out long term objectives for conserving the High Weald Area of Outstanding Natural Beauty.

3.18 Two Local Enterprise Partnerships (LEPs) cover the Plan Area. These are cross-boundary economic partnerships between Local Authorities and businesses. The [Coast to Capital LEP](#) includes Brighton & Hove, whilst East Sussex is part of the [South East LEP](#).

3.19 [Transport for the South East](#) is a cross-boundary partnership which aims to improve the transport network and benefit the economy throughout the South East of England.

3.20 The [Local Transport Plan for East Sussex](#), which includes the areas of the National Park, covers the period 2011-2026 and sets out the future direction for transport infrastructure and services in the County. The [Local Transport Plan for Brighton & Hove](#), which also includes areas of National Park, contains a long-term strategy for delivering transport improvements until 2030.

3.21 The Authorities are required to prepare a [Local Aggregate Assessment \(LAA\)](#) annually which reports on all aggregate supply options and forecasts demand in the Plan Area.

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Cross-boundary and Partnership Working and the Duty to Cooperate

3.22 The Duty to Cooperate (DtC) is a statutory requirement set out in Section 110 of the Localism Act 2011 that requires councils and other prescribed bodies to work together on strategic matters when preparing Plan documents. The Authorities have worked in partnership with others in preparing the WMLP review. Details of the steps taken by the Authorities in relation to the DtC can be found in the Plan [Monitoring Reports](#).

3.23 The National Planning Policy Framework also requires authorities to produce and maintain Statements of Common Ground (SoCG) during the plan-making process, which are written records of key cross-boundary matters and the progress made towards cooperation between authorities. A draft SoCG has been prepared alongside the WMLP Review, and the Authorities have also signed up to, and actively engage with, a number of other existing and emerging SoCGs relevant to the Plan Area.

Characteristics of the Plan Area

3.24 Large parts of the Plan Area are subject to environmental protection. Two thirds is covered by the South Downs National Park and the High Weald Area of Outstanding Natural Beauty. Several other tracts of land are designated as being of international and national environmental importance. The area to the east of the Plan Area, in the vicinity of Lydd Quarry, is designated for its ecological and geological interest at a national and international level, including the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Pevensey Levels Ramsar site is designated for its wetland habitat. The Plan Area contains a number of other SPAs, SACs, SSSIs and ancient woodlands. There are also a number of locally designated sites of importance for their wildlife and/or geology (Local Wildlife Sites and Regionally Important Geological and Geomorphological Sites). These areas are protected in order to maintain the rich and varied landscape character and biodiversity within the Plan Area.

3.25 The demography of the Plan Area affects the need for minerals as well as the generation of waste. The Plan area had a total population of approximately 837,026 in 2016, of which about two thirds live in East Sussex and the remainder in Brighton & Hove. Approximately 4% live within the South Downs National Park. There is significant residential development expected within the Plan Area, which has been planned for up to 2026. Over the 15 Year plan period approximately 52 668 homes are forecast to be built in the Plan Area. The population in East Sussex is predicted to increase by approximately 7.35% between 2016 and 2026. The average household size is also expected to decrease from 2.22 in 2014 to 2.06 in 2039. These factors are likely to lead to a greater demand for minerals and an increase in waste arisings, though a reduction in the average size of household may cause the waste generated per household to decrease.

3 Context

Minerals and Waste Context

Minerals in the Plan Area

3.26 Minerals are natural substances which include metals, rocks, and hydrocarbons (oil and gas) that are extracted from the earth (including the seabed) by mining, quarrying, pumping and dredging. They are used in a wide range of applications related to construction, manufacturing, agriculture and energy supply.

3.27 The geology of the Plan Area dictates where minerals occur. The South Downs National Park, in the south west of the Plan Area, is formed of chalk hills and vales dissected by major valleys cut by the rivers Ouse and Cuckmere. The High Weald, which covers much of the northern, central and eastern parts of the Plan area, is a faulted structure comprising clays and sandstones. The Low Weald is a gently undulating clay vale which separates the High Weald from the chalk Downs to the south. The Coastal Marshes are located between Eastbourne and Bexhill, and in the Rye Bay/Camber area either side of the Rother estuary. These areas comprise large sheets of alluvium, extending inland over the Pevensey Levels and Romney Marsh.

3.28 Aggregates are minerals which are used in the development and improvement of infrastructure and buildings such as sand, gravel, and crushed rock. Two types of sand are found in the Plan Area: sharp sand and soft sand, which have different uses. Historically there have been low levels of extraction of 'land-won' sharp sand and gravel in East Sussex, and imports of aggregates extracted from the seabed (known as marine dredged aggregates) and crushed rock have been important in meeting local construction needs. These have been imported via a mixture of rail, road and wharf. There are currently only two permitted sites for land-won aggregates in the Plan Area: sharp sand and gravel is extracted at Lydd Quarry in the east of the County, and a soft sand site is located at Novington within the National Park (the site is currently inactive).

3.29 Secondary aggregates are materials that are produced as a by-product of other industrial processes, and recycled aggregates are materials that have previously been used in construction. A steady supply of both, particularly recycled, is produced across the Plan area.

3.30 Clay is extracted in East Sussex for brick and tile manufacture. There are currently four active sites, including Aldershaw Farm in Sedlescombe near Battle.

3.31 Gypsum is an important raw material for the construction industry, and is used in plaster and plasterboard, cement and other industrial processes. The resource near Robertsbridge in East Sussex is the largest deposit in the UK. Gypsum can be substituted with desulphogypsum (DSG), a secondary material which is a by-product from coal fired power stations.

Context 3

3.32 There is currently only one existing licence for exploration for oil and gas within East Sussex covering 20 square kilometres around North Chailey. There are no current planning applications or planning permissions for any oil and gas exploration and development in East Sussex.

Waste in the Plan Area

3.33 Waste is generally defined as materials and goods we discard because we no longer want or need them. Many different types of solid and liquid waste are produced in the Plan Area and the Plan applies to them all. Around 1.75 million tonnes of solid waste are handled in the Plan Area each year. The main types are:

- **Local Authority Collected Waste (LACW)** which comprises about 21% of all wastes in the Plan Area;
- **Commercial and Industrial Waste (C&I)** which makes up about 27%, and;
- **Construction, Demolition and Excavation Waste (CDEW)** which accounts for about 51%.

3.34 Other waste sources include hazardous waste, which makes up approximately 1% of the total waste stream and often requires specialist treatment facilities with tight environmental controls, low level radioactive waste, liquid waste, wastes arising from the agricultural sector, and waste water, which comprises the water and solids that flow to a waste water treatment works. There are 74 waste water treatment facilities within the Plan Area treating 90 million cubic metres of waste water each year.

3.35 Some waste is exported to other areas for management including non-inert waste to landfill. Approximately 54,000 tons of LACW and C&I waste was exported for land disposal at facilities outside of the Plan Area in 2016. This is an improvement on 2010/11 when approximately 147,000 tonnes of LACW was sent for land disposal outside the Plan Area.

Transport of Minerals and Waste

3.36 Road infrastructure in the Plan Area is currently constrained. There are no motorways, and the trunk road network is predominantly single carriageway. Although waste and minerals traffic movements account for only a small percentage of the total, the current limitations of the road network is a consideration in planning for new development. To accommodate additional transport demands on the strategic and major road networks, there are a number of planned improvements to the A27 east of Lewes, whilst there are aspirations for further improvements to be delivered on the A27 and A21 corridors. In addition, there are proposed improvements to the A22 in the Hailsham and Stone Cross area.

3 Context

3.37 Rail Freight movement of minerals and waste consists of gypsum and DSG imported into the mine at Robertsbridge; crushed rock, sharp sand, gravel and recycled aggregates imported into Newhaven; and Incinerator Bottom Ash (IBA) produced by the Newhaven Energy Recovery Facility exported from Newhaven to Brentford to be processed into recycled aggregate. Planning permission has recently been granted for another railhead in Newhaven which would export aggregates.

3.38 Marine-borne aggregates are imported through the ports of Newhaven, Rye and Shoreham. Shoreham port has one active wharf within the Plan Area, with the remainder in West Sussex. Aggregate importation figures are available in the Authorities' [Local Aggregate Assessment \(LAA\)](#). Planning permission has been granted for two new sites in Newhaven which propose to import marine-borne dredged aggregates: an aggregate processing, bagging and concrete batching plant at Fisher's Wharf which will import marine-dredged aggregates for export by road and rail, and an asphalt, concrete batching and gully waste plant at North Quay which proposes to refurbish an existing disused wharf to import aggregates. Scrap metal is exported by sea from Newhaven Port.

Overarching Strategy 4

4 Overarching Strategy

Explanation

The overarching strategy of the WMLP is set out in the WMP. It sets out the vision and strategic objectives ⁽²⁾ for the Plan Area, and four main overarching policies, WMP1, WMP2, WMP3a-e and 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. The policies also seek to make provision for a steady supply of minerals by promoting the use of secondary and recycled aggregates, the use of sustainable transport methods, whilst using viable primary mineral resources as a least preferred option. Both of these aims are in the context of objectives seeking to mitigate and adapt to climate change whilst protecting and enhancing the environment, communities and human health.

In this section the Authorities propose:

- to remove the section titled Local Strategy Statement, which is now addressed through a Statement of Common Ground with the relevant duty to co-operate parties.
- replace Policy WMP2 Minerals and Waste Development Affecting the South Downs National Park with Policy RV1 Minerals and Waste Development Affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty.

The overarching strategy of the WMLP itself remains unchanged.

It is proposed that the part of this section titled Local Strategy Statement - Approach to Key 'Larger than Local' Matters in the WMP (pages 25-32) is removed from the WMP because this topic is now addressed through the Statement(s) of Common Ground that accompanies this Plan.

2 See WMP pages 22-24.

4 Overarching Strategy

Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty (RV1)

Explanation

As part of the review of Policy WMP27, which is addressed later in this document, it has been identified that further clarity could be provided in relation to minerals and waste development affecting the High Weald Area of Outstanding Natural Beauty (AONB), particularly in respect of its purposes. Policy WMP2 currently contains similar requirements in relation to the South Downs National Park, but does not refer to the High Weald AONB. The Authorities propose to revise WMP2 to align more closely with the NPPF (2019).

The Authorities also propose the removal of criteria c) which addresses extensions to existing soft sand quarries or new quarry proposals in the National Park. This is now addressed within the following section Provision of Aggregates (RM1) and Duty to Cooperate work, see page # for further information.

Neither of these changes are intended to alter the overall strategy of the Waste and Minerals Local Plan.

Is it proposed that this section will replace Minerals and Waste Development affecting the South Downs National Park (WMP2) on pages 34-36 of the WMP.

Purpose of Policy RV1

To ensure development is sustainable and appropriate to the purposes and duty of the South Downs National Park Authority and the purposes and objectives of the High Weald Area of the Outstanding Natural Beauty Management Plan.

4.1 The South Downs National Park

4.2 *The South Downs National Park was established in 2010 and the South Downs National Park Authority took up its statutory responsibilities in April 2011. The South Downs National Park covers an area of 1600km² and stretches from Eastbourne in the East to Winchester in the West. Although over 85% of the area is farmed, it has a population of over 117, 000 people and includes the towns of Lewes, Midhurst and Petersfield. The South Downs Local Plan 2019 sets out the planning policy*

Overarching Strategy 4

context for the whole SDNP, replacing previous joint plans with each of the district and boroughs. The SDNPA plans jointly for minerals and waste with East Sussex County Council, Brighton and Hove City Council, West Sussex County Council and the Hampshire Authorities.

4.3 National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty and this will be given great weight in decisions.

4.4 The South Downs National Park has the following statutory purposes:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
- To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

4.5 Section 62 of the Environment Act 1995 requires all relevant bodies including statutory undertakers and statutory bodies to have regard to the purposes. If there is a conflict between the two purposes, the first takes precedence. In pursuing these purposes the SDNPA also has a duty to seek to foster the economic and social well-being of local communities within the National Park.

The High Weald Area of Outstanding Natural Beauty

4.6 The High Weald AONB was designated in 1983 and covers land within 4 counties and 11 district or borough councils. It is one of 46 AONBs in England, Wales and Northern Island. It covers an area of 1,461km² and 127,000 people live within its boundary. A third edition of the management plan for the High Weald AONB was published in 2019, covering the period to 2024.

4.7 The primary purpose of AONB designation is to conserve and enhance natural beauty but the architects of the 1949 Act recognised other underlying principles which were important aspects of the designations' success. These included the need to maintain a 'thriving community life' with particular emphasis on farming and forestry, and the need to promote understanding and enjoyment of the area's special qualities. These subsidiary purposes - in effect, qualifications of the primary purpose - are those defined in the Countryside Commission statement 1991, restated in 2006 (the basis for the wording of the subsidiary purposes can be found in the Countryside Act 1968, section 37):

- In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development
- The formal legal responsibility for both development control and for management of the High Weald AONB (including the duty to prepare an AONB Management Plan) lies with the local authorities in whose area(s) the AONB exists. In addition, local authorities and all public bodies have a statutory duty under CROW Act 2000, Section 85, to '...have regard to the purpose of

4 Overarching Strategy

conserving and enhancing natural beauty...'. To 'conserve and enhance' is a single duty, therefore exercising the duty requires that both elements be addressed.

Minerals and Waste Development in the South Downs National Park and the High Weald Area of Outstanding Natural Beauty

4.8 *National Parks and Areas of Outstanding Natural Beauty (AONB) have the highest status of protection in terms of landscape and scenic beauty. Great weight, therefore, must be given towards the protection of the natural beauty of the landscape, together with conservation of wildlife and cultural heritage, when making planning decisions.*

4.9 *National planning policy for minerals and waste development in the countryside and rural areas relates to "major development" within nationally designated areas including National Parks and AONB. Within the context of national policy, the winning and working of minerals and waste development generally constitutes major development whereby due to the nature, character and scale of some proposals, there is the potential to adversely impact upon recreational opportunities and the natural beauty of protected landscapes.*

4.10 *Major minerals and waste development (including quarry restoration) can have significant adverse impacts upon such areas of natural beauty together with the recreational opportunities that they provide. In line with national policy, major minerals and waste development must not be permitted within National Parks or AONB except in exceptional circumstances. Applications must also be demonstrated to be in the public interest. Development will only be in the public interest if consideration of the proposal details gives sufficient reason/s to override the potential damage to the natural beauty, cultural heritage, wildlife or quiet enjoyment of the National Park or and AONB. Minerals and waste development can also have positive effects on the environment through restoration and aftercare (Policy WMP17 addresses restoration requirements in detail).*

4.11 *Other minerals and waste development which is ancillary to a main minerals and waste operation (e.g. weighbridge, offices, haul road and minor amendments) would not normally be considered as major development. It would be expected however that such proposals have regard for and consideration of National Park and AONB purposes, and ensure that great weight is given to the conservation of the landscape and natural beauty, conservation of wildlife, cultural heritage and recreational opportunities.*

4.12 *Quarries and quarrying operations have the potential to impact heavily upon the landscape and surrounding environment, therefore the setting of any proposed development within the context of the National Park or AONB is also an important consideration.*

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4.13 Minerals and waste development not considered to be major should be carefully assessed. Weight should be given towards conservation of the landscape's natural beauty, the conservation of wildlife and cultural heritage and the need to avoid adverse impact upon recreational opportunities within these areas.

Policy RV1

Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty

- a) Minerals and waste development in the South Downs National Park and the High Weald AONB will have regard to the relevant Management Plan.
- b) Major minerals and waste development in the South Downs National Park or High Weald AONB will be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest⁽³⁾. In this respect, consideration will be given relevant information, including:
 - i. the need for the development, including in terms of any national considerations; and
 - ii. the impact of permitting or refusing the development upon the local economy; and
 - iii. the cost of and scope for developing outside the designated area or meeting the need in another way; and
 - iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be moderated.
- c) Small-scale waste management facilities for local needs are not precluded from the National Park or AONB where they meet the requirements of Policy RD1.
- d) Proposals for the backfilling of redundant quarries within the National Park or AONB need to conform with (b) above and additionally demonstrate net long term benefits to the National Park or AONB and that they meet Policy WMP 8b criteria (a) to (e).

3 In the case of minerals and waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, the potential for significant impacts on the National Park and AONB will be dependent on the individual characteristics of each case. When assessing what constitutes "major development" within a protected landscape the guidance set out in Footnote 55 to the NPPF will be applied

5 Providing for Waste

5 Providing for Waste

5.1 The Providing for Waste section in the WMLP sets out policies regarding the amount of waste management capacity that is planned for locations suitable for waste management development, and safeguarding arrangements for waste management facilities.

5.2 Monitoring by the Authorities indicates that the waste strategy does not require altering at this time. There was ambiguity in Policy WMP7a "Sustainable Locations for Waste Management Development" and Policy WMP7b "More Detailed Criteria" that required clarification. Policy RW1 below combines and clarifies these policies.

5.3 All other policies within this section apart from WMP7a and WMP7b remain unchanged.

Sustainable Locations for Waste Development (RW1)

Explanation

Policy RW1 proposes to remove ambiguity and consolidate WMP7a and WMP 7b clarifying the policies intent. It retains the existing direction of policies WMP 7a and WMP 7b and all alterations to the policy are intended to only be technical in nature. Policy RW1 proposes the following alterations:

1. The preference expressed in Policy WMP7b for development on general industrial land including general industrial estates, employment land (B2/B8 uses), previously-developed land, and land already in waste management uses, has been replaced by a requirement to demonstrate that the development is located within one of these areas or, that it has been adequately demonstrated and explained why this is not possible. The exception in relation to minerals sites has been retained.
2. Text in Policy WMP 7a concerning small scale facilities in the South Downs National Park and the High Weald AONB has been removed; this was already addressed through the criteria relating to small scale facilities which are not restricted by the Area of Focus and addressed by Policy RV1 which places additional requirements on development within the South Downs National Park.
3. The 'Purpose of Policy' box and supporting text have also been updated to reflect the updated text.

The Authorities have focused on making the above alterations to the policy and, at this time, consider that the broad strategy does not require alteration. Consequently, no alterations to other over-arching approaches for this policy area have been considered. However, the Authorities

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do welcome any comments you may have on both the revised wording and any alternative approaches that to this policy area that you believe the Authorities should be consider.

No changes are proposed to the sites already identified in the adopted WMSP nor are any additional waste sites identified.

Is it proposed that this section will replace Suitable Locations for Waste Development (WMP7a, WMP7b) on pages 59-62 of the WMP. It is also proposed that Policies WMP7a Sustainable Locations for Waste Development (excluding land disposal) and WMP7b More Detailed Criteria for Development are superseded by RW1 Sustainable Locations for Waste Development (excluding land disposal).

Purpose of Policy RW1

To identify broad areas (Areas of Focus) within the Plan Area within which more sustainable opportunities for locating waste recycling and recovery facilities are more likely to be found.

5.4 *National policy requires local planning policy to give a clear indication to industry about the areas where development might be acceptable and to provide flexibility to allow for responses to changes in circumstances.*

5.5 *This policy relates to waste treatment facilities, i.e. facilities involved in processes in the waste hierarchy excluding land disposal. Transfer facilities are included because they play a fundamental part in moving waste to and from the facilities referred to in this policy, and increasingly waste transfer is being integrated with waste processing (such as that which takes place at Materials Recovery Facilities) at the same site and so there is less distinction between them. Land disposal is covered separately in Policy WMP 8.*

5.6 *This policy identifies areas hereon called 'Areas of Focus' where the best opportunities for the development of waste recycling and recovery facilities are most likely to be found. Areas of Focus indicate broadly the areas where the greatest sustainability benefits are likely to be achievable based on the application of national policy. However this policy recognises that there may be sites which are acceptable in principle but are beyond the Areas of Focus. For example, there may be sites just outside of the Areas of Focus where there may be overriding sustainability reasons for permitting development, such as supporting movement up the waste hierarchy or their being*

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well-related to the strategic road network. The policy therefore does not precisely define boundaries, and the overall sustainability benefits of proposals will be considered on their merits. Consideration of locations within the Areas of Focus also needs to be balanced with ensuring the Plan is deliverable, and as such the Plan considers economic viability which is often influenced by economies of scale.

5.7 *The Areas of Focus are those where the greatest sustainability benefits are likely to be achieved regarding new waste development or extensions to existing sites as they are more likely to be close to:*

- *waste arisings,*
- *better transport network,*
- *complementary industries and waste development for potential co-location benefits,⁽⁴⁾*
- *existing facilities where there is scope for physical site extension (for detail about alterations within the site boundary of existing facilities See Policy WMP 22).*

5.8 *The Areas of Focus reflect the fact that the majority of the population and businesses in the Plan Area are located along the coastal strip so this is where the main proportion of the largest waste streams (C&I, CDEW, and LACW wastes) is either currently generated or likely to be in the future according to predicted growth areas in Local Plans. The Areas also reflect the road, rail and water transport connections within the Plan Area. Areas outside the Areas of Focus are generally more rural and less densely populated and therefore it is likely that less waste is generated and there are fewer opportunities for maximising sustainability. Much of these areas are also covered by landscape designations of the AONB and the SDNP.*

5.9 *The policy also recognises that with modern design and operational techniques, waste management facilities can increasingly be accommodated in general industrial areas as a B2 use class, and even more so with the revised waste hierarchy which includes 'preparation for reuse'. Detailed criteria to manage the potential impacts of development is covered in the development management policies later in this document. Proposals will also be subject to the relevant statutory pollution control regulatory frameworks.*

5.10 *Applicants are expected to make reasonable efforts when seeking to demonstrate that there are no suitable sites within the preferred locations under criteria A2 and B2. The level of detail should be appropriate to the scale and type of facility being proposed.*

4 See Policy WMP 19.

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5.11 Sites identified within the Waste and Minerals Sites Plan and Schedule of Suitable Industrial Estates are all considered to be within the Area of Focus and located on one or more of the types of land specified under criteria B1; as such these sites are considered in accordance with this Policy.

Policy RW1

Sustainable Locations for Waste Development (excluding land disposal)

The principle of the development will be supported where:

A1. The site is located within a broad Area of Focus indicated on the Key Diagram and described in paragraph 5.7, or

A2. It has been demonstrated there are no suitable sites available within the Areas of Focus to meet identified needs, or the proposed development is a small-scale facility / extension to existing facility predominantly to meet smaller, more localised needs only⁽⁵⁾.

In addition to criteria A1 or A2 the proposed development must also demonstrate:

B1. The proposed development is located on: general industrial land including general industrial estates, employment land (B2/B8 uses), previously-developed land, or land already in waste management uses; or

B2. There are no suitable sites available within the locations listed under criteria B1; or

B3. The proposal is located at a minerals working or landfill site and the development's lifespan will be limited to the lifespan of the minerals operation or landfill site⁽⁶⁾, unless there are overriding reasons why the lifespan should be extended.

5 Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at more strategic larger-scale facilities.

6 The lifespan of a site may, but does not necessarily, include restoration phases.

6 Providing for Minerals

6 Providing for Minerals

Provision of Aggregates (RM1)

Explanation

The current adopted WMLP makes provision for 0.1 million tonnes per annum (mtpa) of land-won aggregate during the plan period, and commits the Authorities to providing a land bank of 7 years permitted aggregate reserves. The permitted sites identified to contribute to this provision in the WMLP are Lydd Quarry (area in East Sussex), and Novington sandpit located within the SDNP. This provision rate is therefore a combined rate including both sharp sand and gravel and soft sand.

In coming to the 0.1 mtpa provision rate the Authorities maintained that the Plan Area was a "special case" recognising the particular circumstances of:

- low production;
- remote reserves;
- high dependence on marine landings; and
- large area affected by environmental constraints/designations

Following the Public Examination into the Waste and Minerals Sites Plan in 2016, the Inspector concluded in his report that "[...] the Plan cannot maintain provision for the production of land-won aggregates at a rate of 0.10 mtpa throughout the Plan period. There will be no permitted reserves at that date because either mineral working under the planning permissions will cease in accordance with a condition of the permission or the workable reserves will be depleted at current rates of production. For that reason alone it will not be possible to maintain a land-bank of at least 7 years". The Authorities accepted the Inspector's conclusions and recognise that the WMLP aggregate provision levels need to be reassessed.

The NPPF states that mineral planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA) to forecast demand, based on a rolling average of 10 years sales data and other relevant local information. The LAA should include an assessment of all supply options including land won, marine dredged, secondary and recycled sources. The Authorities have carried out a review of aggregate provision, and further details and calculations are set out in the draft LAA 2019. Much of the supporting evidence for the WMLP review is therefore set out in the [LAA 2019](#). Due to both the lifting of confidentiality restrictions and improvements in data collection, the LAA 2019 provides for the first time a comprehensive set of data with LAA rates proposed for the different streams of aggregate provision.

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During the Call for Evidence and Sites (CfES) the operator of Lydd quarry submitted proposed extension areas for the site. These have been considered for inclusion in the draft Plan but are not considered acceptable as allocations due to the significant harm mineral working would cause to the interests of the designated sites. In addition, the Authorities consider that there are adequate and suitable alternative supplies of material to the proposals which would result in lesser environmental effects. No other aggregate sites were submitted at the CfES stage.

It is proposed that this section replaces Provision of aggregates WMP11 (pages 78-81) in the WMP, and Section 4 Providing for Minerals paragraphs 4.1 to 4.6 (page 24) in the WMSP.

Purpose of Policy RM1

To ensure sustainable provision for an appropriate level of aggregates for consumption in the Plan area over the duration of the Plan period.

6.1 Government policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates and so in undertaking the WMLP Review the Authorities have assessed how provision can be continued in the Plan Area. Much of the supporting evidence for the WMLP review is set out in the Authorities' LAA. The LAA 2019 indicates that at current demand levels the rate for land-won material is 0.16 mtpa. This figure has been calculated on the basis of sales figures for sharp sand and gravel only as the only permitted soft sand site in the Plan area has not produced any mineral for some years. The LAA also identifies rates for other types of aggregate provision including marine and rail imports. It is a particular characteristic of this Plan area that over 80% of aggregates consumed are imported (based on 2014 figures).

6.2 If demand were to remain constant then the total rate of aggregates considered for provision over the Plan period would be around 0.7 mtpa (and excluding recycled and secondary would be 0.34 mtpa). However, the Authorities are also required to assess the effect of demand changes on provision and this is reported in the LAA 2019. The Authorities have used projections of homes and infrastructure over the next decade (based on 2017 figures) and concluded that on the highest level of possible demand, requirements could be increased by a multiple of just over two. This means that total aggregate provision for the 15 year Plan Period (15 years from 2019, therefore to 2034) could be in the region of about 1.4 mtpa.

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6.3 Historically there have been low levels of extraction of 'land-won' aggregates in East Sussex, and imports of marine dredged aggregate (MDA) and crushed rock have been important in meeting local construction needs. These have been imported via a mixture of rail, road and wharf. Within the Plan Area two types of aggregate resource are to be found: sharp sand and gravel, and soft sand, which have different uses.

Sharp sand and gravel

6.4 There is currently one working extraction site in the east of the Plan area at Lydd. Lydd quarry straddles the East Sussex/Kent border and extraction is currently taking place within East Sussex. Approximately 50% of the production is exported to Kent and it is estimated that only 18 months of reserves remain. If this site were to contribute to future aggregate provision in the Plan Area, further reserves at the quarry would need to be identified. The area around Lydd Quarry is constrained by both National and European environmental designations including SSSI, Special Protection Area and Ramsar site. The designations cover or are adjacent to all the sand and gravel resource in this part of the County.

6.5 The majority of land-won sharp sand and gravel deposits in East Sussex are found in the coastal areas and river valleys. Having assessed these resources, the Authorities have concluded that identification of feasible extensions or new land - won sites in the Plan area is not possible. The Authorities are however confident that an equivalent provision can be made from alternative aggregate supplies to and within the Plan Area, the details of which are set out below. Soft sand provision is considered later in this document.

6.6 Apart from production at Lydd quarry and road imports from outside the Plan Area, aggregate supply is currently received through the Ports of Shoreham, Newhaven and Rye, and at a railhead in Newhaven. Unused permitted capacity remains at all facilities which could be utilised in the future with the minimum of constraints. A significant amount of aggregates imported on the West Sussex side of Shoreham Port are also consumed in the Plan Area and it is understood that additional unrestrained capacity remains at the Port. There are also permitted CDEW sites producing recycled aggregates which can in some cases substitute for sharp sand and gravel end-uses, and secondary aggregates such as brick waste are also produced in East Sussex.

6.7 Permission has been granted for an aggregate processing plant, aggregate bagging plant, concrete batching, extension of rail siding and import of aggregates at Fishers Wharf, Newhaven Port. Implementation of the proposal has begun and once operational the development will provide additional imports of 0.2 mtpa initially, increasing to 0.42 mtpa by the final stage of development (although some of this material would be exported by rail in the later phase). This development will involve the import of marine dredged aggregate (MDA).

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6.8 Once fully implemented, the supply of MDA from Fisher's wharf would in effect provide a substitution for provision of land-won sharp sand and gravel from Lydd. It is therefore necessary to ensure that the end uses of these materials and their markets are comparable, and that sufficient reserves of MDA are available. In terms of continuing supply to the existing market area, the Fishers Wharf development at Newhaven could provide for the western side of the Plan Area, and the Authorities consider that any market variations to the east could be compensated for with further imports at Rye Harbour as well as from Kent. The Crown Estate advises that marine aggregate is wholly interchangeable with land based sand and gravel, and can perform the same technical tasks. Reserves off the south coast of Sussex and Hampshire are plentiful (circa 100 million tonnes), with a life of 29 years at current levels of extraction.

6.9 The Authorities conclude that together existing capacity at permitted import facilities would be able to accommodate more than double the current levels of demand for aggregates (excluding recycled and secondary) as well as providing sufficient substitutes for land won sharp sand and gravel. In addition, further supply from outside the Plan Area including the western area of Shoreham Port may also be available. Recycled and secondary material has not been included in this calculation as it is not always a suitable substitute for land won material, but it would also be available to provide further aggregate supplies.

6.10 The Plan strategy for meeting the sharp sand and gravel needs of the Plan Area is therefore through supporting and encouraging imports through existing permitted facilities, as well as utilising permitted recycled and secondary aggregate capacity. This alternative provision strategy does not therefore necessitate the allocation of sites or setting of a specific "landbank" for aggregates. To ensure that that supply is secured and maintained through import facilities it is important that minerals infrastructure including wharf and rail heads are adequately safeguarded. This is covered in policy RM5. In addition, any extensions or improvements to existing safeguarded sites which improve the operation and/or efficiency of the landing, processing, handling and storage of minerals will normally be supported.

6.11 The Plan therefore enables provision for the demand of just over 21 million tonnes (mt) of aggregates over 15 years at an average of approximately 1.4 mtpa, peaking at 1.6mtpa in 2020/21. Of the 21mt, between 13.26 mt & 15.39 mt will be sourced from imports, using existing permitted facilities.

Soft sand

6.12 The main source of soft sand in the South East (the Lower Greensand Formation) runs through Kent, Surrey, Hampshire, West Sussex and peters out just over the border of East Sussex.

6 Providing for Minerals

6.13 *There has been limited working of this material in the Plan Area in recent times. Novington Sandpit is the only permitted soft sand site and lies within the South Downs National Park. It is understood that there is a reserve of around 350,000 tonnes still to be worked as part of the extant planning permission.*

6.14 *However, the site has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential. On that basis it is not possible to calculate an LAA rate and it assumed that the need for soft sand in the Plan Area has entirely been met through imports for at least six years.*

6.15 *The Authorities have worked with the other South East Mineral Planning Authorities to agree a Position Statement on Soft Sand. This sets out the context for soft sand provision at a regional level. Following on from that work, the Authorities have entered into a Statement of Common Ground with Kent County Council and West Sussex County Council which acknowledges the current reliance on imported materials to meet the needs of the Plan Area and explains the process each Mineral Planning Authority will go through to meet the 'steady and adequate supply of minerals' required by the NPPF⁽⁷⁾.*

6.16 *As the Plan Area appears to be reliant on soft sand imports, the Authorities have undertaken a number of surveys to confirm this assumption, and to understand where the material is imported from and how the need for soft sand is currently being met.*

6.17 *As a partner Authority for waste and minerals plans in Hampshire, West Sussex, East Sussex and Brighton and Hove, the SDNPA is working on a unified position on the provision of soft sand from within the South Downs National Park where much of the resource is located.*

6.18 *Mineral extraction is considered to be 'major development' as defined in the Glossary of the NPPF and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Paragraph 172 of the NPPF states that planning permission should be refused for major development in National Parks other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 55 of the NPPF states that the question of whether a development proposal is 'major' in a National Park is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

6.19 *Paragraph 172 of the NPPF relates primarily to the determination of planning applications in protected landscapes. However, to ensure that all local plan allocations are deliverable, it is also necessary to consider the issue of major development at the plan making stage.*

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6.20 *At this time it is considered that the most appropriate approach is to safeguard the soft sand resource and not allocate any further sites in the Plan Area. It is not appropriate to designate Areas of Search in a protected landscape and no aggregate sites have been put forward so far during the consultation process in either the National Park or the AONB.*

6.21 *Any future applications for soft sand extraction in the National Park will need to address paragraph 172 of the NPPF and Policy SD3 of the South Downs Local Plan.*

6.22 *The Authorities within the East Sussex Plan Area will continue to rely on imports and the existing permitted site to meet its needs. The situation will be reviewed through the Authorities' Monitoring Report and the Local Aggregate Assessment.*

6.23 *In the event that land-won aggregate proposals are received they will be considered against existing Development Plan policies. All Plans should be read as a whole and criteria based policies within the WMLP ensure that there is complete policy coverage for any future proposal.*

6.24 *Proposals for new additional capacity for aggregate importation infrastructure and recycled and secondary aggregate production will also be subject to the environmental protection requirements set out in other plan policies.*

Policy RM1

Provision of aggregates for consumption in the Plan Area

The Authorities will enable the provision of 21 million tonnes (averaging 1.4 mtpa) of aggregate material over the the Plan period by seeking to protect, maintain and enhance existing:

- a) aggregate importation infrastructure and capacity; and*
- b) recycled and secondary aggregate production*

Proposals for new additional capacity for a) and b) (including increased operational capacity within the site boundary of existing infrastructure) will be supported, In particular support will be given to proposals which further enable sustainable provision of aggregates by sea and/or rail.

6 Providing for Minerals

Provision of Clay (RM2)

Explanation

An extension to the Aldershaw Tiles extraction site was promoted by the operator in response to the Call for Evidence and Sites 2017. The tile works is a small scale operation which primarily produces handmade tiles, many of which are used in the restoration of historic buildings. Supplies are now running low at the extraction site and an extension could extend the lifetime of the facility by providing a potential minerals reserve of between 25 and 30 years. A small extension (0.2 hectares) that will enable the continued extraction of brick clay used in specialist tile production is therefore proposed.

There have been no further proposals for clay extraction allocations.

It is proposed that this section is appended to Provision of Clay (WMP13) on pages 84-85 of the WMP.

Purpose of Policy RM2 1

To ensure a continued supply of specialist clay.

6.25 *It has been identified that an allocation at the Aldershaw Tiles site is required to ensure continued provision of clay for use in the production of specialist tiles. Policy RM2 allocates this extraction; a site profile for the Aldershaw Tiles site can be found in Appendix 2.*

Policy RM2

Clay Extraction Allocation

The following site is proposed to be allocated for clay extraction for the use specified below:

- *M/ALD - Aldershaw Tiles - An extension to the existing quarry, no larger than 0.2 hectares, for the sole use of making specialist clay tiles on-site at existing facility.*

Providing for Minerals 6

Safeguarding Mineral Resources (RM3)

The provision of aggregates (minerals used for the construction and improvement of buildings or infrastructure) is important in ensuring that planned development in the Plan Area can be delivered. Directly linked to the provision of aggregates is the safeguarding of minerals resources and the safeguarding of minerals infrastructure. Safeguarding helps to ensure that minerals resources, which are finite in their supply, are not sterilised by other development. It also protects existing and planned infrastructure, such as railheads and wharves, which are integral to the supply, storage and transportation of minerals. Within the Plan Area, wharves at the ports of Newhaven, Shoreham and Rye are safeguarded in order to preserve mineral landing capacity, along with railheads at Newhaven and the British Gypsum rail facility near Robertsbridge. It is, therefore, important to review safeguarding arrangements at the same time as a review of mineral provision.

Explanation

Separate policies relating to safeguarding of mineral resources are contained within the Local Plan and Sites Plan. To avoid duplication of policy content, it is proposed that policies WMP14 and SP8 are combined into a single policy within the Waste and Minerals Local Plan. The list of safeguarded resource sites will be moved to the policies map. The list of safeguarded sites has been included below for information. The strike-through indicates sites which are no longer being safeguarded.

Gypsum:

- Brightling Mine/Robertsbridge Works, Mountfield

Sand and Gravel:

- Stanton's Farm, Novington
- ~~Scotney Court Farm, Jury's Gap Road, Camber, near Lydd~~
- ~~Scotney Court Extension and Wall Farm, Jury's Gap Road, Camber, near Lydd~~⁽⁸⁾
- ~~Broomhill, near Lydd~~⁽⁹⁾

8 Permitted extraction sites are currently being worked at Scotney Court Farm, Scotney Court Extension and Wall Farm, it therefore considered that safeguarding is no longer required.

9 It is not environmentally viable to extract at Broomhill and therefore the need to safeguard the resource is not considered to be required in accordance with the provisions in the NPPF which states that minerals planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.

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Clay:

- Ashdown Brickworks, Bexhill
- Little Standard Hill Farm, Ninfield
- Chailey Brickworks, Chailey
- Hastings Brickworks, Guestling
- Aldershaw Farm, near Hastings
- Horam Brickworks, Horam

This section replaces Safeguarding Mineral Resources (WMP14) on pages 86-88 of WMP and paragraphs 4.1 - 4.11 and Policy SP8 on pages 24-25 of the Waste and Minerals Sites Plan. Policies WMP14 and SP8 are superseded by Policy RM3.

Purpose of Policy RM3

To ensure known mineral resources of local importance are safeguarded.

6.26 *The National Planning Policy Framework requires MPAs to prevent mineral resources from being unnecessarily sterilised. Sterilisation of known or potential resources would reduce the ability and flexibility to supply future demand. However, it is also important to find a balance between protecting mineral resources for the future and allowing for necessary development of some of those areas. The NPPF also states that local planning authorities should define Mineral Safeguarding Areas (MSAs).⁽¹⁰⁾*

6.27 *Government advice contained in the NPPF requires mineral planning authorities to define Mineral Safeguarding Areas (MSAs) which should contain resources that are of local and national importance to warrant protection for future generations. Mineral safeguarding allows for potential resource to be examined however, there is no presumption that resources defined in MSAs will be worked.*

6.28 *Minerals Consultation Areas are areas where Local Planning Authorities will consult with the Authorities on alternative development proposals, not including excluded development. They have been identified using information on known minerals resources and existing permitted extraction and transport infrastructure sites.*

¹⁰ British Geological Survey (BGS) guidance for Mineral Safeguarding published in 2011.

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6.29 Where non-mineral development is proposed which could potentially sterilise minerals resource, developers will be required to carry out investigation work to ascertain whether economically viable mineral resources are present and whether prior extraction is practicable. The results of this work should be reported in a 'Minerals Resource Assessment' that is submitted with any application (for more detail see separate guidance on safeguarding). For the Authorities to raise no objection to the non-mineral development, they will need to be satisfied that either minerals sterilisation will not occur (either because the mineral resources are not economically viable or that an appropriate and practicable level of prior extraction can take place) or because there is an overriding need for the development.

6.30 No strategic need for chalk extraction was identified in the WMP, and there is no evidence to suggest that the situation has altered. No areas have therefore been identified to safeguard chalk resource within the review.

Soft Sand

6.31 When considering proposals for mineral extraction, national policy⁽¹¹⁾ requires planning authorities to 'provide the provision of non-energy minerals outside of National Parks, the Broads, Areas of Outstanding Natural beauty and World Heritage Sites, scheduled monuments and conversation areas' where practicable. However, the soft sand resource within East Sussex lies entirely within the boundary of the South Downs National Park. This soft sand resource then extends through the SDNP and its boundary in West Sussex and Hampshire.

6.32 As soft sand resource in the south east is relatively limited and constrained by a number of designated landscapes⁽¹²⁾, the Plan safeguards the extent of the soft sand resource in East Sussex.

Policy RM3

Minerals Safeguarding Areas

Mineral Safeguarding Areas (MSAs), as shown on the Policies Map, identify viable land-won mineral resources and sites.

Proposals for non-minerals development on or near the MSA that would sterilise or prejudice the extraction of the mineral resource, or result in incompatible development, should not be permitted.

11 NPPF paragraph 205

12 South East Soft Sand Position Statement

6 Providing for Minerals

Development proposals within areas shown as Mineral Safeguarding Areas on the Policies Map or that may affect a mineral operation or resource, must demonstrate that mineral resources will not be sterilised and the development is not incompatible with any permitted minerals operations.

The Authorities will periodically review and update Mineral Safeguarding Areas as required.

Prior Extraction of Mineral Resources (RM4)

Explanation

Prior extraction of minerals resources is required to be promoted and considered for development proposals which would sterilise resources. Following an assessment of viability of sand and gravel resource within the Plan Area, it is proposed that no additional sharp sand and gravel resource would be safeguarded. The non-permitted sand and gravel resources at Lydd Quarry will no longer be safeguarded due to the constraints of the site which would make it unviable for the resource to be extracted without damaging the specially designated environment. However a prior extraction policy is required to ensure that soft sand resource (all of which is to be safeguarded) is appropriately safeguarded and does not become sterilised. A separate policy requiring prior extraction where feasible and practicable has been included.

Purpose of Policy RM4 1

To ensure the best and most sustainable use of minerals by seeking their extraction prior to development.

6.33 *The NPPF requires that MPAs should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. Where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether there are economically viable mineral resources present and whether prior extraction is practicable. The Minerals Resource Assessment may conclude that prior extraction is not practicable due to constraints and location, delay to construction timetable, and effect on landform thereby making the site not viable for the proposed development. The*

Providing for Minerals 6

Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, in forming its view on the proposed development and provide advice to the Local Planning Authority.

Policy RM4

Prior Extraction of Mineral Resources

All developments within Mineral Safeguarding Areas should undertake prior extraction unless it can be demonstrated to the satisfaction of the MPA that:

a)The mineral resource would not be sterilised by the proposed development.

and/or

b)The mineral cannot be practically or feasibly extracted.

Safeguarding Minerals Infrastructure (RM5)

Explanation

The introduction of sensitive land uses in close proximity to minerals operations can have a detrimental impact on their ability to effectively operate. Issues such as noise and dust from existing infrastructure sites can affect incompatible development such as residential uses negatively. It is necessary to protect these facilities from encroachment of non-minerals development to support continued effective working of these facilities, therefore it is proposed that reference to the Agent of Change principle (para 182 of NPPF) is added to the Policy. *The list of safeguarded minerals infrastructure sites will be moved to the policies map.*

It is proposed that this section replaces Safeguarding Railheads and Wharves Policy (WMP15) on pages 89-90 of WMP and pages 26-27 of the Waste and Minerals Sites Plan, and that Policies WMP15 and SP9 are superseded by RM5.

6 Providing for Minerals

Purpose of Policy RM5 1

To ensure the continued provision of minerals to the plan area by protecting essential minerals infrastructure from encroaching development.

6.34 *National policies require Mineral Planning Authorities (MPAs) to assess the need for existing, planned and potential wharf and rail facilities to be safeguarded and to encourage and promote the use of sustainable transport modes for the movement of minerals. Sustaining imports of marine aggregates through local wharves is particularly important in the Plan Area because of the scarcity of land based mineral resources in this area.*

6.35 *Marine borne aggregates are currently imported at the Ports of Rye, Newhaven and Shoreham. Material for the plasterboard factory at Robertsbridge is imported by rail. Bottom ash produced by the Newhaven Energy Recovery Facility is exported by rail to a processing facility outside the County. Crushed rock and other aggregates are imported by rail into the Plan Area at Newhaven. The majority of aggregates movements within the Plan Area are currently made by road.*

6.36 *There are currently no active chalk sites in the Plan Area and more recently chalk has been imported by road from West Sussex. Clay resources are linked to brickworks and none of these sites are close to rail facilities or ports to transport bricks within or out of the Plan Area. More detailed support for a modal shift in transportation of minerals is covered in Policy WMP 18.*

6.37 *Proposals for other uses at minerals wharves must demonstrate that sufficient alternative mineral wharf capacity (tonnage) is deliverable and available to ensure no net loss of capacity within the port before the Authorities would accede to alternative development of the site. Proposals for new residential, business or amenity development in proximity to aggregate wharves should be assessed to ensure the impact of existing operations is fully addressed. The safeguarding arrangements would apply to all existing permitted, planned and potential sites regardless of whether they are currently in use.*

6.38 *Proposals affecting safeguarded mineral infrastructure sites or within MCAs around these, including rail depots, wharves, concrete batching and asphalt plants, and aggregate recycling sites should be supported by a Mineral Infrastructure Assessment. This should provide sufficient evidence to enable the MPA to assess whether the proposed development is likely to have an adverse effect on the facility including its capacity.*

Providing for Minerals 6

6.39 The NPPF requires that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Development proposals in the vicinity of safeguarded wharves (including vacant wharves) should be designed to minimise the potential for conflicts of use and disturbance, in line with the Agent of Change principle.

6.40 The Joint Area Action Plan (JAAP) for Shoreham Harbour which was adopted in October 2019 sets out the future vision and planning policies for the Shoreham Harbour regeneration area. The intention is to consolidate port related uses in the eastern harbour arm. It is important that wharf safeguarding policies are applied to ensure capacity is maintained whilst regeneration proposals come forward.

6.41 Shoreham Port is partly within West Sussex, so landings at wharves in the West Sussex part may also help meet demand in the western part of the Plan Area. On that basis, provision of equivalent capacity (tonnage) of minerals wharfage within either part of Shoreham Port may be acceptable subject to similar safeguarding by West Sussex County Council as Minerals Planning Authority. Future joint working by authorities on the JAAP has been addressed through a Statement of Common Ground which has been agreed between the Shoreham Harbour Planning Authorities and the Shoreham Port Authority.

6.42 The wharves and railheads safeguarded for the purposes of minerals transportation are listed on the Policies Map.

6.43 The Newhaven Enterprise Zone which includes the Port of North Quay has been considered as part of the review. However it is considered that there is no need to change the direction or wording of the policy.

Policy RM5

Safeguarding Minerals Infrastructure

Existing, planned and potential railhead and minerals wharf facilities (including rail sidings) and their consequential capacity are safeguarded in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The need for railheads and minerals wharves will be monitored.

Capacity for landing, processing and handling and associated storage of minerals at wharves in Shoreham, Newhaven and Rye Ports is safeguarded. Alternative use proposals would need to demonstrate that there is no net loss of capacity for handling minerals within a port.

6 Providing for Minerals

Proposals for non-minerals related uses within the vicinity of a infrastructure site should be designed to minimise the potential for conflicts of use and disturbance in accordance with the Agent of Change principle. Proposals for incompatible non-minerals development will not be supported.

The Authorities will support the co-location of railheads and minerals wharves with processing capacity subject to it being demonstrated that this does not adversely affect space requirements for operational use.

The Authorities will periodically review and update Mineral Infrastructure Safeguarded Areas as required.

Safeguarding facilities for concrete batching (etc.) (RM6)

Explanation

It is proposed that the list of safeguarded facilities is removed from the policy wording and is moved to the Policies Map. The policies map would be periodically reviewed and updated as necessary.

It is proposed that this section replaces pages 27-28 of the Waste and Minerals Sites Plan. Policy SP10 is proposed to be superseded by RM6, as drafted below.

Purpose of Policy RM6 1

To ensure adequate provision of minerals of the plan area by protecting infrastructure facilities from encroaching development.

6.44 Whilst the development management of concrete batching and similar facilities are generally district and borough council planning matters, in order to provide a comprehensive safeguarding mechanism for minerals infrastructure in the Plan Area it is considered appropriate to safeguard such sites in the WMLP.

Providing for Minerals 6

6.45 *The NPPF requires that planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material. No such sites were received in response to the Call for Evidence and Sites consultation, and a need for additional facilities has not been identified.*

6.46 *Safeguarded concrete batching facilities are listed on the Policies Map.*

Policy RM6

Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area

Facilities for concrete batching, coated materials manufacture and other concrete products are safeguarded against development that would unnecessarily sterilise the facility or prejudice its use. The safeguarded facilities are identified in the Policies Map.

Proposals for non-minerals development on or near the site that would prejudice the use of the facility, or result in incompatible development, should not be permitted. The MPA will consider whether:

- *the proposed development is in accordance with a site allocation in an adopted local plan or neighbourhood plan;*
- *the site is no longer needed;*
- *the proposal is of a temporary nature; or,*
- *the capacity of the site can be relocated elsewhere.*

The Authorities will periodically review and update safeguarded facilities as required.

Minerals Consultation Areas (RM7)

Explanation

It is proposed that the extents of Mineral Consultation Areas are altered dependent on the constraints of each site. These can be found in the Policies Map. It is also proposed that a list of exempt development relating to MSAs, MCAs and prior extraction is included for clarity.

The proposed wording of these policies would allow the MPA discretion to raise concern in cases where the minerals sites and facilities may be adversely affected by non-minerals development.

6 Providing for Minerals

It is proposed that this section replaces Minerals Consultation Areas (SP11) on pages 28 & 29 of the WMSP.

Purpose of Policy RM7 1

To ensure appropriate consultation is undertaken by Local Planning Authorities on alternative development proposals.

6.47 Policies RM3 and RM5 seek to safeguard land-won minerals resources and minerals infrastructure from sterilisation and incompatible development. Minerals Consultation Areas (MCAs) are a means to ensure that, in determining non-minerals development by another local planning authority within the Plan Area, account is taken of the need to safeguard such assets. Brighton & Hove City Council and the South Downs National Park Authority can achieve this consideration within their own decision taking. In the County of East Sussex outside the South Downs National Park, local planning authorities need to consult the Minerals Planning Authority on relevant applications. To ensure a manageable process, Policy RM7 below sets out how the consultation process will be implemented.

Policy RM7

Minerals Consultation Areas

Within the County of East Sussex outside the South Downs National Park, the local planning authority will consult the Minerals Planning Authority on non-minerals development affecting, or potentially affecting, existing minerals sites and facilities identified in the Policies Map. Neighbourhood planning groups will also need to consult the relevant MPA where allocating land affecting MSAs in their Neighbourhood Plan.

Types of planning applications not included within the list below which fall into a Mineral Consultation Areas (MCA) will require the consultation of the Minerals Planning Authority. MCAs will be updated when necessary and included in Annual Monitoring Reports, and the local planning authorities informed accordingly.

Providing for Minerals 6

6.48 *The following exemptions would apply to sites located in MSAs and MCAs. The exemptions would also apply to the requirements for prior extraction and for consultations relating to both mineral resources sites and minerals infrastructure sites. Those listed would also be exempt from the requirements of Mineral Resource and Infrastructure Assessments.*

Excluded Development

- *Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse*
- *Applications for Advertisement Consent*
- *Applications for Listed Building Consent*
- *Lawful Development Certificate (LDC) for existing use, proposed use, or operation or activity in breach of a planning condition*
- *Applications for removal, variation and approval of conditions*
- *Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)*
- *Applications for reserved matters including subsequent applications after outline consent has been granted*
- *Application for non-material amendments*
- *Applications for small-scale urban infill development within existing built-up areas i.e. the development of a small gap between existing buildings/ enclosed by other types of development*
- *Developments within a conservation area within existing urban areas*

7 Development Management Policies

7 Development Management Policies

7.1 The Development Management Policies section in the WMLP sets out policies to be used in the determination of waste and minerals applications covering a range of topics such as environmental enhancement, transport, design and operation.

7.2 The Authorities' monitoring indicated that these policies are broadly operating as expected, and do not require altering at this time. However, it was identified that the supporting text of Policy WMP27 was factually incorrect and requires alteration. All other policies within this section apart from WMP27, which is to be replaced by Policy RD1 below, remain unchanged.

Environment and Environmental Enhancement (RD1)

Explanation

Policy WMP27 and its supporting text seeks to conserve and enhance the environment. This is a development management policy and is intended to be a general policy that can be applied to a wide range of proposals. Three changes are being proposed to this policy and its supporting text:

1. Addition of specific reference to net gain in biodiversity

In the NPPF it is identified that plans must contribute to net gain of biodiversity. Presently, WMP 27 seeks to maximise opportunities to increase biodiversity and habitat creation. The NPPF now requires almost all development to result in net gains in biodiversity. The policy has been updated to reflect this new emphasis. The policy text has also been shortened and made more flexible by identifying environmental and historic designations as a whole, instead of listing specific designations.

2. Alteration of supporting text in relation to Habitats Regulation Assessments

The supporting text of WMP27 provides guidance in a grey box to be used when undertaking Habitats Regulations Assessments (HRA), ⁽¹³⁾ which the Authorities are required to undertake at specific times set out in law. The first part of the HRA process is called screening, which identifies if further assessment is required.

13 The Conservation of Habitats and Species Regulations 2017 transposes the Habitats Directive and elements of the Birds Directive into English Law. These directives seek to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora and require certain assessments to be undertaken in certain circumstances.

Development Management Policies 7

Within the guidance in the grey box the third paragraph and footnote 89 makes reference to the advice given in the Design Manual for Roads and Bridges which indicates "*that if the increases in traffic [arising from a development] will amount to less than 200 Heavy Duty Vehicles (HDV) movements per day the development can be scoped out of further assessment*".

In 2017, a High Court judgement in the case of *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 (Admin) found that in following the advice of the Design Manual for Roads and Bridges by using a 200 HDV vehicle limit as a threshold for screening, Lewes District Council, when undertaking a Habitats Regulation Assessment on their Joint Core Strategy, had failed to consider the cumulative impact of the development proposed in their local plan in combination with those proposed within the Wealden Local Plan. The judgement also undermined the use of a 1% threshold to determine if a scheme may be screened out. The supporting text in the WMP, which was based on the best advice available in 2013, follows an approach similar to Lewes District Council. The Authorities are, therefore, seeking to amend the supporting text in order to update it in light of the judgement.

3. Alteration to supporting text to include reference to soils in relation to biodiversity and climate change.

The importance of the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Measures for protecting and minimising disturbance to soils should be included in an Environmental Statement. Reference to this requirement is therefore included in the supporting text.

7.3 It is proposed that this section replaces Environment and Environmental Enhancement (WMP27) on pages 113-116 of the WMP. Policy WMP27 Environment and Environmental Enhancement would be superseded by RD1 Environment and Environmental Enhancement.

Purpose of Policy RD1

To conserve and enhance the built and natural environment including: natural assets; biodiversity and geodiversity; landscapes; historic environment; geology and geomorphology; Heritage assets; and landscape character.

7 Development Management Policies

7.4 *The Plan Area has a range of natural and built features which are recognised for their environmental and / or historic qualities, a number of which are formally recognised via international, national, or local level designations.⁽¹⁴⁾ Within the existing policy hierarchy, sites or features designated at a national or international level receive statutory protection via legislation. Others designated at a more local level carry less policy weight in decision-making, although the Authorities recognise that such features are an important part of the local environment.*

14 See map x, page y.

Development Management Policies 7

Policy RD1

Environment and Environmental Enhancement

To conserve and enhance the built and natural environment development should:

- a) protect and enhance designated sites, areas and features of environmental and historic importance.⁽¹⁵⁾*
- b) seek to achieve net gain in biodiversity and;*
- c) maximise opportunities for habitat creation including inter-connectivity between habitats within and outside the site.*

Permission will not be granted where:

- a) a site or area of international importance is adversely affected, unless there is an imperative overriding public interest for the development, or*
- b) the development would have a significant⁽¹⁶⁾ adverse impact on such a site, area or feature as referred to in a. above.*

7.5 *Proposals are expected to assess these issues within an Environmental Statement, particularly if there are known features in the vicinity of the application site. Any proposals for the provision for net gain in biodiversity to be achieved should be proportionate to the proposed development.*

7.6 *The importance of the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'.*

7.7 *Where appropriate, the Authorities will include planning conditions that provide for notification, evaluation and (if confirmed) recording of important natural or archaeological features that may be encountered and, where relevant, the retrieval of finds and placing in recognised*

¹⁵ A list of different types of designated sites can be found in the Local Policies Map that accompanies this document. Where there is evidence that identifies an un-designated environmental or historic site, area or feature as important, these are considered in the same way as designated site of similar characteristics.

¹⁶ When assessing significance the appropriate tests as set out in the NPPF, where relevant, will be applied.

7 Development Management Policies

national collections. Agreements for restoration, after-care and after-use will be flexible to allow for active conservation of any interest, as they are discovered, throughout the life of the planning permission.

8 Implementation and Monitoring

8.1 It is proposed that the implementation and monitoring table in section 7 of the Waste and Minerals Plan (pages 120-137) is updated. Entries for policies WMP4, WMP7a, WMP7b, WMP11, WMP14, WMP15 and WMP27 would be deleted and replaced with the table below.

8.2 Monitoring and reporting on the implementation of the policies in the Plan is important to establish whether they are being successful in achieving their aims. Monitoring also allows corrective action to be taken if the aims of the Plan are not being met. Performance of the policies is currently and will continue to be evaluated yearly and reported via the Local Aggregates Assessment and Annual Monitoring Report.

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
RD1 - Sustainable Locations for Waste Development	ESCC, BHCC, SDNPA Strategic waste facilities developed in the most sustainable locations.	Waste industry Minerals industry	Strategic facilities located consistent with the approach identified in the Plan.	Locations of waste facilities consistent with policy.
WMP4	ESCC , BHCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.	Minerals industry Environment Agency Landowners Port Authorities	A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period	Data about land-won minerals extracted in the Plan Area or landed at ports within the Plan Area.

8 Implementation and Monitoring

<i>Policy</i>	<i>Delivery Body/Mechanism</i>	<i>Key Delivery Partners</i>	<i>Delivery Target (how much, when, where)</i>	<i>Delivery Indicator</i>
<i>RM1 Provision of Aggregates</i>	ESCC, BHCC, SDNPA Importation of aggregates by sea, rail, and road. Provision of recycled and secondary aggregates for use in the Plan Area	Minerals industry CDEW industry Environment Agency Landowners Port Authorities	Sufficient primary and recycled/secondary aggregates provided to the Plan Area over plan period.	Data about C&D waste being recycled at permitted waste sites. Data on imports of aggregates to the Plan Area. Consumption of aggregates in the Plan area. Data about C&D waste being recycled at permitted waste sites.

Implementation and Monitoring 8

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
<p>RM3 - Safeguarding Mineral Resources</p> <p>RM4 - Prior Extraction of Minerals Resources</p>	<p>ESCC, BHCC, SDNPA</p> <p>Safeguarding of land-won resources and identifying consultation areas. Development industry to undertake prior extraction of minerals where feasible.</p>	<p>District/Borough councils.</p> <p>Minerals industry</p> <p>Environment Agency</p> <p>Natural England</p>	<p>No viable resources sterilised.</p> <p>Work on a Waste and Minerals Sites Plan (to include Minerals Consultation Areas around permitted sites,) will commence within 12 months of adoption of the Plan.</p>	<p>Number of applications for built development on safeguarded or consultation areas.</p>
<p>RM5 - Safeguarding Minerals Infrastructure</p>	<p>ESCC & BHCC</p> <p>Identify and safeguard sites and capacities at wharves and railheads.</p>	<p>District/Borough councils and regeneration area partners</p> <p>Port Authorities</p> <p>Minerals industry</p> <p>Waste industry</p> <p>Network Rail</p>	<p>No net loss of wharf/rail capacity in any Port in the Plan Area.</p>	<p>Annual monitoring of wharf status (active or redundant) and existing rail sidings/tracks.</p> <p>Number of applications for built development on safeguarded wharves/rail sidings.</p>

8 Implementation and Monitoring

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
RD1 - Environment and Environmental Enhancement	ESCC, BHCC, SDNPA	Waste/minerals industry Environment Agency	Proposals should minimise environmental impacts where possible and mitigate where necessary.	Ongoing monitoring of conditions on waste developments.
	Industry to address environmental protection in proposals.	Natural England	Overall maintenance, and where possible enhancement, of environmental assets in the Plan Area.	Enforcement cases or complaints about environmental assets related to waste/minerals developments.

8.3 Policy RM2 Provision of Clay is monitored under the arrangements for WMP13 Provision of Clay.

Summary of Proposed Amendments 9

9 Summary of Proposed Amendments

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
WMP - Overarching Strategy: Local Strategy Statement - Approach to Key 'Larger than Local' Matters [p25-32]	The section Local Strategy Statement - Approach to Key 'Larger than Local' Matters is deleted .	Factual update.
WMP Minerals and Waste Development in the South Downs National Park (WMP2)	Replaced by RPD - Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty (RV1) [p14-17]	Clarification of policy and factual update.
WMP - Sustainable Locations for Waste Development (WMP7a, 7b) [p59-62]	Replaced by RPD - Sustainable Locations for Waste Development Policy (RW1) [p18-21]	To clarify an ambiguity in the existing policy requirements.
WMP - Provision of Aggregates (WMP11) [p78-81]	Replaced by RPD - Provision of Aggregates (RM1) [p22-27]	To reassess the approach to aggregates provision in the context of depleting permitted land-won reserves in the Plan Area. Following consideration of reasonable alternatives, the new approach does not allocate any additional sites, but will rely on imported material and recycled aggregate.
WMP - Provision of Clay (WMP13) [p84-85]	Replaced by RPD - Provision of Clay (RM2) [p27-28]	To allocate a new area for clay extraction at the existing Aldershaw Quarry for a submission to the 'call for sites'.
WMSP - Section 4 Providing for Minerals paragraphs 4.1 to 4.6 [p24]	WMSP - Section 4 Providing for Minerals paragraphs 4.1 to 4.6 [p24] are deleted .	Factual update to reflect proposed amendments.
WMP - Safeguarding Minerals Resources (WMP14) [p86-88] WMSP - Safeguarding Minerals Resources (paragraphs 4.1-4.23) and	Replaced by RPD - Safeguarding Minerals Resources (RM3) [p28-31]	To consolidate the policy requirements into a single policy for added clarity.

9 Summary of Proposed Amendments

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
Policy SP8 Minerals Safeguarding Areas for land won minerals resources within the Plan Area [p24-25]		
	New Policy RPD - Prior Extraction of Minerals (RM4) [p32-33]	New policy requirement to require extraction of mineral resources prior to alternative development proposals commencing within Minerals Safeguarding Areas in some circumstances
WMP - Safeguarding Railheads and Wharves (WMP15) [p89-90]	Replaced by RPD - Safeguarding Wharves and Railheads (RM5) [p33-36]	To incorporate reference to the 'agent of change' principle introduced in the revised National Planning Policy Framework
WMSP - Safeguarding Wharves, Railheads and Concrete Batching: Wharves and Railheads (paragraphs 4.12-4.19) and Policy SP9 Safeguarding wharves and railheads within the Plan Area, Sand [p26-27]		
WMSP - Safeguarding Wharves, Railheads and Concrete Batching: Concrete Batching Plants (paragraphs 4.20-4.21) and Policy SP10 Safeguarding facilities for concrete batching, coated minerals manufacture and other concrete products within the Plan Area	Replaced by RPD - Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products with the Plan Area (RM6) [p36-37]	To remove the list of safeguarded facilities from the policy wording and instead illustrate on the Policies Map, to enable easier updating.

Summary of Proposed Amendments 9

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
WMSP - Minerals Consultation Areas (paragraphs 4.22-4.23) and Policy SP11 Minerals Consultation Areas [p28-29]	Replaced by RPD - Minerals Consultation Areas (RM7) [p37-39]	To revise the extents of Mineral Consultation Areas to take into account the constraints of each site.
WMP - Environment and Environmental Enhancement (WMP27) [p##-##]	Replaced by RPD - Environment and Environmental Enhancement (RD1) [p40-44]	<ol style="list-style-type: none"> 1. To add a requirement for a net gain in biodiversity. 2. To update the policy requirements to take into account the judgement in Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] 3. Factual update to incorporate reference to solis conservation

Table 1

10 Maps

10 Maps

10.1 Location of Waste Management Facilities Map

DRAFT

Locations of Existing Permitted Waste Management Sites Within the Plan Area

- Construction & Demolition Recycling Facility
- Composting Facility
- Energy Recovery Facility
- Inert Landfill
- Metal/End of Life Vehicle Facility
- Other Facility
- Recycling/Transfer Facility

South Downs National Park

Urban Areas

Waste Throughput
(tonnes per annum)

Up to 25,000 tpa

25,000-100,000 tpa

Over 100,000 tpa

Brighton & Hove

Inset 1

NEWHAVEN

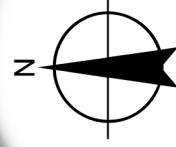
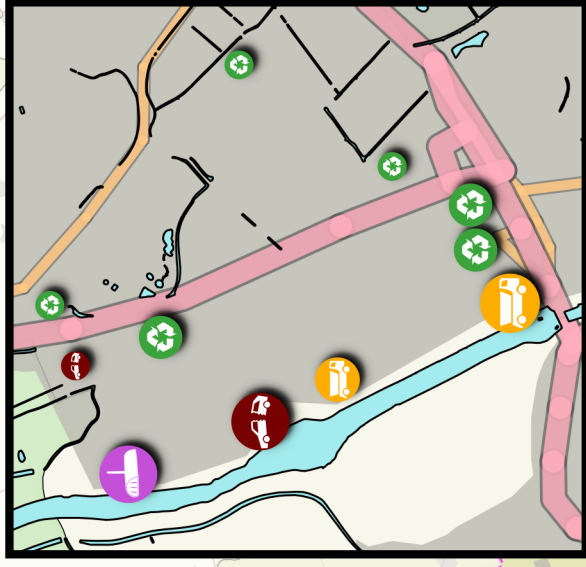
5

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5

10 miles

Inset 1 (Newhaven)



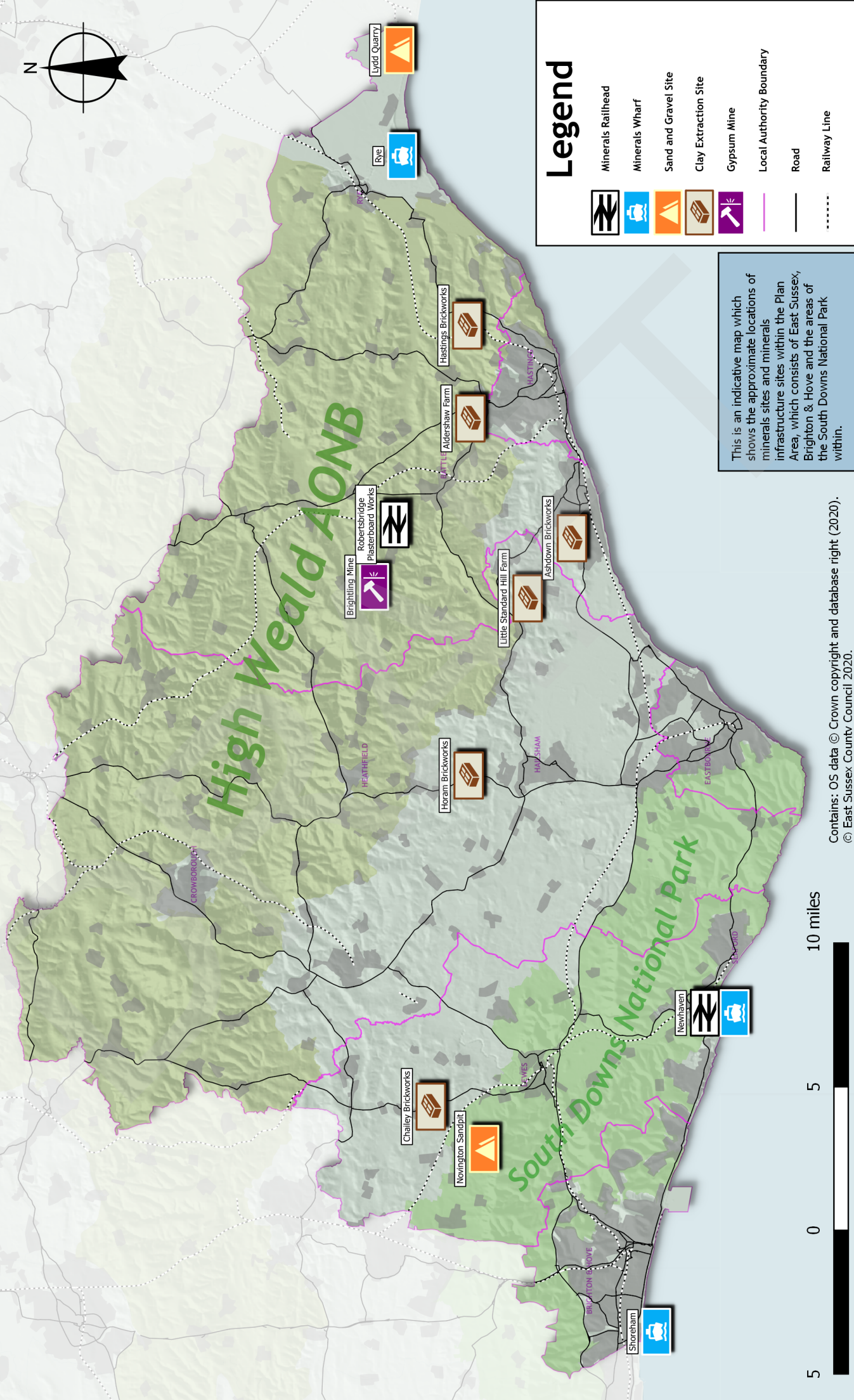
This is an indicative map showing approximate locations of different types of waste management facilities within the Plan Area. 'Other Facility' refers to facilities that do not fall into the main classifications, including specialist oil and plasterboard treatment and leachate tanks. This map does not show wastewater treatment facilities.

10 Maps

10.2 Minerals Sites and Infrastructure Map

DRAFT

Locations of Minerals Sites and Infrastructure Within the Plan Area

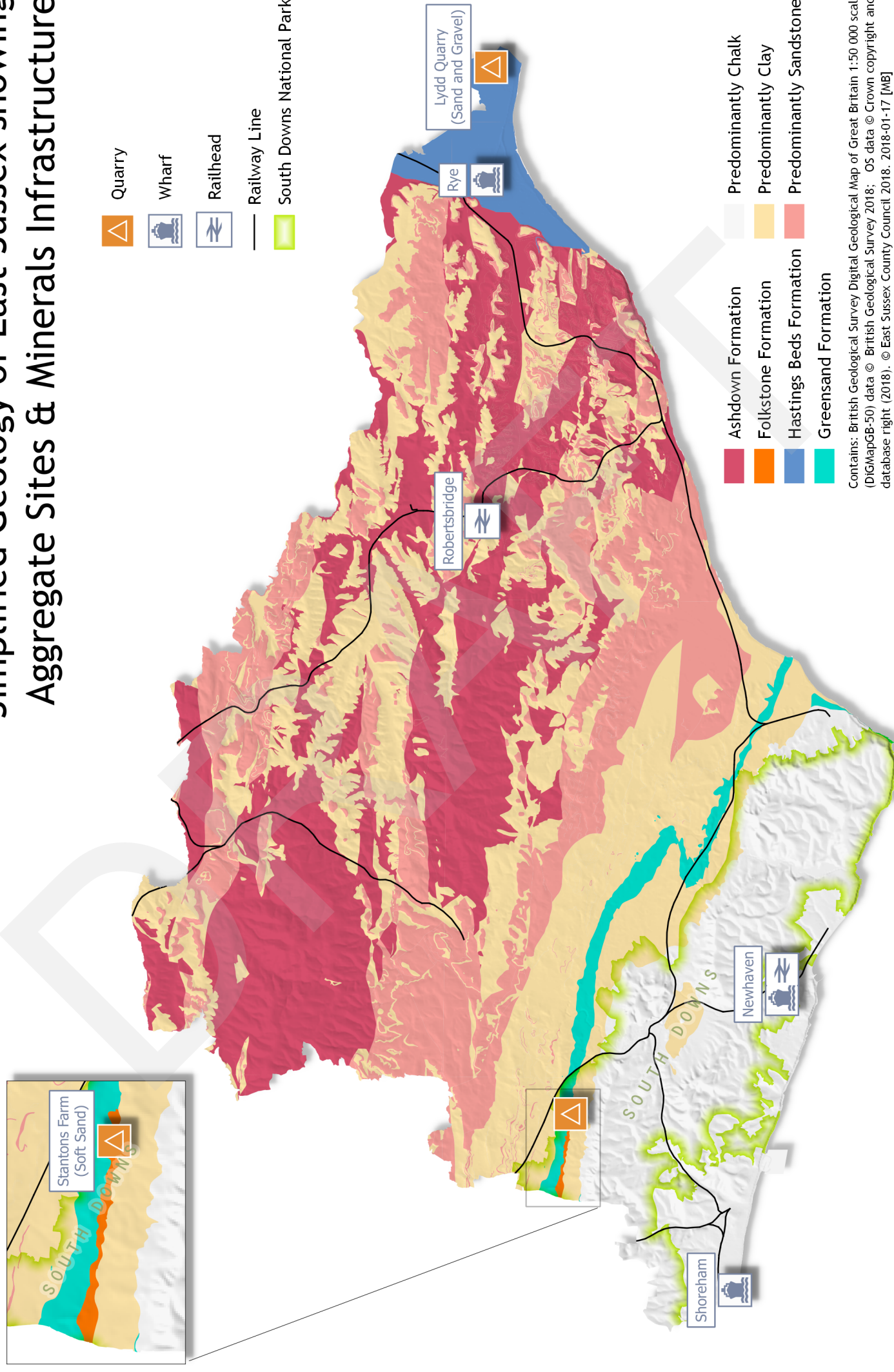


10 Maps

10.3 Simplified Geology Map

DRAFT

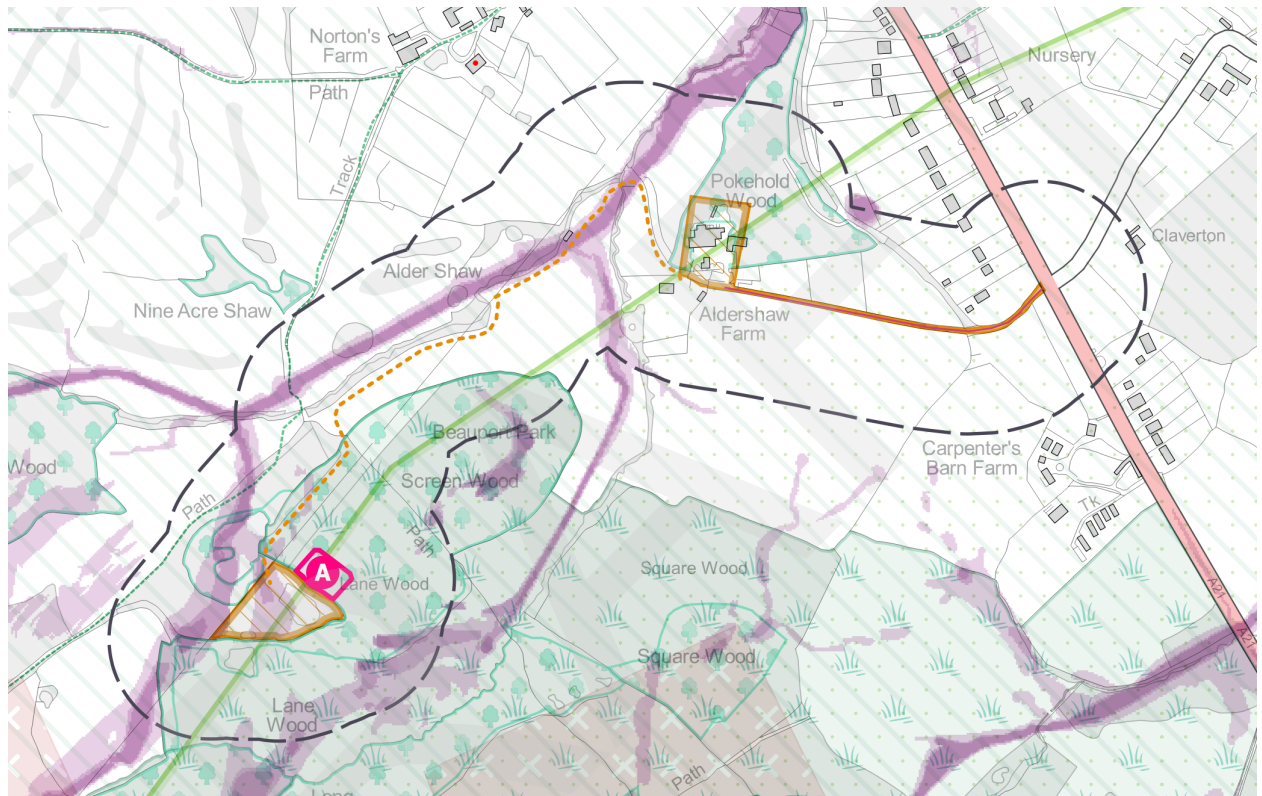
Simplified Geology of East Sussex showing Aggregate Sites & Minerals Infrastructure



11 Site Profiles

11 Site Profiles

11.1 M/ALD Sedlescombe - Pokehold Wood, Kent Street (Aldershaw Handmade Tiles Ltd)



Scale: 1:7,500 @ A4 XY: 578621, 115229 (A) = M/ALD Allocation
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Map 1 SP-A/A Hangleton Bottom, Hangleton Link Road, North Portslade

Site Details

Site type:	Allocation	Local Authority:	Rother District
Grid reference:	TQ 783 150	Parish:	Battle CP; Westfield CP.
Area:	0.2 ha proposed extraction area	Electoral Division	Battle & Crowhurst; Brede Valley & Marsham.

ref: R-S1-001 / 578308 / 115010

Site Profiles 11

Description

11.1 The existing extraction site is a small clay quarry located approximately 8km north of Hastings on the west side of the A21 within the High Weald Area of Outstanding Natural Beauty. The access to the site is via a 350m long track leading from the A21. The tile works is a small scale operation which primarily produces hand made tiles, many of which are used in the restoration of historic buildings. The existing clay pit, from which raw materials are won, is located approximately 600 metres south-west of the works site. The proposed extension site is located immediately to the north-east of the existing clay pit in an area of self regenerated woodland which is included within an area of ancient woodland.

Other Information

11.2 Extension to existing quarry.

Development Considerations*

- Records of historic finds at location with similar topographic properties to this site. Potential for archaeological finds; (un-designated).
- Ancient woodland present on site. A compensatory strategy will be required as part of any proposed development.
- Beauport Park Local Wildlife Site covers part of site, other local wildlife sites and sites of special scientific interest are nearby.
- Records indicate potential for protected species or their habitats on or near site.
- Overland surface water flow routes present on or near site.
- National Grid infrastructure near site.
- Site is located within High Weald AONB.
- Public footpath near site.

Opportunities*

11.3 The following opportunities may be present at this site:

- Potential for environmental enhancement (including habitat and landscape) in restoration of site.

Compliance with specific NPPF tests

11.4 The principle of this allocation is considered to be in accordance with paragraphs 172 and 175 of the NPPF (protected landscapes and ancient woodland) owing to the specialist nature of the proposed operation and the lack of availability of the required clay.

11 Site Profiles

Sustainability Appraisal Summary

11.5 Development on this site is likely to have a positive effect on the sustainable use of local mineral resources. It may have a minor positive effect in reducing adverse impacts of transporting waste and minerals on the environment; contribute to the growth of a sustainable and diversified economy; and provide employment opportunities and develop and maintain a skilled workforce. Development on this site, without mitigation, may have a negative effect on the biodiversity and geodiversity of Beauport Park Local Wildlife Site. Depending on the detail of any development it may also affect the causes of and adapt to climate change; protect East Sussex and Brighton & Hove's countryside and historic and built environment.

Habitats Regulation Assessment Summary





11.6 Extension to quarry would not lead to likely significant effects on European sites.

* The development considerations and opportunities listed are not exhaustive. Other issues may emerge at the development management stage.









Waste and Minerals Draft Revised Policies

Inset Map Legend




Local Plan Designations

-  Allocation (RM2)
-  Existing Site (RM3)
-  Existing Site Access (RM3)
-  Minerals Consultation Area (RM7)




Heritage Designations

-  Archaeological Notification Areas
-  Conservation Areas
-  Listed Building, Grade I
-  Listed Building, Grade II*
-  Listed Building, Grade II
-  Registered Battlefield
-  Registered Parks and Gardens
-  Scheduled Monument


















Groundwater Protection Zones

-  Inner zone (Zone 1)
-  Outer zone (Zone 2)
-  Total catchment (Zone 3)

Flood Zones

-  Flood Zone 3b
-  Flood Zone 3a
-  Flood Zone 2

Environmental Designations

-  Air Quality Management Area (AQMA)
-  Ancient Woodland
-  AONB
-  Biodiversity Action Areas
-  DEFRA Noise Priority Areas
-  Local Geological Site (LGS)
-  Local Nature Reserve
-  Marine Conservation Zone
-  National Nature Reserve
-  National Park
-  Ramsar Site
-  Registered Country Parks
-  Right of Way
-  Site of Nature Conservation Interest (SNCI)
-  Site of Special Scientific Interest (SSSI)
-  Special Areas of Conservation (SAC)
-  Special Protection Areas (SPA)

Surface Water Flood Zones

-  1000 year event
-  100 year event
-  30 year event

12 Glossary

12 Glossary

Annual Monitoring Report (AMR) - a yearly report produced by the Authorities which monitors the effectiveness of the Local Plan and its policies.

Area of Focus - broad locations that are considered suitable, in principle, for the development of waste recycling and recovery facilities as defined in paragraph 5.7 of this document.

Area of Outstanding Natural Beauty (AONB) - area with a statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty.

Call for Evidence and Sites (CfES) - a public consultation event where a council or authority asks for landowners, developers or any other interested parties to submit a site to be considered for inclusion in a Local Plan.

Commercial and Industrial Waste (C&I) - waste produced by business and commerce, which includes waste from restaurants, offices, retail and wholesale businesses, and manufacturing industries.

Construction, Demolition and Excavation waste (CDEW) - Waste arising from the construction and demolition of buildings and infrastructure. Materials arising in each of the three streams (i.e. Construction; Demolition; Excavation) are substantially different: construction waste being composed of mixed non inert materials e.g. timber off cuts, plasterboard, metal banding, plastic packaging; demolition waste being primarily hard materials with some non inert content e.g. bricks, mortar, reinforced concrete; and excavation waste being almost solely soft inert material e.g. soil and stones.

Energy Recovery - covers a number of established and emerging technologies, though most energy recovery is through incineration technologies. Many wastes are combustible, with relatively high calorific values - this energy can be recovered through processes such as incineration with electricity generation, gasification or pyrolysis.

Incinerator Bottom Ash (IBA) - a burnt residue produced as a by-product of burning of waste at high temperatures under controlled conditions.

Local Aggregate Assessment (LAA) - a yearly monitoring report required by the NPPF in which the Minerals Planning Authority forecast and assess the aggregates produced, imported and used within the Plan Area.

Local Authority Collected Waste (LACW) - formally known as Municipal Solid Waste (MSW), is waste that is collected by a waste collection authority. The majority is household waste, but LACW waste also includes waste from municipal parks and gardens, beach cleansing, cleared fly-tipped materials and some commercial waste.

Glossary 12

Marine Dredged Aggregates (MDA) - aggregates sourced by dredging from the sea bed.

Marine-Borne Material - minerals including aggregates transported and imported by sea, which may be either dredged from the sea bed or transported from other areas.

Materials Recovery Facility - facility which receives and sorts recyclable materials for processing.

Mineral Consultation Areas - areas of where district and borough planning authorities should notify the County Council if applications for development come forward. This should prevent mineral resource being lost ('sterilised') or minerals infrastructure being adversely affected.

Minerals Infrastructure - sites and facilities required for the landing, importation, storing, handling, sorting, processing and transportation of both land-won and marine-borne minerals.

Minerals Infrastructure Assessment - a document to assess whether the proposed development is likely to have an adverse effect on the infrastructure facility including its capacity. For further information see Minerals Product Association / Planning Officers Society guidance.

Minerals Resource Assessment - an assessment to provide sufficient information to enable the Minerals Planning Authority and Local Planning Authority to consider the potential effect of non-exempt development in MSAs/MCAs on safeguarded minerals resources, and the viability of prior extraction of mineral ahead or in conjunction with the non-mineral development. For further information see Minerals Product Association / Planning Officers Society guidance.

Mineral Safeguarding Areas - areas of known mineral resource that are of local or national importance (such as building stones) to warrant protection for the future.

Minerals Planning Authority (MPA) - the planning authority responsible for planning control of minerals development.

Mitigation - actions to prevent, avoid, or minimise the actual or potential adverse effects of a development, plan, or policy.

Non-inert Waste - Waste that is potentially biodegradable or may undergo any significant physical, chemical or biological change when deposited at a landfill site. Sometimes referred to as 'non-hazardous waste'.

Plan Area - The geographical area covered by this Plan. This encompasses the historic County of East Sussex, i.e. East Sussex, Brighton & Hove and the area of the South Downs National Park within East Sussex and Brighton & Hove.

Primary Aggregates - naturally-occurring mineral deposits that are used for the first time.

12 Glossary

Recovery - 'Recovery' refers to waste treatment processes such as anaerobic digestion, energy recovery via direct combustion, gasification, pyrolysis or other technologies. These processes can recover value from waste, for instance by recovering energy or compost, in addition they can reduce the mass of the waste and stabilise it prior to disposal. The definition of recovery set out in the EU Waste Framework Directive applies which states: " 'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy."

Recycled Aggregates - are derived from reprocessing waste arisings from construction and demolition activities (concrete, bricks, tiles), highway maintenance (asphalt planings), excavation and utility operations. Examples include recycled concrete from construction and demolition waste material, spent rail ballast, and recycled asphalt.

Recycling - the processing of waste materials into new products to prevent waste of potentially useful resources. This activity can include the physical sorting of waste which involves separating out certain materials from mixed waste.

Restoration - methods by which the land is returned to a condition suitable for an agreed after-use following the completion of waste or minerals operations.

Secondary Aggregates - recycled material that can be used in place of primary aggregates. Usually a by-product of other industrial processes. Examples include blast furnace slag, steel slag, pulverised-fuel ash (PFA), incinerator bottom ash, furnace bottom ash, recycled glass, slate aggregate, china clay sand, colliery spoil.

Sustainability Appraisal - a tool for appraising policies to ensure they reflect sustainable development objectives. The Planning and Compulsory Purchase Act 2004 requires a sustainability appraisal to be undertaken for all development plan documents.

Sustainable Development - in the broadest sense, sustainable development is about ensuring well-being and quality of life for everyone, now and for generations to come, by meeting social and environmental as well as economic needs.

Transfer Facility - facility where waste is bulked up before being transported to another facility for further processing.

Waste and Minerals Local Plan (WMLP) - term used to describe the suite of Plan Documents and other items prepared by the Authorities, that outline the planning strategy for waste and minerals for the Plan Area.

Glossary 12

Waste and Minerals Plan (WMP) - the plan that sets out the long-term spatial vision for the area and the strategic policies to deliver that vision.

Waste and Minerals Sites Plan (WMSP) - the plan that details specific sites where waste and minerals development is preferred.

Abbreviations

AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
CDEW	Construction, Demolition and Excavation Waste
CfES	Call for Evidence and Sites
C&I	Commercial & Industrial Waste
DtC	Duty to Cooperate
DSG	Desulphogypsum
LAA	Local Aggregate Assessment
LACW	Local Authority Collected Waste
MCA	Mineral Consultation Area
MDA	Marine Dredged Aggregate
MMO	Marine Management Organisation
MPA	Minerals Planning Authority
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
RPD	Review Plan Document
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SDNP	South Downs National Park
SDNPA	South Downs National Park Authority

12 Glossary

SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WMP	Waste and Minerals Plan
WMLP	Waste and Minerals Local Plan
WMSP	Waste and Minerals Site Plan

Table 1

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Table 1

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14 Copyright Notices

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Acronyms

East Sussex County Council: ESCC

South Downs National Park Authority: SDNPA

Brighton & Hove City Council: BHCC

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