

Report to: Cabinet

Date of meeting: 28 September 2023

By: Director of Communities, Economy & Transport

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

Purpose: To report on progress with the Review of the Waste and Minerals Local Plan and to seek approval to publish some Proposed Modifications to the Plan for public consultation. To also seek approval to publish a revised draft of our Statement of Community Involvement for consultation.

RECOMMENDATIONS:

Cabinet is recommended to:

- (1) Agree, subject to the approval of Brighton & Hove City Council and the South Downs National Park Authority, that the Proposed Modifications to the Submission draft of the Waste and Minerals Revised Policies document, and its supporting documents, is published for a representation period of eight weeks.**

 - (2) Agree that a revised draft of the Council’s Statement of Community Involvement (SCI) is published for consultation.**
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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. 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 Over the past few years, the Authorities have been undertaking a partial review of the WMLP (primarily focussed on minerals planning matters) and in November 2022 the proposed Waste and Minerals Revised Policies document was subject to an independent Examination in Public, which was conducted by two Examining Inspectors from the Planning Inspectorate. The Inspectors raised no concerns over the soundness of the majority of the Revised Policies document and no concerns around legal compliance were raised. However, and as always tends to be the case with Local Plans, the Inspectors have requested that the Authorities propose some modifications to certain policies to ensure that the Plan can be found ‘sound’ and subsequently adopted by the Authorities.

1.3 Officers have drafted a series of modifications to the plan to address the matters raised by the Inspectors. These modifications now need to be subject to a formal period of consultation and Cabinet/Council approval is required to enable this to take place. The South Downs National Park Authority and Brighton and Hove City Council will also need to approve the publication and consultation of the modifications.

1.4 Separate to the matter concerning the proposed modifications to the Waste and Minerals Plan, the Council needs to put in place a new and updated Statement of Community Involvement (SCI). The SCI sets out how the County Planning Authority will consult and involve the public and various interested organisations in the preparation of any new/revised Waste and Minerals Plan that we prepare. It also sets out arrangements for community involvement in the consideration of planning applications the County Council is responsible for determining. The current iteration of our SCI was adopted in March 2018 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 requires an SCI to be reviewed every five years. It is proposed to seek Cabinet approval to publish and consult upon a draft of a revised SCI.

2 Supporting information

2.1 The modifications being proposed to the Submission draft of the Revised Policies document are only in response to the issues raised by the Inspectors and/or to reflect any updated policy and guidance. It would not be appropriate to introduce modifications and/or additions to the Plan that fall outside of this scope. To do so would risk the Examination period for the Plan being further protracted, or even undermine the likelihood of the Plan being found to be 'sound' and therefore capable of being adopted by the Authorities for decision making purposes. The Council is committed to commencing a Full Review of the Waste and Minerals Local Plan in mid 2024, with the aim of progressing it through to adoption in 2027. This Full Review will provide an opportunity for new and altered policies to be considered, which currently fall outside of the scope of the modifications being proposed.

2.2 The proposed modifications are set out as track changes in full in Appendix 1 of this report. In summary, the modifications being proposed are;

- To reduce the end of the Plan period from 2034 to 2030 so that it is consistent with the existing WMLP. Such a change has necessitated the need for proposing changes to certain policies (e.g. previously quoted figures for matters such as aggregate need have been recalculated to account for the shorter plan period).
- Setting out clearer explanation that justifies the figures for aggregate need over the plan period.
- Amendments to policies concerning safeguarding of minerals resources and associated infrastructure, as well as the policy and supporting text that sets out requirements for when Local Planning Authorities consult the Minerals Planning Authority on non-mineral related development proposals in the safeguarded areas.
- Set out the commitment to a full review of the WMLP once this partial review has been completed, as well as the timescales for doing so.
- Provide further clarity on how certain proposed revised policies will be applied in practice.

2.3 The proposed modifications do not include any additional waste or minerals allocations. The modifications also do not propose to amend the policy direction that seeks to ensure the sustainable use of aggregate in new developments. Should approval to publish the proposed modifications be given, the consultation period is expected to commence on the 27 October 2023 and end on the 22 December 2023. Any representations made will be for the Inspectors to consider and only once they have had a chance to review these will we know if any further hearing sessions will be held as part of the Examination process.

2.4 The proposed modifications have been informally shared with the Inspectors, who have subsequently commented that, "*following minor revisions to the draft Main Modifications (MMs), the Inspectors are content that these are in a suitable form to be used for public consultation subject to prior completion of a Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). There is no need for the SA and HRA of the MMs to have received any prior comment from the Inspectors in advance of the commencement of the consultation process.*" The proposed modifications have been subject to a Habitats Regulation Assessment, as well as the Sustainability Appraisal process. Updates and addendums to the Habitats Regulation Assessment and Sustainability Appraisal will be published for consultation alongside the Proposed Modifications.

2.5 At the same time as the proposed modifications are consulted upon, it is proposed that the County Council also consults on a revised draft of its Statement of Community Involvement (SCI). The existing SCI has been reviewed and given that the consultation approaches outlined have been considered effective, very few changes are being proposed to the revised SCI at this stage. Changes that are being suggested include making greater use of engagement and consultation through technology and ensuring that any updated legislation that concerns consultation on planning matters is fully reflected in the SCI. Appendix 2 contains the revised draft of the SCI, with the changes that are being proposed being shown as track changes.

3 Conclusion and Reasons for Recommendations

3.1 With the Waste and Minerals Revised Policies document now at the Examination stage, it is clear that the Authorities are at a significantly advanced stage in the preparation of this Plan. To enable the Examination to be concluded, and a positive outcome to be reached by the Planning Inspectors, some modifications need to be made to the version of the Plan that was originally submitted for Examination. The Authorities need to give interested parties the opportunity to comment upon these proposed modifications and, should such comments be forthcoming, it will be for the Inspectors to consider these as part of their considerations of the Plan.

3.2 Approval to publish and consult on the proposed modifications will therefore allow the Authorities to progress the Waste and Minerals Revised Policies towards adoption, thereby ensuring an up-to-date Plan exists in which to consider relevant planning applications against.

3.3 Separately, approval to consult on a revised draft of the Statement of Community Involvement will ensure that the County Council is compliant with the relevant legislation concerning this matter.

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LOCAL MEMBERS

All

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)

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan – Revised Policies – Proposed Submission Document (September 2021)

Sustainability Appraisal

Habitats Regulation Assessment