

Report to: Cabinet

Date of meeting: 25 June 2024

By: Director of Communities, Economy & Transport

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

Purpose: To report on the outcome of the Public Examination into the Review of the Waste and Minerals Local Plan and to seek approval to adopt and publish the reviewed policies of the Waste and Minerals Plan.

RECOMMENDATIONS

Cabinet is recommended to:

- 1) **Recommend to Full Council that the Waste and Minerals Revised Policies document, incorporating the Main Modifications and minor modifications, and updated Policies Map, is adopted and published; and**
 - 2) **Recommend to Full Council that the relevant adoption statement and Sustainability Appraisal Report is published.**
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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. In light of initial feedback from the Examining Inspectors, some modifications to the Revised Policies document were proposed and consulted upon. The Inspectors have subsequently agreed these modifications and now consider that the Plan is legally compliant and 'sound'. It is now for the Authorities to formally adopt the Revised Policies document, so that it becomes part of the Development Plan for East Sussex and Brighton & Hove.

2 Supporting information

2.1 The partial review of the Waste and Minerals Local Plan was commenced in 2017. Public consultations were undertaken in Autumn 2017, Spring/Summer 2020 and Autumn/Winter 2021/22. In May 2022 the draft Revised Policies Document was submitted to the Secretary of State in order to commence the Examination in Public, which was conducted by the Planning Inspectorate. Hearing sessions for the Examination were held in November 2022, after which the Inspectors suggested certain modifications to the draft Revised Policies Document. The modifications were duly proposed by the Authorities and consulted upon during October – December 2023. The Inspectors have subsequently considered these modifications, including all representations made, and considered that provided these modifications are incorporated into the Revised Policies Document and subsequently the overall Waste and Minerals Local Plan, it is considered 'sound' and capable of being adopted by the Authorities. The Inspectors' full report is attached to this report as appendix 1.

2.2 The need for this partial review stems from the conclusions of the examining Inspector of the Waste and Minerals Sites Plan in his report published in 2016, who concluded that a review of the minerals policies within the 2013 Waste and Minerals Plan would be required 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 essential to facilitate construction and economic growth, including house building.

2.3 Whilst the partial review has primarily focused on minerals policies, including the supply of aggregate, a limited number of other policies in the plan have been revised as they were considered out-of-date (generally due to changes in national policy and legislation).

2.4 In terms of the policies relating to minerals provision, no new sites are proposed for allocation within the Plan area. This is generally a consequence of the geology of the Plan area and environmental constraints. Instead, the Authorities are seeking to primarily rely on marine-won aggregate and the re-use and recycling of material. The Inspectors have endorsed this approach.

2.5 It is important to note that whilst the Plan recognises the importance of marine aggregate to the area, it only has jurisdiction when it comes to planning for the land based infrastructure that would be required to support its supply. The bodies that consider and grant consent for marine dredging to supply aggregate are the Crown Estate and the Marine Management Organisation (MMO). It is not for the Waste and Minerals Plan to reconsider and/or assess the impacts of this activity.

2.6 In light of the Inspectors' conclusions, the Waste and Minerals Revised Policies document may now be adopted by the three Authorities. In this regard, it is important to note that the Government's Planning Practice Guidance (paragraph 058) states the following, which is of relevance to this stage of plan making;

"Once the examination process is complete, adoption is the final stage of putting a local plan in place. This requires confirmation by a full meeting of the local planning authority ([regulation 4\(1\) and \(3\) of the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#)). On adopting a Local Plan, the local planning authority has to make publicly available a copy of the plan, an adoption statement and Sustainability Appraisal in line with [regulations 26 and 35 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) .

While the local planning authority is not legally required to adopt its local plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound."

2.7 Preparation of the Waste and Minerals Revised Policies document has been accompanied by a Sustainability Appraisal (SA). The SA is used to test various policy options, along with the proposed policies themselves to help ensure that the Plan is contributing towards the achievement of sustainable development. Should the Plan be adopted, the final Sustainability Appraisal Report will need to be published alongside it.

2.8 Once the Waste and Minerals Revised Policies document has been adopted, a full and comprehensive review of the Waste and Minerals Local Plan will be commenced. The Council's published Minerals and Waste Development Scheme sets out a timetable for this full review, with an initial consultation expected in late 2024/early 2025.

3 Conclusion and reasons for recommendations

3.1 Achieving a positive outcome from the Examination into the Waste and Minerals Revised Policies document represents a significant achievement for the County Council and the partner Authorities. It is the culmination of a significant amount of work, which has included the collation of evidence and undertaking community and stakeholder engagement/consultation, carried out over a number of years.

3.2 All that remains is the requirement to formally adopt the Waste and Minerals Revised Policies document so that decisions on planning applications, where minerals and waste matters are being considered, can be made by using up-to-date Development Plan policies. Given this, and acknowledging the requirement for planning authorities to have up-to-date Development Plans in place, it is duly recommended that Cabinet recommends that Full council adopts the Revised Policies document.

RUPERT CLUBB

Director of Communities, Economy & Transport

Contact Officers: Edward Sheath & Sarah Iles

Tel. Nos: 07725 622407 & 07584 262510

Emails: Edward.sheath@eastsussex.gov.uk ; sarah.iles@eastsussex.gov.uk

Appendices

Appendix 1 – Inspectors’ Report

Appendix 2 - Waste and Minerals Revised Policies document, incorporating the Main Modifications and minor modifications, and updated Policies Map (as proposed to be adopted)

Appendix 3 – Sustainability Appraisal Report

BACKGROUND DOCUMENTS

Minerals and Waste Development Scheme (July 2023) -

<https://www.eastsussex.gov.uk/planning/waste-minerals-plans-monitoring-reports>