

Report to: Cabinet

Date of meeting: 30 September 2021

By: Director of Communities, Economy and Transport

Title: East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review – Regulation 19 Consultation

Purpose: To report to Cabinet on progress with the Review of the Waste and Minerals Local Plan and seek approval for the public consultation on the Proposed Submission Consultation Document and the submission of the Plan to Government for Public Examination

RECOMMENDATIONS

Cabinet is recommended to:

- (1) note progress on the Review of the Waste and Minerals Local Plan;**
 - (2) agree, subject to the approval of Brighton & Hove City Council and the South Downs National Park Authority, that the proposed Submission Draft Revised Policies document and its supporting Sustainability Appraisal, attached as Appendix 1, is published for a representation period in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
 - (3) authorise the Director of Communities, Economy and Transport to make, if necessary, minor modifications to the Revised Policies document and Sustainability Appraisal prior to publication and any subsequent minor changes arising from the consultation; and**
 - (4) recommend the County Council to authorise the subsequent submission of the Revised Policies document and Sustainability Appraisal to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, following the competition of actions under recommendations 2 and 3;**
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1 Background

1.1 East Sussex County Council work in partnership with the South Downs National Park Authority and Brighton & Hove City Council (the Authorities) in the preparation of minerals and waste planning policy for East Sussex, Brighton & Hove and the area of the National Park within the County and City (the Plan Area). Together, the Authorities have prepared the Waste and Minerals Plan (WMP, 2013), and the Waste and Minerals Sites Plan (WMSP, 2017). These adopted plans form the Waste and Minerals Local Plan (WMLP) which is used by each of the Authorities in the determination of planning applications for waste management activities, and minerals extraction and infrastructure in the Plan Area. The WMLP forms part of the Development Plan and is, therefore, also applicable to the District and Borough Councils as local planning authorities.

1.2 The Authorities are now reviewing parts of the WMLP. The purpose of the review is to update a limited number of policies within the WMLP that are considered out-of-date or require amendments to their wording to ensure their effectiveness. The original need for a review stems from the conclusions of the examining Inspector of the WMSP in 2016, who concluded in his report that a review of the minerals policies within the 2013 WMP would be required, in particular as the supply of aggregate from existing permitted extraction sites is likely to be exhausted prior to the end of the Plan period in 2026. Maintaining a reliable supply of aggregate is important to facilitate construction and economic growth.

1.3 A review of the WMLP commenced with consultation on a Scoping document for the Review along with a 'Call for Mineral Sites' in late 2017. Since that time the Authorities have reviewed the responses to that consultation and produced a draft Revised Policies document (DRP) which contained proposed amendments to the WMP and WMSP. The DRP was subject to a twelve week

public consultation between 11 May – 3 August 2020. An Equality Impact Assessment has been completed on the Plan and has found no significant disproportionate impacts. This report is now seeking approval for the publication of the Submission version of the DRP to allow for a representation period under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, prior to submission to the Government for Public Examination. It is this version of the DRP that the Authorities consider to be the most appropriate strategy to take forward, defend at Public Examination and subsequently adopt. It is for this reason, why the decision is to be taken by way of recommendation to Full Council on 12 October 2021.

2 Supporting information

2.1 The consultation on the DRP in 2020 received a total sixty nine responses and a petition containing 221 names. The consultation responses have been considered and, where appropriate, the DRP has been amended to accommodate the views submitted. The Authorities' responses to all comments made have been summarised in a separate document. Full copies of the consultation responses and the Authorities' responses are available in the Members Room.

2.2 The main area of focus in the DRP has been aggregate provision. The Plan Area has always been a low producer of aggregates due to the geology and environmental constraints as well as internationally protected sites. There are currently two permitted quarries located within the Plan Area: Lydd quarry near the Kent border which produces sharp sand and gravel; and Novington Sandpit in the National Park which is permitted to produce soft (builder's) sand, although there has not been any extraction from this site in recent years.

2.3 In terms of aggregate provision and specific responses to the 2020 consultation on the DRP, the operator of the quarry at Lydd submitted proposals for an extension to the quarry, as it is anticipated that the permitted resource will be exhausted within the next twelve months. However, due to National and International environmental designations, further working to extend the quarry is not considered to be feasible or supportable due to the irreversible harm that would be caused to the interests of the designated sites. Following consideration of advice from Natural England and the known availability of suitable alternative materials, no additional areas for future extraction are therefore proposed at Lydd Quarry.

2.4 Overall, the proposed amendments and revisions to the WMLP seek to improve and strengthen the Policies, but do not change the existing strategy or thrust of the WMLP. The Review identifies a number of matters, and these relate to: (i) clarifying/improving the wording of a small number of policies so that they can more easily/appropriately applied to decisions on planning applications; (ii) the provision of aggregates to the Plan Area; (iii) sustainable use of aggregates; (iv) the safeguarding of minerals resources and minerals infrastructure; (v) adding reference to net-gain in biodiversity to the Environment and Environmental Enhancement policy; (vi) updating the protected landscapes policy to include specific references to the High Weald AONB; and (vii) the future continued provision of specialist clay for Aldershaw Tiles. Full details of the proposed revisions are contained within the DRP in Appendix 1.

2.5 The current Review sets out proposed revisions for specific policies and is not a review of all policies within the WMLP. It is acknowledged that after the Review has been completed, there will be a future, more in depth review of the WMLP, which will look at the WMLP in its entirety.

3 Conclusion and recommendations

3.1 Progress on the review of the WMLP should be noted. The review is not seeking to amend or update all Policies in the WMLP, and those Policies which are not part of the review will remain part of the adopted WMLP and will therefore still be part of the Development Plan as they are considered to be in conformity with national policy, primarily in the form of the National Planning Policy Framework (NPPF). The DRP updates, clarifies and strengthens certain existing Policies, including in relation to the future provision and supply of aggregates and their sustainable use.

3.2 The responses received to the 2020 consultation have been considered and changes made to the DRP where considered appropriate. The completed Equality Impact Assessment requires no further changes. The next stage will be publishing the DRP and inviting representations to be made on it under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations

2012, following which the draft Revised Policies will be submitted to Government for Public Examination. It is envisaged that the DRP will be published in late Autumn 2021.

3.3 The DRP may, prior to publication, be subject to minor amendments as a result of possible requests by Brighton & Hove City Council and the South Downs National Park Authority. The Director of Communities, Economy and Transport should be authorised to agree any minor amendments to the DRP and publish the document in accordance with Regulation 19 and Submission in accordance with Regulation 22 of the aforementioned Regulations.

CHIEF OFFICER NAME: Rupert Clubb

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BACKGROUND DOCUMENTS

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)

Summary of Responses

Sustainability Appraisal

Habitats Regulation Assessment