

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

**Waste and Minerals Local Plan**  
**Revised Policies**

*Proposed Submission Consultation Document*

September 2021





## Draft Revised Policies Consultation 2021

### Draft Revised Policies Consultation 2021

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. In 2020, the Authorities published and held a public consultation on a proposed Draft Revised Policies document. This is a Local Plan document that seeks to alter and update parts of the existing minerals and waste local plan documents. Since then, the Authorities have considered the response to that consultation and drafted a second version of the Draft Revised Policies (this document). It has now been published for a second public consultation known as a Pre-Submission or Regulation 19 Consultation.

#### What is a Pre-submission / Regulation 19 Consultation?

Before a Local Plan can be adopted as policy, it must be subject to a Public Examination by an independent Inspector. The Inspector examines whether the plan has met certain legal requirements and is 'Sound'. For a plan to be sound, it must be positively prepared, justified, effective and consistent with national policy. The Pre-submission / Regulation 19 Consultation seeks your views on whether the draft Plan has met the required legal requirements, whether it is sound or not, and if it is not sound, how it should be altered to make it sound.

#### 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](#).

Your response should clearly state:

1. if your comment relates to the legal compliance and / or soundness of the plan;
2. the issue(s) that you wish to raise;
3. and in the case of comments relating to soundness, how the plan should be altered to make it sound.

Comments may be submitted:

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

**Email - [wasteandmineralsdf@eastsussex.gov.uk](mailto:wasteandmineralsdf@eastsussex.gov.uk)**

**Post - RPD Consultation 2021, 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 **TBC**.**

## Draft Revised Policies Consultation 2021

### **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 these, along with the Plan and its supporting evidence, will then be re-published and submitted to the Government to start a Public Examination into the Plan. An independent inspector will then consider the responses to this consultation and examine the legal compliance and soundness of the Plan. If the Inspector finds the Plan to be sound and legally compliant the Authorities will then seek to adopt it as policy.

### **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](mailto: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** The purpose of the review principally focuses on minerals provision, as well as updating and clarifying certain other policies, it is not a complete review of the WMLP. This document therefore 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). This period differs from the period covered by the existing WMLP. However, at the completion of this review, a full plan review of the entire WMLP will be undertaken which will provide an opportunity to align the Plan period. 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 an additional policy for the provision of an additional area of clay extraction at Aldershaw Farm. No other alterations to the existing strategy are being proposed at this time.

**1.5** This document, if adopted, will join the other WMLP documents in forming part of the Development Plan for the administrative areas set out in Paragraph 1.3. This means that relevant policies within the WMLP documents apply to all development within this area, not just proposals for waste and minerals development, and that other local authorities within this area will need to consider relevant WMLP policies when determining planning applications. Similarly, other relevant Development Plan documents besides the WMLP will need to be considered when determining applications for waste and minerals development.

# 1 Introduction

**1.6** Once this review has been completed, a composite version of the Waste and Minerals Local Plan comprising of the Waste and Minerals Plan and the Waste and Minerals Sites Plan, incorporating the changes proposed in this document will be published.

## 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 grey 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 Minerals Local Plan from the WMP, WMSP and this document, the Revised Policies 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
<b>Overarching Strategy</b>				
WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted
<del>WMP2</del>	<del>Minerals and Waste Development affecting the South Downs National Park</del>	<del>WMP</del>	<del>36</del>	<del>Adopted</del>
<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
<b>Providing for Waste</b>				
WMP5	Provision of Built Waste Facilities	WMP	53	Adopted
<del>WMP7a</del>	<del>Sustainable Locations for Waste Development (Excluding Land Disposal)</del>	<del>WMP</del>	<del>61</del>	<del>Adopted</del>
<del>WMP7b</del>	<del>More Detailed Criteria for Waste Development</del>	<del>WMP</del>	<del>62</del>	<del>Adopted</del>
<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

## 2 Summary of Policy Review

Policy Number	Policy Title	Document	Page	Status
SP6	Safeguarding Waste Sites	WMSP	22	Adopted
SP7	Waste Consultation Areas	WMSP	23	Adopted
<b>Providing for Minerals</b>				
WMP11	Provision of Aggregates	WMP	81	Adopted
RM0	<u>Sustainable Use of Aggregates</u>	RPD	24	Draft
RM1	<u>Provision of Aggregates</u>	RPD	31	Draft
WMP12	Provision of Gypsum	WMP	83	Adopted
WMP13	Provision of Clay	WMP	85	Adopted
RM2	<u>Provision for an additional extraction area at Aldershaw Farm</u>	RPD	34	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	38	Draft
RM4	<u>Prior Extraction of Minerals</u>	RPD	40	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	43	Draft
SP10	Safeguarding facilities for concrete batching, coated materials...	WMSP	28	Adopted
RM6	<u>Safeguarding facilities for concrete batching (etc)</u>	RPD	46	Draft
SP11	Minerals Consultation Areas	WMSP	29	Adopted
RM7	<u>Minerals Consultation Areas</u>	RPD	47	Draft
WMP16	Exploration for Oil and Gas	WMP	92	Adopted
<b>Overarching Policies</b>				
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
<b>Development Management policies</b>				
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

## Summary of Policy Review 2

Policy Number	Policy Title	Document	Page	Status
WMP27	Environment and Environmental Enhancement	WMP	113	Adopted
RD1	Environment and Environmental Enhancement	RPD	51	Draft
WMP28a	Flood risk	WMP	117	Adopted
WMP28b	Water Resources and Water Quality	WMP	118	Adopted
<b>Diagrams</b>				
	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** *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.*

**3.3** *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 WMLP is not considered to require review at this time.*

**3.4** *The Authorities are committed to ensuring that the WMLP minimises and mitigates against contributory causes of climate change, as well as adapting to the changes to our climate that are likely to occur. This is especially pertinent given the Climate Emergency declared by each of the three Authorities, and emerging legislation and documents including the Government's 25 Year Environment Plan. The existing WMLP has policies concerning climate change, particularly WMP24a and WMP24b, which are considered to be still relevant and in accordance with higher level planning policy (i.e. the NPPF). The scope of the current review is largely limited to minerals provision, however the Authorities acknowledge that a review of the whole Plan in terms of climate change implications will be necessary in the future. For this reason the Authorities will commit to a future*



## Context 3

full plan review in order to reassess the entire plan in the context of climate change and key legislative changes, such as the Environment Bill (once enacted) and secondary legislation, policy changes and further guidance.

## 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 and the WMSP in 2017, the policy context for planning generally as well as 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 taken in this Plan revision are detailed below<sup>(1)</sup>. This is not an exhaustive list of documents, and does not include documents published before the publication of the WMP; a more complete list of documents will be available in the Sustainability Appraisal that will be published as part of this review.

### National Policies and Strategies

**3.6** National planning policy is set out in the '[National Planning Policy Framework](#)' (NPPF) (last updated July 2021). 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 following documents have also been taken into account when preparing the Review:

- The [25 Year Environment Plan](#) sets out the government's overall approach to protecting and improving the natural environment. The [Environment Bill](#), which has not yet been enacted, makes provision about targets, plans and policies for improving the natural environment.
- The [Ten Point Plan for a Green Industrial Revolution](#) sets out the government's approach to economic growth, supporting green jobs and accelerating the path to net zero.
- The [Energy White Paper](#) sets out how the UK will decarbonise its energy system and reach net zero emissions by 2050.
- 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 where products and materials are recovered and regenerated where possible. This document is of particular relevance to the production of secondary and recycled aggregates.

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<sup>1</sup> A list of references for this section is available in the Appendix.

### 3 Context

- [The Waste Management Plan for England](#) provides an analysis of the current waste management situation in England and aims to bring current waste management policies together under one national plan. The most recent iteration of the Plan, published in January 2021, includes changes relating to the promotion of a circular economy.
- [Practice Guidance on the Production and Use of Local Aggregate Assessments](#) is produced by the Planning Officers Society and the Minerals Products Association. The South East England Aggregates Working Party (SEEAWP), to which the Authorities are party, has also produced guidance on the production of LAAs. The Authorities have considered the guidance when working on this Plan Review and in preparing the LAA.
- The Planning Officers Society and the Minerals Products Association have produced [Minerals Safeguarding Practice Guidance](#) which has instructed the safeguarding of minerals resource and infrastructure in this Plan Review.

#### Local Plans and Strategies

**3.8** 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.

**3.9** The following local documents have been taken into account when preparing the Plan Review:

- 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.
- The South Downs National Park Authority (SDNPA) have produced a [Sustainable Construction Supplementary Planning Document](#) which expands upon the guidance provided in The South Downs Local Plan and sets out what the expectations are for different forms of development when applying the Local Plan policies relating to construction.
- Lewes District Council have produced a [Circular Economy Technical Advice Note](#) which encourages a circular economy approach involving the recovery and reuse of construction materials, for the development sectors within Lewes District.
- 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.
- West Sussex County Council and the SDNPA adopted their [Joint Minerals Local Plan](#) in 2018. A [Soft Sand Review](#) of the Plan was subsequently undertaken, which identified changes to the Plan, and was formally adopted in March 2021. The supply of soft sand is an important cross-boundary issue between Minerals Planning Authorities in the south of England.

## Context 3

- 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 within West Sussex are known to import significant amounts of marine dredged aggregate and crushed rock into the WMLP Area.
- The Shoreham Port Authority adopted their most recent [Port Masterplan](#) in 2021, setting out the Port's plans for future growth.
- The [Environment Strategy](#) for East Sussex was published in 2020, and sets out a long term goal for East Sussex to remain within its science-based carbon budget. The document focuses on five key themes: climate change, natural capital, air quality, water, and resource efficiency. East Sussex County Council have also agreed a [Climate Emergency Action Plan](#) which covers the Council's corporate carbon emissions, sets out the scale of the carbon footprint, describes the carbon budget that the Council will aim to keep within, and proposes an initial 2 year delivery plan for 2020-22. Brighton & Hove City Council adopted the [Carbon Neutral 2030 Programme](#) in 2021, setting out the direction for action on climate change for the Council, its partners and residents, in response to the climate and biodiversity emergency. The SDNPA also adopted a [Climate Change Adaptation Plan](#) in 2015 which sets out how the authority intends to meet the challenges and opportunities of climate change.
- The SDNPA [Partnership Management Plan](#) sets out a vision for what the National Park should look like by 2050. The SDNPA [People and Nature Network](#) sets out aims to create a connected network of green infrastructure.
- The [High Weald AONB Management Plan](#) sets out long term objectives for conserving the High Weald Area of Outstanding Natural Beauty.
- 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](#).
- 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.
- [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.
- 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.

### Industry Best-practice Guidance

**3.10** The following documents provide guidance on construction practices, and have been useful in developing policies for the Plan review:

### 3 Context

- The Royal Institute of British Architects (RIBA) have developed a [2030 Climate Challenge](#) which aims to ensure architects meet net zero carbon standards for new and retrofitted buildings by 2030.
- The Royal Institute of Chartered Surveyors (RICS) have produced the [Whole Life Carbon Assessment for the Built Environment](#) which is a professional statement that aims to standardise carbon assessments in development, and which all RICS members must act in accordance with.
- The UK Green Building Council (UKGBC) have produced a [framework definition on net zero carbon buildings](#) in order to provide the industry with clarity on how to achieve net zero carbon in construction. The UKGBC have also set out [Circular Economy Guidance for Construction Clients](#), which provides practical guidance for the construction industry.
- The Green Construction Board have set out the [Buildings Mission 2030](#) report, which demonstrates how achieving the 2030 target to halve all new building energy use over 2018 standards is achievable.

#### **Cross-boundary and Partnership Working and the Duty to Cooperate**

**3.11** 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](#).

**3.12** 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 number of draft SoCGs have 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**

**3.13** Large parts of the Plan Area are subject to 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

## Context 3

*a number of locally designated sites of importance for their wildlife and/or geology (Local Wildlife Sites and Local Geological Sites). These areas are protected in order to maintain the rich and varied landscape character and biodiversity within the Plan Area.*

**3.14** *The demography of the Plan Area affects the need for minerals as well as the generation of waste. The Plan area had an estimated total population of approximately 840,459 in 2017, 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 2034. The population in East Sussex is predicted to increase by approximately 10.86% between 2016 and 2031. The average household size is also expected to decrease from 2.22 in 2014 to 2.06 in 2039. These factors could lead to a greater demand for minerals in terms of impact on development and infrastructure and an increase in waste arisings, though a reduction in the average size of household may cause the waste generated per household to decrease.*

## Minerals and Waste Context

### Minerals in the Plan Area

**3.15** *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.*

**3.16** *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.*

**3.17** *Aggregates are minerals such as sand, gravel, and crushed rock, which are used in the development and improvement of infrastructure and buildings. Two types of sand and gravel are found in the Plan Area: sharp sand and gravel and soft sand, which have different uses. Historically there have been low levels of extraction of 'land-won' 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.*

### 3 Context

**3.18** *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.*

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

**3.20** *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.*

**3.21** *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**

**3.22** *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%.

**3.23** *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.*

**3.24** *Some waste is exported to other areas for management including non-inert waste to landfill. Approximately 47,000 tons of LACW and C&I waste was exported for land disposal at facilities outside of the Plan Area in 2018. This is an improvement on 2010/11 when approximately 147,000 tones of LACW was sent for land disposal outside the Plan Area.*



## Context 3

**Transport of Minerals and Waste**

**3.25** 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 improvements currently being implemented 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.

**3.26** Rail Freight movement of minerals and waste consists of gypsum and DSG imported into the mine at Robertsbridge; crushed rock, sand and 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. A new railhead facility in Newhaven exports aggregates into the wider South East market.

**3.27** Marine-borne aggregates are imported through the ports of Newhaven, Rye and Shoreham. Aggregate importation figures are available in the Authorities' [Local Aggregate Assessment \(LAA\)](#)

## 4 Overarching Strategy

### 4 Overarching Strategy

#### Explanation

The overarching strategy of the WMLP is set out in the WMP. It sets out the vision and strategic objectives <sup>(2)</sup> 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 Statements 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.

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2 See WMP pages 22-24.



## Overarching Strategy 4

### 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 (2021).

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 1600km<sup>2</sup> 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

## 4 Overarching Strategy

*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 1,461km<sup>2</sup> 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 designation's 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*

## Overarching Strategy 4

*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 and or 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. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

## 4 Overarching Strategy

**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<sup>(3)</sup>. 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).*

<sup>3</sup> *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 60 to the NPPF will be applied*

## Providing for Waste 5

# 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.

### Explanation

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.

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.

## 5 Providing for Waste

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.

No further amendments have been made to the proposed policy following the Regulation 18 consultation.

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

It is 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.*

**5.2** *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.*

**5.3** *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.*

**5.4** *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*

## Providing for Waste 5

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 being 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.

**5.5** 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,<sup>(4)</sup>
- 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).

**5.6** 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.

**5.7** 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 the Plan Document. Proposals will also be subject to the relevant statutory pollution control regulatory frameworks.

**5.8** 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.

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4 See Policy WMP 19.



## 5 Providing for Waste

**5.9** *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 5.5, 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<sup>(5)</sup>.*

*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<sup>(6)</sup>, unless there are overriding reasons why the lifespan should be extended.*

<sup>5</sup> *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.*

<sup>6</sup> *The lifespan of a site may, but does not necessarily, include restoration phases.*



## Providing for Minerals 6

# 6 Providing for Minerals

## Sustainable Use of Aggregates (RM0)

### Explanation

Following the 2020 consultation on the Draft Revised Policies a further review of the likely aggregate demand (See RM1) was undertaken. As part of that review it was identified that, whilst the adopted Waste and Minerals Local Plan promotes waste minimisation, it does not specifically address the topic of resource use and that support for resource minimisation could be more explicitly expressed. Representations received during the 2020 consultation also queried whether the use of recycled and secondary aggregates should be prioritised over virgin material. The Authorities recognise that aggregates are essential for construction, but they are also a finite resource which should be used prudently. The NPPF also recognises this in its definition of Sustainable Development (paragraph 8). Policy RM0 seeks to address these omissions.

**6.1** It is proposed that this section is inserted at the prior to Provision of aggregates WMP11 (pages 78-81) in the WMP.

### Purpose of Policy RM0

*To ensure the sustainable use of aggregates.*

**6.2** *Aggregates such as sand and gravel are used in construction, and are usually mined from the land, dredged from the seabed or recycled from existing construction industry waste. Secondary aggregates such as certain mineral waste can also be used in construction. As a mined or dredged material, aggregate is a primary resource of which there is a finite supply; likewise, recycled aggregate is limited by the material available to recycle. The NPPF (paragraph 8) explains that Sustainable Development includes using natural resources prudently, whilst also supporting growth, innovation, and improved productivity. This is also supported by the forthcoming [Circular Economy package](#). Policy RM0 seeks to promote that when aggregates are used in construction they are used in the most sustainable way.*

**6.3** *There are now a growing number of examples of low aggregate construction developments. Originally these may have been a consequence of another design choice, for example in the form of temporary buildings, or as exemplars such as the [Glyndebourne Pavilion](#). However, more recent prefabricated building techniques and innovations in construction technology such as the [K-Brick](#)*

## 6 Providing for Minerals

*may prove to be more prevalent in the future as the development industry takes on the challenge to deliver buildings which meet net zero carbon objectives. In many cases these techniques and technology also reduces aggregate consumption.*

**6.4** *Reducing the amount of aggregates used in construction will require changes in both construction methods and technology. And, as aggregates are just one of the materials used in construction, it is important that this is considered as just one element of the design process for any development. This will be achieved directly within the South Downs National Park and Brighton & Hove, and by working with the Districts and Boroughs within East Sussex, who are the planning authorities for most types of development by helping them to include circular economy and resource minimisation policies within their local plans.*

**6.5** *After minimising the amount of aggregates, developers should seek to use recycled and secondary aggregates in place of primary materials wherever possible. However, secondary materials may not always be suitable owing to limitations relating to material specifications and availability. Where this occurs, the design choice should be explained within the proposal.*

### Policy RM0

#### **Sustainable use of aggregates**

*Innovative proposals that a) minimise the quantities of aggregates used in construction, and b) prioritise the use of recycled and secondary aggregate over virgin aggregate, are encouraged and will be supported.*

*East Sussex County Council will support Local Plan policies that promote sustainable aggregate use as part of design or Circular Economy policies within Local Plans being prepared by the District and Borough Councils within East Sussex.*

**6.6** *Policy RM0 is a starting point, for setting a clear direction in relation to ensuring the sustainable use of aggregates. As knowledge and experience develops into good practice it will inform future reviews of the plan, under which this policy may be refined.*

**6.7** *Applicants should address the use of aggregates as part of their wider consideration of resources used when designing their developments. These design choices should be documented and presented through Design and Access, Sustainability or Circular Economy statements as applicable. Applicants are also encouraged to engage in any design panels, where available.*

## Providing for Minerals 6

### 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.

#### Soft Sand

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. 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 in the East Sussex Plan Area. It is understood that there is a reserve of around 250,000 tonnes still to be worked as part of the extant planning permission.

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 Providing for Minerals

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<sup>(7)</sup>.

### Future Provision

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 LAA 2019, and LAA 2020 (dashboard) (to be updated ).

During the Call for Evidence and Sites (CfES) the operator of Lydd quarry submitted proposed extension areas for the site. These were considered for inclusion in the draft Plan but were not considered acceptable as allocations due to the significant harm mineral working would cause to the interests of designated sites located within the vicinity of the proposals. 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.

Following consultation on the draft Revised Policies in 2020 some representations were received relating to aggregates and the provision of material to the Plan Area. These include comments and queries concerning marine dredged aggregate (MDA), recycled aggregates and the calculation and methodology of provision levels. The operator of Lydd quarry also submitted a revised proposal for a quarry extension with more clarified extraction proposals. The Authorities have reassessed the proposed allocations but consider that the issues of harm to designated sites remain and alternatives exist. The proposed allocations are therefore not included in the draft Plan.

New aggregate data has been collected and published since 2020, mainly as a result of the annual aggregate monitoring surveys. Revised housing projections figures are also now available which indicate that forecasts of demand for aggregates over the Plan period may now be higher

## Providing for Minerals 6

since the publication of the consultation document in 2020. Data is set out in the [LAA 2019](#) (and [LAA 2020 dashboard- update once 2021 LAA is drafted](#)), and the supporting documents including the Aggregate Data Technical Paper ([link](#)).

Following the consultation on the draft Revised policies in 2020, policy RM1 and supporting text have been revised to reflect the matters above. In summary, the following chapter now includes further explanation of how provision will be secured for the Plan Area together with updated information and data. Policy wording has been clarified to confirm that new rail and wharf infrastructure would be supported and where relevant minor corrections have also been made. Some issues are covered further in the Aggregates Technical Paper, which also include detailed workings of the methodology of assessing supply and demand in the Plan Area.

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.

### Introduction

**6.8** *Historically there have been low levels of extraction of 'land-won' aggregates in East Sussex, and imports of marine dredged aggregate (MDA), crushed rock and other aggregates 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 uses include concreting applications and soft sand, also known as building sand, uses include production of mortar.*

**6.9** *There is currently one working sharp sand and gravel 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 less than a year 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*

## 6 Providing for Minerals

*Quarry is constrained by both National and International 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.*

**6.10** *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 due to the environmental constraints which are considered overriding.*

**6.11** *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 at North Quay in Newhaven. Marine imported material is also exported by rail from a different rail head at East Quay, Newhaven. 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 and imported into East Sussex.*

**6.12** *A new aggregate processing plant, aggregate bagging plant, concrete batching, and rail siding extension has recently been constructed at Fishers Wharf, Newhaven Port. The operation involves the import of marine dredged aggregate (MDA). The plant has now commenced operation with both marine imports being received and rail exports taking place. Once fully implemented the development will provide up to 0.42 mtpa of new import capacity. The majority of the material will be sold and used within the Plan area and a proportion will be exported by rail.*

**6.13** *The Plan Area appears to have been reliant on soft sand imports for a number of years. 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. 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 across the South Downs National Park relating to the provision of soft sand that is consistent with national policy within a designated landscape.*

### **Future Provision**

**6.14** *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 most recent LAA 2020 Dashboard [\(link\)](#) indicates that at current demand levels the rate for land-won material is 0.15 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. It is acknowledged that less than a years reserve exist at the only active sharp sand and gravel site in the Plan Area. The LAA also identifies rates for other types of aggregate provision including marine and rail imports. It is a*

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particular characteristic of this Plan area that over 80% of aggregates consumed are imported (based on 2014 figures). Indeed, the Plan area has a long-standing unique and particular land-won aggregate situation which has been recognised as a "special case".<sup>(8)</sup>

**6.15** If demand for aggregates in the Plan Area were to remain constant then the total rate of aggregates considered for provision over the Plan period would be around 0.7 mtpa. The Authorities are also required to assess the effect of demand changes on provision. To do this the Authorities have used projections of homes and infrastructure over the next decade. Calculations carried out for the Review (see *Aggregates Data Technical Paper* - [link](#)) indicate that aggregate demand requirements could double, meaning that the total provision for the 15 year Plan Period (15 years from 2019, therefore to 2034) could be in the region of about 1.48 mtpa.

**6.16** Unused permitted capacity remains at all infrastructure and processing facilities which could be utilised in the future with the minimum of constraints. A significant amount of aggregates imported into Shoreham Port on the West Sussex side are consumed in the Plan Area and it is understood that additional unrestrained capacity remains at the Port. There is also further capacity available for the production of recycled and secondary material (see *Aggregates Data Technical Paper* - [link](#)).

**6.17** In terms of quantity the supply of MDA from Fisher's wharf, once fully operational, would effectively provide an equivalent amount of aggregate to substitute for land-won sharp sand and gravel from Lydd where resources are near exhaustion. It is also 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 by, for example, further imports using existing capacity 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 circa 80 million tonnes with a life of 24 years at 10 year average levels of extraction. New capacity is also expected to come on stream in the very near future. The environmental impact of dredging is considered at the application stage of the Marine Licencing system which is determined by the Marine Management Organisation.

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8 During the review process for the Secretary of State's Proposed Changes to the Review of Policy M3 of the South East Plan the Councils requested to be treated as a special case. This recognised the particular circumstances of low production; remote reserves; and high dependence on marine landings; in an area largely affected by environmental constraints/designations.



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**6.18** An assessment of the existing capacity at permitted import and processing facilities in the Plan Area indicates that adequate capacity exists to accommodate at least double the current levels of demand. Recent revised housing projections (2020 data) however point to a possible higher level of demand, (although this assumes current building methods endure). All details are set out in the LAA and the Aggregate Data Technical paper [\(links\)](#).

**6.19** It is acknowledged that if demand were to exceed these levels, there could potentially be shortfalls in supply during the Plan period. However, the Authorities consider that the market is likely to respond in such circumstances to enable additional provision by, for example, diverting exports. In the past regardless of the aggregate demand at that time, supply has occurred and construction has taken place in the Plan Area. In addition, if demand is high enough it could be that market conditions are favourable for new import and recycling infrastructure and/or sites which, where appropriate, would be supported by RM1 and other policies in this Plan. Furthermore, the amount of aggregates needed in new buildings may reduce over time as construction methods change in response to net zero carbon requirements. The sustainable use of aggregate is supported in policy RM0.

**6.20** With regards to soft sand 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 during the consultation process in either the National Park or the AONB. <sup>(9)(10)(11)</sup>

**6.21** The Authorities consider that based on current evidence there are no acceptable or feasible land-won sites available, and that in the context of the Plan Area's long established "special case", future provision in the Plan Area has to be supplied from a combination of recycled and secondary material, and rail, wharf and other aggregate imports. This provision strategy does not therefore include land-won material from within the Plan Area and does not require the allocation of sites or setting of a specific "landbank" for aggregates.

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9 Any future applications for soft sand extraction in the National Park will need to address paragraph 177 of the NPPF and Policy SD3 of the South Downs Local Plan.

10 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 177 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 60 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.

11 Paragraph 177 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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**6.22** The Plan strategy for meeting the 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, and encouraging sustainable usage of aggregates. Proposals for new rail and wharf import infrastructure will be supported, where appropriate. 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. The reuse of existing infrastructure will be supported where appropriate.

**6.23** The strategy aims to protect and support every mechanism for enabling supply. This will allow provision for at least a doubling of current demand which equates to just over 22 million tonnes (mt) of aggregates over 15 years at an average of approximately 1.48 mtpa, peaking at 2.02 mtpa in 2025/26. Of the 22mt, between 14.43 mt & 16.56 mt will be sourced from imports, using existing permitted facilities. Aggregate supply and demand in the Plan area, including the annual provision figure, will be continually monitored via the Authorities' Monitoring Report and the Local Aggregate Assessment, and will be reviewed when required by national legislation.

**6.24** 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.

**6.25** Proposals for new sites and 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.

**6.26** Proposals which may involve marine operations should also consider Policies S-AGG-3 and S-AGG-4 from the MMO South Marine Plan. These policies refer to proposals in areas where high potential aggregate resource occurs, and local sourcing of aggregates respectively.

### Policy RM1

#### **Provision of aggregates for consumption in the Plan Area**

The Authorities will enable the provision of at least 22 million tonnes (averaging 1.48 mtpa) of aggregate material over the the Plan period by seeking to protect, maintain and enhance existing:

- a) aggregate importation infrastructure and capacity; and

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### *b) recycled and secondary aggregate production*

*Proposals for new rail and wharf import infrastructure, and 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.*

### Provision for an additional extraction area at Aldershaw Farm (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 and was included in the 2020 consultation draft (Regulation 18) version of the Revised Policies Document (RPD). The tile works is a small-scale operation which primarily produces handmade tiles, many of which are used in the restoration of historic buildings. Clay 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.

Since publishing the Regulation 18 RPD, the site assessment has been updated in accordance with the revised NPPF 2019 and the subsequent revised NPPF 2021 which now places higher protection on the AONB, ancient woodland and irreplaceable habitats. Paragraph 180 and Footnote 63 states that development resulting in the loss or deterioration of ancient woodland should be refused unless where wholly exceptional circumstance exist and where by a suitable compensation strategy exists.

Mineral extraction is a type of operation regarded as major development in the NPPF and in legislation[1]. Though, under Footnote 75 of the NPPF (2021), for the purposes of Paragraphs 176 and 177, the decision maker must determine whether the development constitutes major development.

Under paragraphs 176, 177 and Footnote 60 of the NPPF (2021), where a decision maker judges a proposal to represent major development, permission should not be granted other than in exceptional circumstances and where the development is demonstrably in the public interest.

As the previously promoted extension would extend into an area of ancient woodland, the extension site proposed in response to the Call for Evidence and Sites is therefore no longer being allocated. Sites outside of areas of ancient woodland may be available and further information on site selection and feasibility of extraction is anticipated from the landowner/operator.

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The Authorities believe that development for clay extraction could take place outside the area of ancient woodland. Any proposal for extraction within or within the vicinity of ancient woodland would be subject to further consideration in light of paragraphs 176, 177 and 180 and Footnotes 60 and 63 of the NPPF, as set out above.

The ultimate decision on exceptional circumstances and the public interest can only be taken when a planning application is submitted as exemplified by the following case:

R (Advearse) v. Dorset Council paragraph 46[2]<sup>(12)</sup> sets out the successive stages for the consideration and implementation of the NPPF, particularly in relation to paragraph 177 of the NPPF (2021).

Since 2020, the Policy has therefore been revised in response to key responses, as follows:

- No longer allocating a specific site.
- Inclusion of a criteria based policy in line with national policy.

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[1] Town and County Planning (Development Management Procedure)(England) Order 2015

[2] R (Advearse) v Dorset CC et al [2020] EWHC 807 (Admin) Paragraph 46

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

### Purpose of Policy RM2

*To ensure a continued supply of specialist clay.*

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12 46. Consideration and application of a policy such as the one stated at (what is now) paragraph 172 of NPPF 2019 [paragraph 177 of NPPF 2021] will not always be a oneoff event. The expectation is that policies in the NPPF will be considered at successive stages: for example, not only at the time a Local Plan is formulated, but also when subsequent decisions are taken on applications for planning permission. As the decisions in issue become more specific, the information relevant to the application of any particular policy is likely to change.

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**6.27** *It has been identified that an additional extraction area for the Aldershaw Tiles site is required to ensure continued provision of clay for use in the production of specialist tiles. The products made at the Aldershaw Tile works include specialist clay tiles used in the restoration of historic buildings. The tiles may need to match original features, and so the colour and quality of these products is an important consideration.*

**6.28** *The Policy aims to make provision for the specialist clay product, to meet the need from outside of areas of ancient woodland where possible, and to only allow development within designated ancient woodland in wholly exceptional circumstances, where a suitable compensation strategy exists and where it is in the public interest, in accordance with national policy. A final decision on whether exceptional circumstances exist can only be made when proposals come forward.*

### Policy RM2

An area of additional clay extraction may be proposed in connection with the specialist tile manufacturing facility at Aldershaw Farm as identified on Map 10.2 [Minerals Sites and Infrastructure Map].

To be acceptable in principle, proposals for an additional extraction area must demonstrate that the following criteria are met:

- i. An assessment of the impact on the Ancient Woodland (Screen Wood and Lane Wood) must be carried out. Where necessary and in accordance with Natural England and the Forestry Commission's standing advice, appropriate buffers should be incorporated, and mitigation provided, to the satisfaction of both bodies.
- ii. The impact on the High Weald Area of Outstanding Natural Beauty must be assessed and appropriate mitigation should be included, if required, in consultation with the High Weald AONB Unit.
- iii. An assessment of the impact on the Beauport Park Local Wildlife Site must be carried out; and where necessary appropriate mitigation provided, in consultation with and to the satisfaction of the County Ecologist.
- iv. Access to the site is through the existing brickworks.

An appropriate mitigation and environmental enhancement scheme for the operations and restoration of the entire extraction site would be required as part of any permission.

Proposals must demonstrate how they have considered relevant Policies in the WMP, WMSP and the Development Plan (relevant Local Plan). Any application will be assessed in accordance with relevant development plan policies taking into account any material considerations.

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**6.29** *Protected and notable species may be present within or in the vicinity of any future additional area of extraction. Appropriate assessments and surveys should be carried out in accordance with standing advice and development management policies within this Plan.*

**6.30** *Any restoration plan should be supported by a landscape and ecological management plan.*

### Safeguarding Mineral Resources (RM3)

#### Explanation

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.

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.

It is also proposed that a list of exempt development relating to Minerals Safeguarding Areas (MSAs), Minerals Consultation Areas (MCAs) and prior extraction is included for clarity. This establishes the concept that not all development should be constrained by mineral designations.

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 (inclu. soft sand):

- Novington Sandpit
- Ditchling/Plumpton Reserve <sup>(13)</sup>
- ~~Scotney Court Farm, Jury's Gap Road, Camber, near Lydd~~

13 This is a new safeguarded resource.

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- ~~Scotney Court Extension and Wall Farm, Jury's Gap Road, Camber, near Lydd~~<sup>(14)</sup>
- ~~Broomhill, near Lydd~~<sup>(15)</sup>

Clay:

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

Since the consultation in 2020, the wording of the policy has been updated to ensure that 'potentially' viable resources are safeguarded to address the issue of viability changing overtime.

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.*

**6.31** *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.*

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- 14 Permitted extraction sites (Scotney Court Farm, Scotney Court extension and Wall Farm) are currently being worked and near exhaustion at Lydd Quarry. The continued safeguarding of these sites is therefore not considered necessary. Furthermore, the area around Lydd Quarry is constrained by both National and International environmental designations and further working is not feasible due to the environmental constraints which are considered overriding.
- 15 The area around Lydd Quarry which includes Broomhill is constrained by both National and International environmental designations. Mineral working at Broomhill would therefore not be feasible due to the significant harm mineral working would cause to the interests of designated sites which are considered overriding. Broomhill is therefore no longer safeguarded.

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**6.32** Government advice contained in the NPPF and other guidance <sup>(16)</sup> 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.

**6.33** 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.

**6.34** 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' which should be proportionate to the nature and scale of the proposal (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.

**6.35** Clay sites, permitted Gypsum reserves and soft sand are safeguarded. 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

**6.36** When considering proposals for mineral extraction, national policy <sup>(17)</sup> 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.

**6.37** As soft sand resource in the south east is relatively limited and constrained by a number of designated landscapes <sup>(18)</sup>, the Plan safeguards the extent of the soft sand resource in East Sussex.

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

17 NPPF paragraph 211

18 South East Soft Sand Position Statement

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**6.38** *The Authorities consider that the following categories of development/application type are exempt from the Policy requirements of RM3, RM4, RM5 and RM7. The exemptions would apply to sites located in MSAs and MCAs; 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 Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)*
- *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*

### **Policy RM3**

#### **Minerals Safeguarding Areas**

*Mineral Safeguarding Areas (MSAs), as shown on the Policies Map, identify potentially 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.*

*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.*



## Providing for Minerals 6

### Prior Extraction of Mineral Resources (RM4)

#### Explanation

Prior extraction of minerals resources is required by the NPPF (2021) 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 will be safeguarded. A prior extraction policy is required to ensure that soft sand resource (all of which is to be safeguarded), clay and gypsum reserves are appropriately safeguarded and does not become sterilised. A separate policy requiring prior extraction where feasible and practicable has been included.

No changes to the direction of this Policy have been made since the 2020 consultation. For clarity, some minor updates to the supporting text have been made.

#### Purpose of Policy RM4

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

**6.39** *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 results of this work should be presented within a Minerals Resource Assessment (MRA) which should be proportionate to the nature and scale of the proposal. Guidance on preparing a MRA can be found within the separate guidance document on safeguarding. 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.*

**6.40** *The 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.*

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**6.41** *Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.*

**6.42** *Policy RM4 must be read in conjunction with the Excluded Development list, please refer to paragraph 6.38 for further details.*

### Policy RM4

#### **Prior Extraction of Mineral Resources**

*All developments permitted 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**

Safeguarding 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.

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 mineral 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 187 of NPPF) is added to the Policy. *The list of safeguarded minerals infrastructure sites will be moved to the Policies Map.*

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The Newhaven Enterprise Zone, and its Strategic Framework, 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.

Since the 2020 consultation, the direction of the policy has not changed, however amendments have been made to the supporting text. The term 'disturbance' is now defined within the supporting text. The wording within the policy has also been amended to ensure consistency with other policies.

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.

### Purpose of Policy RM5

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

**6.43** National Policy requires 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 viable land based mineral resources in this area.

**6.44** 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.

**6.45** 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.

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**6.46** *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 (e.g. when new sites come forward or when suitable sites are released from their previous use) sites regardless of whether they are currently in use.*

**6.47** *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 (MIA). This should provide sufficient evidence which is proportionate to the nature and type of development, to enable the MPA to assess whether the proposed development is likely to have an adverse effect on the facility including its capacity. Further guidance on preparing the MIA can be found within the separate guidance document on safeguarding.*

**6.48** *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) and railheads should be designed to minimise the potential for conflicts of use and disturbance (e.g. light disturbance, noise pollution, dust, odour, other emissions, impact on visual amenity of potential occupiers and impacts arising from traffic movements associated with Minerals Infrastructure sites), in line with the Agent of Change principle as set out within the NPPF<sup>(19)</sup>.*

**6.49** *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.*

**6.50** *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.*

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19 Paragraph 187 of the NPPF (2021)

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**6.51** *The wharves and railheads safeguarded for the purposes of minerals transportation are listed on the Policies Map. A list of the permitted mineral infrastructure sites is published alongside the Annual Monitoring Report (AMR) on the County Council's website. It is updated periodically outside the Annual Monitoring Report process. Updated GIS layers are re-issued accordingly.*

**6.52** *Policy RM5 must be read in conjunction with the Excluded Development List, please refer to paragraph 6.38 for further details.*

### Policy RM5

#### **Safeguarding Minerals Infrastructure**

*Existing, planned and potential minerals wharf and railhead 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 should demonstrate that there is no net loss of capacity for handling minerals within a port.*

*Proposals for non-minerals related uses within the vicinity of an 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 should not be permitted.*

*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.*

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

#### Explanation

To ensure the plan remains relevant throughout the plan period, 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.

Since the 2020 consultation, the direction of the policy remains the same. The Policy wording has been amended to strengthen the wording and emphasise the limited circumstances in which permission may be granted. Reference to the agent of change principle has been added to supporting text to ensure consistency with other policies.

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

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

**6.53** *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.*

**6.54** *The NPPF requires that planning policies 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.*

**6.55** *Development proposals within the vicinity of safeguarded concrete batching, coated materials manufacture and other concrete products must be compatible with the operations at the safeguarded concrete and concrete products sites in accordance with the Agent of Change Principle and national*

## Providing for Minerals 6

policy<sup>(20)</sup>. *Proposals should be accompanied by a proportionate Minerals Infrastructure Assessment (MIA) comprising a compatibility assessment. Further guidance on preparing the MIA can be found within the separate guidance document on safeguarding.*

**6.56** *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. Planning permission will only be granted where it is demonstrated that:*

- *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

Based on local constraints and changes to the surroundings of safeguarded sites, 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.

<sup>20</sup> Paragraph 187 of the NPPF states that proposals must ensure that the new development can be integrated effectively with existing businesses and existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

## 6 Providing for Minerals

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

In response to representations received during the 2020 consultation, to avoid confusion, reference to MSAs has been removed from the supporting text and the exemptions list has been moved earlier in the document.

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

### Purpose of Policy RM7

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

**6.57** Policies RM3 and RM5 seek to safeguard land-won minerals resources and minerals infrastructure from sterilisation and incompatible development. Minerals Consultation Areas (MCAs) are required to be defined by National Policy <sup>(21)</sup>. They 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.*

21 Paragraph 210 of the NPPF (2021)



## Providing for Minerals 6

*Types of planning applications not included within the excluded development list 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.*

**6.58** *Minerals Consultation Areas do not apply to development considered unlikely to affect MSAs. Please see paragraph 6.38 for further details.*

## 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. Several 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), <sup>(22)</sup> 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.

22 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.

### **4. Additional changes between 2020 and 2021 version**

Following the consultation on the Draft Revised Policies in 2020, Policy RD1 was revised. In summary:

- The policy text has been altered to align more closely with the NPPF (2021), and now refers to the Sussex Nature Recovery Network and any future Local Nature Recovery Strategy.
- Additional supporting text to reference the NPPF and the requirements within it have been added.
- The ambiguity in the policy text referring to 'a) above' has been clarified.
- The list of designations has been moved from the Policies Map to Appendix 3 of this document.
- Reference to landscape added; this was accidentally omitted when WMP27 was first transposed.

## 7 Development Management Policies

**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

*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.*

**7.4** *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. 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.*

**7.5** *Policy RD1 sets out the Plan's policy in respect to proposed minerals and waste development and the natural and historic environment. This policy is based on the principles set out in the NPPF. The NPPF also details information which applicants are expected to provide and contains guidance on how planning applications that affect environmental and historic sites should be determined in certain circumstances. Applicants are expected to provide the information as set out in the NPPF and the Minerals and Waste Planning Authority will follow the policy set out when determining planning applications.*

## 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, landscape and historic importance, as listed in Appendix 2;*
- b) provide measurable net gain in biodiversity and enhancement of natural capital, as guided by the Sussex Nature Recovery Network and any future Local Nature Recovery Strategy, following the mitigation hierarchy with gain provided on site where possible, or at the best strategic location for nature's recovery; and*
- c) maximise opportunities for functional habitat creation including inter-connectivity between habitats within and outside the site.*

*Permission will not be granted where:*

- x) a site or area of national or international importance is adversely affected, or an appropriate assessment has concluded that the plan or project may adversely affect the integrity of the site or area, unless there are no alternative solutions and there is an imperative overriding public interest for the development, or*
- y) the development would have a significant adverse impact on such a site, area or feature as referred to in a. above.*

**7.6** *Proposals are expected to assess the topics raised under this Policy within an Environmental Statement, particularly if there are known features in the vicinity of the application site. Any proposals for net gain in biodiversity to be achieved should be proportionate to the proposed development and its location in relation to the Nature Recovery Network. Applicants are expected to follow the latest biodiversity net-gain best practice when addressing this policy.*

**7.7** *The importance placed on 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 Development Management Policies

**7.8** *A list of different types of designated sites, priority, legally protected and notable species & habitats, (including irreplaceable habitats) are included in Appendix 2. 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 sites of similar characteristics, following best practice guidance in relation to species..*

**7.9** *When assessing significance, the appropriate tests as set out in the NPPF, where relevant, should be applied. At the time of publication, this is paragraphs 176, 180, 181 (natural environment), 194 and 197-205 (heritage assets) of the NPPF (Feb 2021).*

**7.10** *In the cases where proposed development may affect the integrity of sites or areas that are subject to the Habitat Regulations and Appropriate Assessment, the presumption is that development should not be permitted. This follows the broad approach set out in the NPPF and the Habitats Directive, and will be appropriate for the vast majority of proposed developments. The Habitats Regulations do make an exception in instances where, subject to a number of strict requirements, there are clear imperative reasons of overriding public interest for the development. When considering the proposal due weight will be given to the approach the applicant has taken to follow the Habits Regulations, and the reasons of overriding public interest that are put forward.*

**7.11** *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 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
RW1 - 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 minerals produced in the Plan Area or imported into 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>Data about C&amp;D waste being recycled at permitted waste sites.</i>
<i>RM0 Sustainable Use of Aggregates</i>	<i>ESCC, BHCC, SDNPA, Change in construction practices</i>	<i>District/Borough Councils Development Industry</i>	<i>Sustainable use of aggregates being a considered as a design consideration in the design of all developments.</i>	<i>Policy Citation / Consideration of aggregate usage in design in random sample review of Design and Access Statement / Planning Statements</i>
<i>RM1 Provision of Aggregates</i>	<i>ESCC, BHCC, SDNPA Importation of aggregates by sea, rail, and road. Provision of recycled and secondary aggregates for use in the Plan Area</i>	<i>Minerals industry CDEW industry Environment Agency Landowners Port Authorities</i>	<i>Sufficient primary and recycled/secondary aggregates provided to the Plan Area over plan period.</i>	<i>Data on imports of aggregates to the Plan Area.  Consumption of aggregates in the Plan area.</i>



## Implementation and Monitoring 8

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
		MMO Crown Estate		Data about C&D waste being recycled at permitted waste sites.
RM2 - Provision for an additional extraction area at Aldershaw Farm	Policy RM2 is monitored under the arrangements for WMP13 Provision of Clay.			
RM3 - Safeguarding Mineral Resources RM4 - Prior Extraction of Minerals Resources	ESCC, BHCC, SDNPA  Safeguarding of land-won resources and identifying consultation areas. Development industry to undertake prior extraction of minerals where feasible.  Review Minerals Resource Assessments.	District/Borough councils. Minerals industry Environment Agency Natural England Development industry	No viable resources sterilised.	Number of applications for built development on safeguarded or consultation areas.  Tonnage figures of prior extracted resources.  Review of Minerals Resource Assessments and number of applications for prior extraction proposals

## 8 Implementation and Monitoring

<b>Policy</b>	<b>Delivery Body/Mechanism</b>	<b>Key Delivery Partners</b>	<b>Delivery Target (how much, when, where)</b>	<b>Delivery Indicator</b>
<b>RM5 - Safeguarding Minerals Infrastructure</b>	ESCC & BHCC  Identify and safeguard sites and capacities at wharves and railheads.  Review Minerals Infrastructure Assessments.	District/Borough councils and regeneration area partners  Port Authorities  Minerals industry  Waste industry  Network Rail	No net loss of wharf/rail capacity in the Plan Area.	Annual monitoring of wharf status (active or redundant) and existing rail sidings/tracks.  Number of applications for built development on safeguarded wharves/rail sidings.  Review of Minerals Resource Assessments and number of applications for prior extraction proposals
<b>RM6 - Safeguarding Facilities for Concrete Batching</b>	ESCC, BHCC, SDNPA and relevant districts & boroughs.  Identify and safeguard sites. Implement consultation areas.	District & Borough Councils.  Aggregates manufacturing industry.	No net loss of concrete batching facilities. Proposals should be compatible with batching plants.	Ongoing monitoring through the consultation process.

Implementation and Monitoring 8

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	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.	Environment Agency	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.
		Natural England		Proposals resulting in net gain.

## 9 Summary of Proposed Amendments

### 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 <b>deleted</b> .	Factual update.
WMP Minerals and Waste Development in the South Downs National Park (WMP2)	<b>Replaced by RPD</b> - Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty (RV1) [p15-18]	Clarification of policy and factual update.
WMP - Sustainable Locations for Waste Development (WMP7a, 7b) [p59-62]	<b>Replaced by RPD</b> - Sustainable Locations for Waste Development Policy (RW1) [p19-22]	To clarify an ambiguity in the existing policy requirements.
	<b>New Policy RPD</b> - Sustainable Use of Aggregates (RM0) [p23-24]	New policy introduced to ensure sustainable use of aggregate.
WMP - Provision of Aggregates (WMP11) [p78-81]	<b>Replaced by RPD</b> - Provision of Aggregates (RM1) [p25-32]	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]	<b>Additional Policy added RPD</b> - Provision for additional extraction area at Aldershaw Farm (RM2) [p32-35]	To support area of additional clay extraction area for clay extraction at the existing Aldershaw Quarry in response to 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] <b>are deleted</b> .	Factual update to reflect proposed amendments.

## Summary of Proposed Amendments 9

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
WMP - Safeguarding Minerals Resources (WMP14) [p86-88]  WMSP - Safeguarding Minerals Resources (paragraphs 4.1-4.23) and Policy SP8 Minerals Safeguarding Areas for land won minerals resources within the Plan Area [p24-25]	<b>Replaced by</b> RPD - Safeguarding Minerals Resources (RM3) [p35-31]	To consolidate the policy requirements into a single policy for added clarity.
	<b>New Policy</b> RPD - Prior Extraction of Minerals (RM4) [p32-40]	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]  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]	<b>Replaced by</b> RPD - Safeguarding Wharves and Railheads (RM5) [p40-44]	To incorporate reference to the 'agent of change' principle introduced in the revised National Planning Policy Framework
WMSP - Safeguarding Wharves, Railheads and Concrete Batching: Concrete Batching Plants (paragraphs 4.20-4.21) and Policy SP10 Safeguarding facilities for concrete batching, coated	<b>Replaced by</b> RPD - Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products with the Plan Area (RM6) [p44-54]	To remove the list of safeguarded facilities from the policy wording and instead illustrate on the Policies Map, to enable easier updating.

## 9 Summary of Proposed Amendments

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
minerals manufacture and other concrete products within the Plan Area		
WMSP - Minerals Consultation Areas (paragraphs 4.22-4.23) and Policy SP11 Minerals Consultation Areas [p28-29]	<b>Replaced by RPD - Minerals Consultation Areas (RM7) [p46-47]</b>	To revise the extents of Mineral Consultation Areas to take into account the constraints of each site.
WMP - Environment and Environmental Enhancement (WMP27) [p##-##]	<b>Replaced by RPD - Environment and Environmental Enhancement (RD1) [p48-52]</b>	<ol style="list-style-type: none"> <li>1. To add a requirement for a net gain in biodiversity.</li> <li>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]</li> <li>3. Factual update to incorporate reference to soils conservation</li> </ol>

**Table 1**

## Maps 10

# 10 Maps

## 10.1 Location of Waste Management Facilities Map

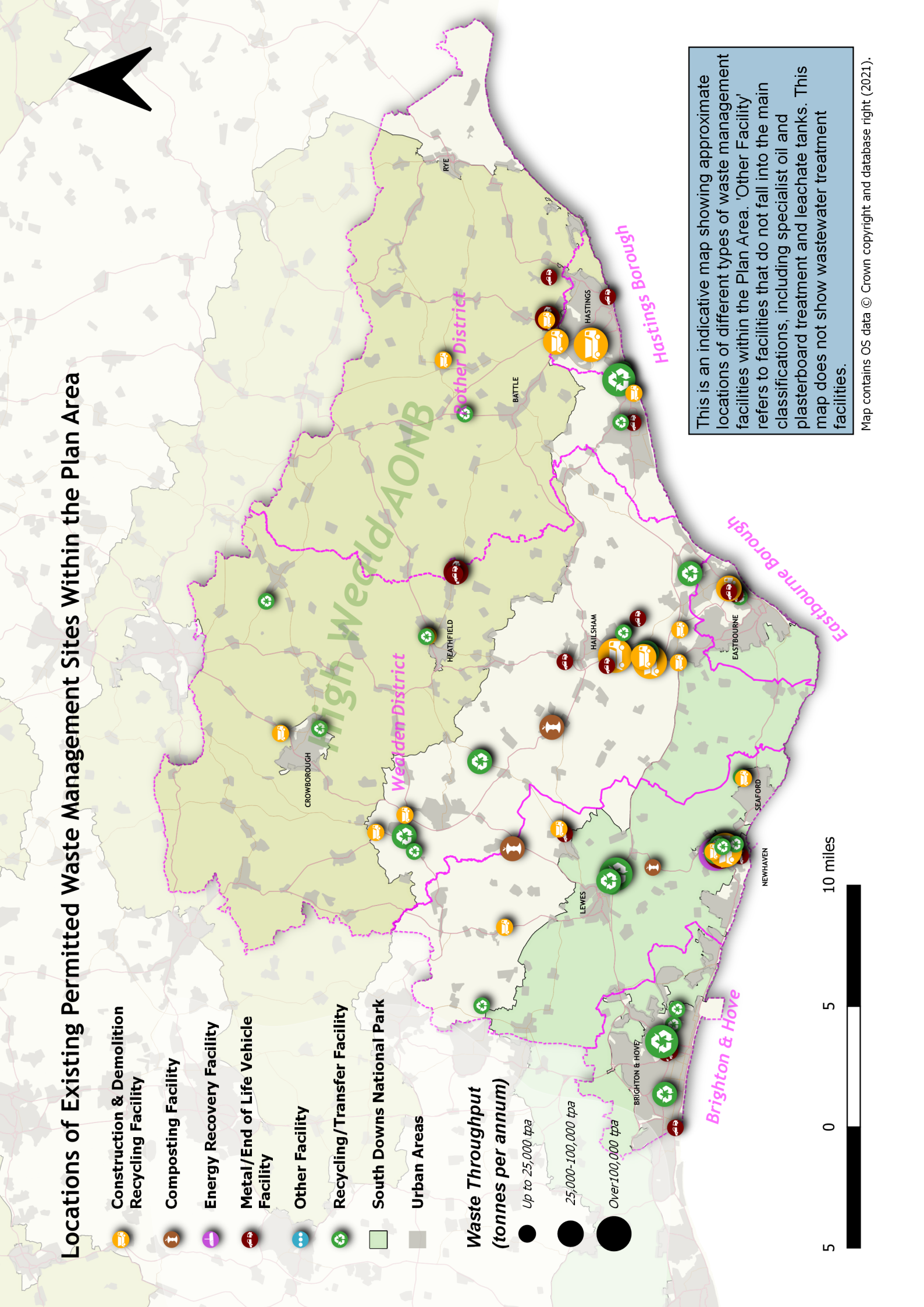
# Locations of Existing Permitted Waste Management Sites Within the Plan Area

- Construction & Demolition Recycling Facility
- Composting Facility
- Energy Recovery Facility
- 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

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.

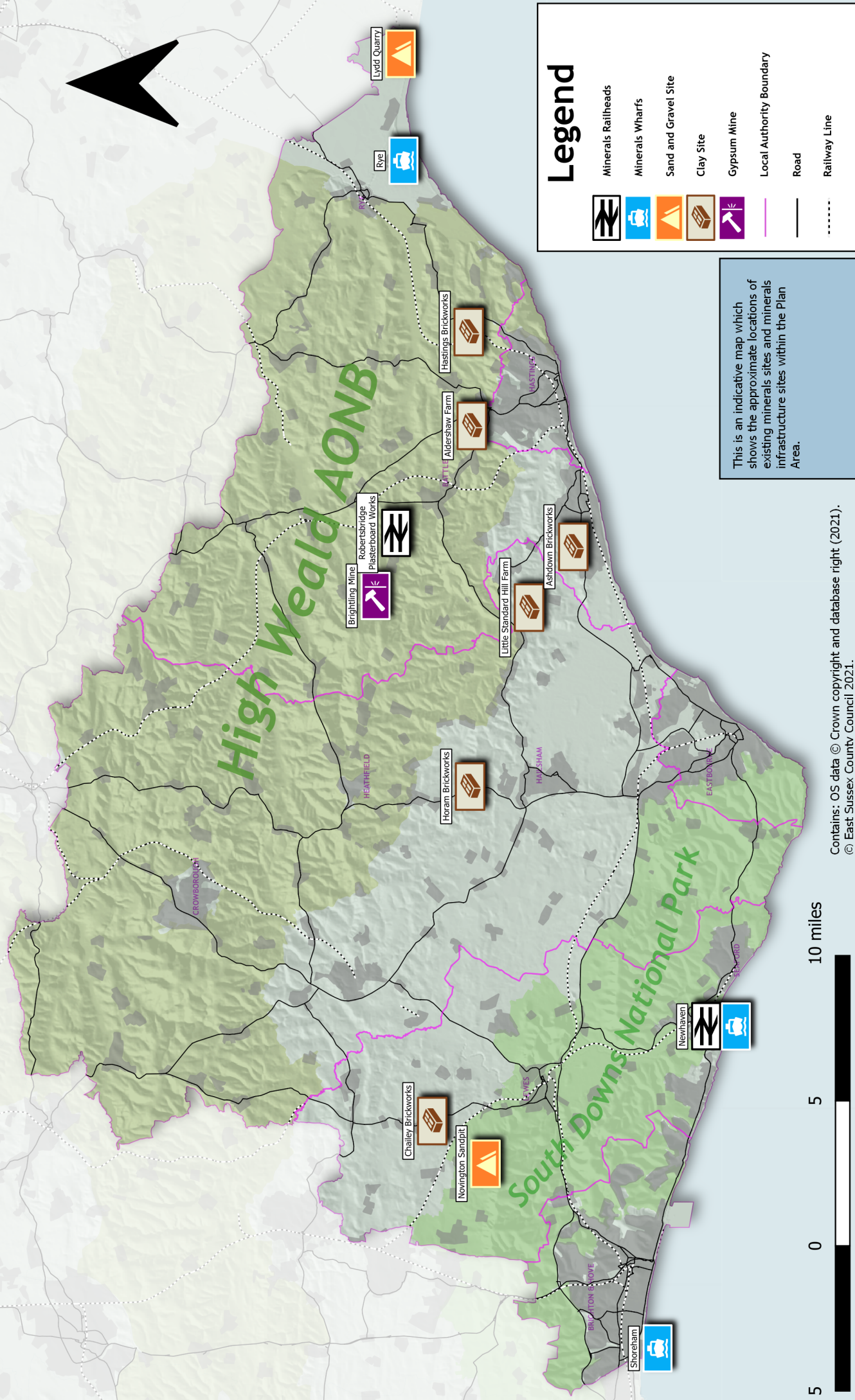




Maps 10

10.2 Minerals Sites and Infrastructure Map

# Locations of Existing Minerals Sites and Infrastructure Within the Plan Area

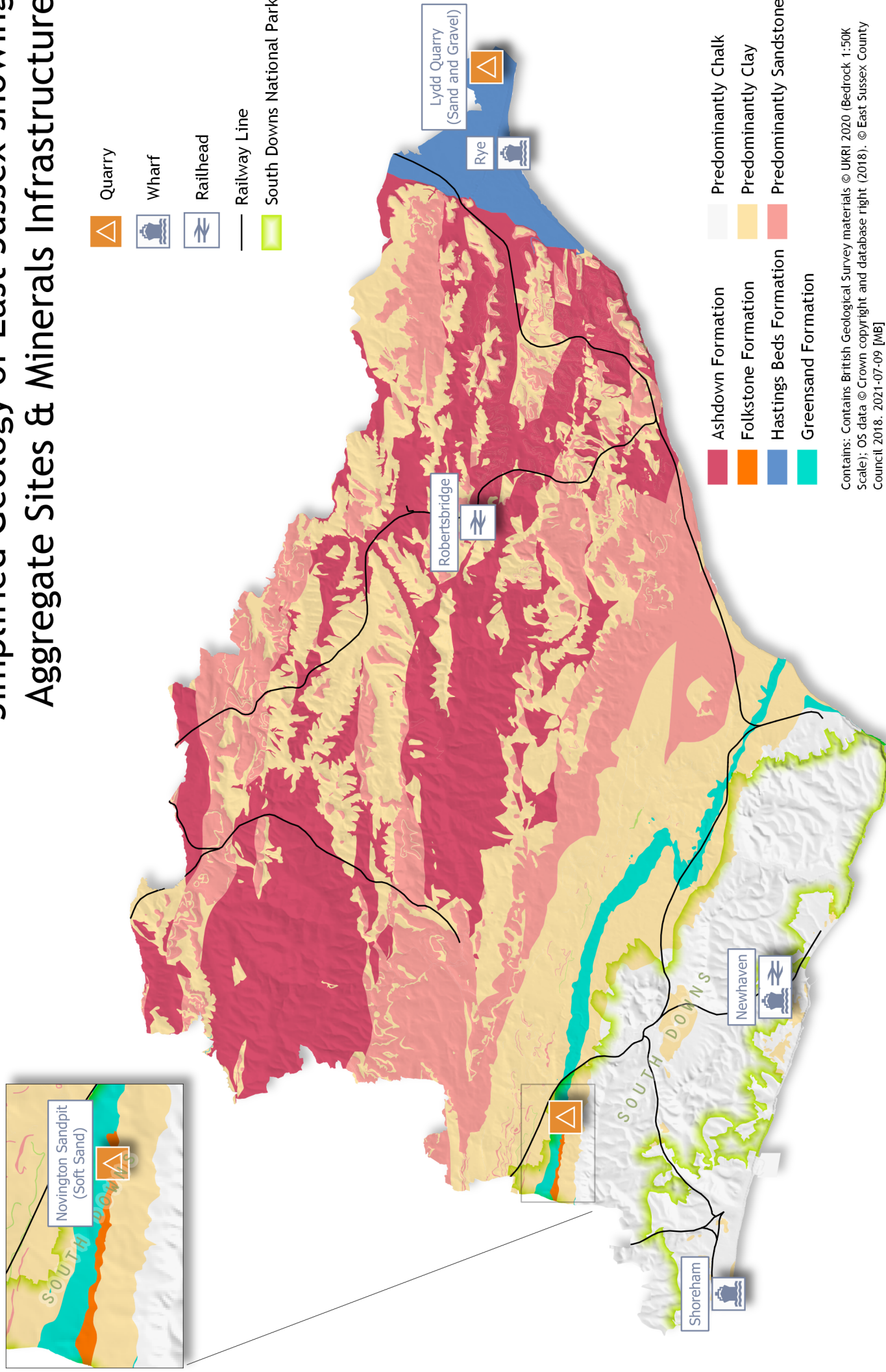


Maps 10

10.3 Simplified Geology Map



# Simplified Geology of East Sussex showing Aggregate Sites & Minerals Infrastructure



## List of Designated Sites, Areas and Features (RD1) 11

### 11 List of Designated Sites, Areas and Features (RD1)

#### Historic

- Scheduled Monuments
- Registered Parks and Gardens
- Registered Battlefields
- Designated Wreck Sites
- Listed Buildings
- Conservation Areas

#### Environmental

- Areas of Outstanding Natural Beauty (AONB)
- South Downs National Park
- Special Areas of Conservation
- Special Protection Areas
- Ramsar Site
- National Nature Reserves
- Sites of Special Scientific Interest
- Ancient Woodlands
- Marine Conservation Zones
- High Quality Agricultural Land
- [UK BAP Priority Habitats \(JNCC - Adviser to Government on Nature Conservation\)](#)
- The habitats of [Section 41 Species](#) ([naturalengland.org.uk](http://naturalengland.org.uk))
- Local Nature Reserves
- Local Wildlife Sites
- Biodiversity Net-Gain Sites

#### Landscape

- [East Sussex Landscape Character Areas](#)

## 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
BAP	Biodiversity Action Plan
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
MIA	Minerals Infrastructure Assessment
MMO	Marine Management Organisation
MPA	Minerals Planning Authority
MRA	Minerals Resource Assessment
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
RPD	Revised Policies Document
SA	Sustainability Appraisal

## 12 Glossary

SAC	Special Area of Conservation
SDNP	South Downs National Park
SDNPA	South Downs National Park Authority
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**

## Copyright Notices 14

# 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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