

To all Members of the County Council

A virtual ordinary meeting of the County Council will be held at **10.30 am** on **Friday, 6 November 2020**.

Note: In accordance with regulations in response to the current public health emergency, this meeting will be held virtually with members in remote attendance. Public access is via webcasting.

The meeting will be available to watch live via the Internet at this address:

<http://www.westsussex.public-i.tv/core/portal/home>

Agenda

1. **Apologies for Absence**

2. **Members' Interests**

Members are asked to disclose any pecuniary or personal interests in matters appearing on the agenda.

3. **Minutes** (Pages 9 - 34)

The Council is asked to confirm the minutes of the ordinary meeting of the County Council held on 18 September 2020.

4. **Governance Committee: Merger of Planning and Rights of Way Committees** (Pages 35 - 60)

To consider the proposed merger of the Planning and Rights of Way Committees, in the light of a report by the Governance Committee.

5. **Review of Proportionality** (Pages 61 - 62)

Further to the proposal at item 4 to merge the Planning and Rights of Way Committees, and following recent changes to group affiliation, the County Council has a statutory duty to review the proportionality on its committees. A brief explanation of the proportionality rules and how they are applied is set out in the attached report. A table showing the proportionality following the changes will follow.

6. **Appointments** (To Follow)

Following the review of proportionality, to consider proposed changes by the Groups to appointments. Proposals will be circulated and changes will take effect from the end of the meeting.

7. **Address by a Cabinet Member** (Pages 63 - 68)

At the discretion of the Chairman, to receive any address by a Cabinet Member on a matter of urgency and/or significant interest to the County Council and which relates to the powers and responsibilities of the County Council or which affects the Council.

The Cabinet Member for Children and Young People will make a statement on the Council's Children First Improvement Plan. A report is also attached. Members may ask questions of the Cabinet Member in accordance with Standing Order 2.33.

8. **Petition** (Pages 69 - 74)

The Council is asked to debate the following petition in accordance with Standing Order 3.43(a). A statement by the petitioners (Appendix 1) and a briefing note by the Director of Highways, Transport and Planning (Appendix 2) are attached.

Remove the Pop Up Covid 19 Cycle Lanes

'Remove the Pop Up Cycle Lanes which have been placed in Crawley.

The Pop Up Cycle lanes which have appeared in Crawley and throughout Sussex are a blight on the daily commute. They are hindering FAR more people than it is helping. Motorists are experiencing further delays to their commutes which is impacting on local businesses.'

(5 minutes is allocated for the Lead Petitioner, 5 minutes for the Cabinet Member's response followed by an opportunity for a members' debate of no more than 30 minutes with each member allowed to speak for a maximum of 3 minutes. At the end of the debate and before any proposition is put, the Lead Petitioner and Cabinet Member will each be given 3 minutes for a closing statement.)

9. **Notices of Motion**

(a) **Motion on Post-16 Support Services** (Pages 75 - 76)

To consider and debate the following motion, submitted by Cllr M Jones, which was referred to the Cabinet Member for Education and Skills at the meeting of the County Council on 18 September 2020.

'This Council notes that the Covid 19 pandemic has impacted on the education of young people over the age of sixteen in this County over the last six months or so. Those who have recently taken A levels, GCSEs and BTec examinations have had a particularly stressful time due to changes in the way exams were graded which impacted on choices for onward

study for some young people. For those who were planning on seeking employment or apprenticeships after completing their education, the situation is even worse due to the current state of the economy.

Now more than ever these students need support to ensure they do not find themselves Not in education, employment or training (NEETs). Moreover, given the likely long term impact of the effects of the pandemic on the economy, it will become even more important than ever for this Council to be able to provide support for future generations of school-leavers.

This Council therefore calls on the Cabinet Member for Education and Skills to reprioritise funding to enable the reversal of the decision taken at full Council in February to reduce the post-16 support service that provides interventions and careers guidance for young people Not in Education, Employment or Training (NEETs) and instead to consider whether current staffing levels are adequate or should in fact be increased.'

and the report by the Cabinet Member for Education and Skills.

(b) **Motion on Hidden Disability**

To consider the following motion, notice of which was given on 12 October 2020 by Cllr Edwards. **Note:** The Chairman has indicated she intends to refer the motion to the Cabinet Member for Adults and Health for consideration. It will therefore not be debated at this meeting.

'Many businesses, emergency services and local authorities have recognised the Hidden Disabilities Lanyard and West Sussex County Council should embrace this too. Anyone with a hidden disability which does not have physical signs, including learning disabilities, lung conditions and chronic illnesses can opt to wear a Hidden Disability Sunflower to show they may require additional help, understanding or extra time to carry out an action. This symbol allows us to give them the help and understanding they may need in their day-to-day lives. This Council calls on the Cabinet Member for Adults and Health to support the following commitments;

- (1) To officially recognise the Hidden Disabilities Sunflower.
- (2) To officially promote what it stands for and its importance in breaking stigma.
- (3) To help promote Hidden Disabilities Sunflower to local businesses and encourage them to formally look at

recognising it.

- (4) To promote that the council offices are Hidden Disability friendly and promote the Sunflower on its buildings so people can identify the Council as Hidden Disability friendly.
- (5) To actively promote and encourage local district and borough councils, and town and parish councils to recognise the scheme.'

(c) **Motion on Pension Investments**

To consider the following motion, notice of which was given on 13 October 2020 by Cllr Michael Jones. **Note:** The Chairman has indicated she intends to refer the motion to the Pensions Committee for consideration. It will therefore not be debated at this meeting.

'In line with the principles previously supported by this Council in taking strong local action to address the climate emergency and recognising the strength of public opinion, as evidenced by the large demonstration at the full County Council meeting in February 2020, this Council calls on the West Sussex Pensions Committee to take all necessary steps to divest all of its investments from fossil fuel companies as soon as practicable.'

(d) **Motion on Council Investments**

To consider the following motion, notice of which was given on 20 October 2020 by Cllr Millson. **Note:** The Chairman has indicated she intends to refer the motion to the Cabinet Member for Finance for consideration. It will therefore not be debated at this meeting.

'This Council welcomes the fact that the Pensions Committee's investment managers have signed up to the United Nations Principles of Responsible Investment which has been set up by the United Nations Environment Programme Finance Initiative (UNEP FI) to encourage asset owners and asset managers to:

- incorporate environmental, social and governance (ESG) issues into investment analysis and decision making;
- be active owners;
- seek disclosure of ESG issues; and
- promote the principles within the industry.

This Council therefore calls on the Cabinet Member for Finance to follow the lead of the Pensions Committee and to ask the Council's investment advisers to ensure they follow the United Nations Principles of Responsible Investment for all of the Council's investments. This will ensure that West

Sussex County Council achieves a more ethical investment policy by incorporating matters like human rights and environmental issues, such as reducing reliance on fossil fuels (in line with the Council's Climate Change Strategy), into its investment decisions.'

(e) **Motion on Milk at School Break Time**

To consider the following motion, notice of which was given on 16 October 2020 by Cllr Michael Jones. **Note:** The Chairman has indicated she intends to refer the motion to the Cabinet Member for Education and Skills for consideration. It will therefore not be debated at this meeting.

'This Council notes that the number of families relying on support from food banks in some parts of the county has increased by as much as 80% in the last 12 months and that there has been a county-wide increase in applications for free school meals over the last six months compared to last year.

This Council also believes the provision of school milk provides a nutritional boost and keeps children hydrated between breakfast and lunch, helping them to concentrate and learn.

This Council therefore calls on the Cabinet Member for Education and Skills to work with the Cabinet to provide funding to enable the reversal of the decision to cease providing morning break time school milk for the over 5s for 2020/21 with effect from September 2020. It calls on him to utilise the savings achieved over the past six months as a result of members not having to travel to meetings to meet the cost.'

(f) **Motion on the Economy**

To consider and debate the following motion, notice of which was given on 20 October 2020 by Cllr Boram.

'West Sussex County Council:

- (1) Notes and embraces the challenges and requirements involved in balancing the needs of public health and economic growth, with the requirement that the latter has to be clean, green and sustainable;
- (2) Notes that the balancing of public health, economic growth and other considerations generates a diversity of opinion in the scientific, medical and government community, and therefore believes that the widest range of views should be considered by central government decision-making forums;

- (3) Recognises its role in supporting clean, green and sustainable economic growth and welcomes the feedback so far received on its Economy Reset Plan, which is designed to support these objectives;
- (4) Recognises the severe impact of Covid-19 on the West Sussex economy including but not limited to the aviation, travel, events, hospitality, horticulture and adult social care sectors;
- (5) Notes the prevalence and importance of some sectors in parts of the West Sussex economy and sees opportunities for jobs growth through targeted investment in new and innovative initiatives;
- (6) Welcomes the creative and imaginative nature of central government economic support initiatives including the furlough scheme, self-employed income support, sector-specific VAT reductions and 'Eat Out to Help Out';
- (7) Welcomes the establishment of the Global Travel Taskforce and looks forward to the publication of the Government's Aviation Recovery Strategy;
- (8) Commends the efforts of West Sussex businesses to adapt to the new normal and expresses its support for all enterprises in these difficult times;
- (9) Acknowledges the importance of the local growth deals and thanks partner organisations for their participation in them; and
- (10) In its advocacy role asks the Cabinet to make the following requests to central government reflecting a number of current priorities:
 - (a) To assist the hospitality sector by minimising the application of lockdown measures, consistent with the maintenance of public health, taking into account local R rates and other local factors;
 - (b) Make further reforms to the taxation of digital businesses to achieve a better levelling of opportunity between digital and physical enterprises;
 - (c) Bring forward initiatives for airport Covid-19 testing to assist in limiting the application and impact of quarantine;
 - (d) Maintain sector-specific furlough and self-employed income support;

- (e) Support continued investment in our digital infrastructure including hard-to-reach rural premises, welcoming the progress that has been made to date in our county;
- (f) Ensure that the pre-Covid-19 agenda around adult social care reform is resumed;
- (g) To articulate clear and confidence-building messages on the role and utility of public transport with renewed emphasis on rural connectivity;
- (h) Apply clean, green, climate change and economic diversity and resilience considerations in the awards of funding for economic recovery; and
- (i) Support investment in reskilling and retraining to assist with diversifying and creating a sustainable economy.'

(g) **Motion on provision of Free School Meals in School Holidays**

Under Standing Order 2.46, to consider the following motion submitted by Cllr Michael Jones, notice of which was given on 26 October 2020. **Note:** The Chairman has indicated she intends to refer the motion to the Cabinet for consideration. The motion will therefore not be debated at this meeting.

'This Council expresses disappointment that the Government has voted against providing free meals for children entitled to free school meals in the October 2020 half term and during future school holidays. This Council also expresses disappointment that none of the West Sussex Members of Parliament who took part in the Parliamentary vote supported the proposal to provide meals during future school holidays, with seven of the eight actively voting against.

This Council recognises that the on-going pandemic is causing hardship and poverty for many families within West Sussex and calls on the Cabinet to follow the example of other councils around the country to step in and provide free meals for children entitled to free school meals during future school holidays during the current pandemic.'

Note to members on reason for urgency

Due to the timing of the Government's vote on providing free meals for children entitled to such meals in the October half term and during future school holidays, the County Chairman has agreed that Cllr Jones may submit the motion under Standing Order 2.46 but has decided to refer it rather

than accept it for debate on this agenda.

Lunch (In the event that the morning business is finished before lunch the afternoon business will be brought forward as appropriate.)

10. **Proposed Modifications to the Soft Sand Review of the West Sussex Joint Minerals Local Plan** (Pages 77 - 110)

The County Council is asked to consider and approve the Proposed Modifications to the Soft Sand Review of the West Sussex Joint Minerals Local Plan, in the light of a report by the Cabinet Member for Environment.

11. **Question Time** (Pages 111 - 116)

Questions to the Leader and Cabinet Members on matters contained within the Cabinet report, written questions and any other questions relevant to their portfolios. Members may also ask questions of the Leader on anything that is currently relevant to the County Council. The report covers relevant Council business or developments in respect of portfolios arising since the meeting of the Council on 18 September 2020. A supplementary report may be published.

(2 hours is allocated for Question Time)

12. **Report of Urgent Action** (Pages 117 - 118)

To note urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

County Council concludes

Items not commenced by 4.15 p.m. will be deferred to the following meeting.

Director of Law and Assurance
28 October 2020

West Sussex County Council – Ordinary Meeting

18 September 2020

At the virtual Ordinary Meeting of the County Council held at 10.30 am on Friday, 18 September 2020, the members present being:

Cllr Duncton (Chairman)

Cllr Acraman	Cllr Lanzer
Cllr Arculus	Cllr Lea
Cllr Atkins, RD	Cllr Lord
Cllr Baldwin	Cllr Magill
Cllr Barling	Cllr Markwell
Cllr Barnard	Cllr Marshall
Cllr Barrett-Miles	Cllr McDonald
Cllr Bennett	Cllr Millson
Cllr Boram	Cllr Mitchell
Cllr Bradbury	Cllr Montyn
Cllr Bradford	Cllr R Oakley
Cllr Brunsdon	Cllr S Oakley
Cllr Buckland	Cllr O'Kelly
Cllr Burgess	Cllr Oppler
Cllr Burrett	Cllr Oxlade
Cllr Catchpole	Cllr Patel
Cllr Cloake	Cllr Pendleton
Cllr Crow	Cllr Purchase
Cllr J Dennis	Cllr Purnell
Cllr N Dennis	Cllr Quinn
Cllr Edwards	Cllr Russell
Cllr Elkins	Cllr Simmons
Cllr Goldsmith	Cllr Smith
Cllr Hall	Cllr Smytherman
Cllr High	Cllr Sparkes
Cllr Hillier	Cllr Turner
Cllr Hunt	Cllr Urquhart
Cllr M Jones	Cllr Waight
Cllr A Jupp	Cllr Walsh, KStJ, RD
Cllr N Jupp	Cllr Whittington
Cllr Kennard	Cllr Wickremaratchi
Cllr Kitchen	

16 Armed Forces Covenant Gold Award

- 16.1 The Chairman reported that the County Council had received the Gold Award for its work on fulfilling the Armed Forces Covenant. She offered congratulations to everyone involved, particularly Cllr Bradbury, the County Council's Armed Forces Champion.

17 Apologies for Absence

17.1 Apologies were received from Cllr Barton, Cllr Bridges, Cllr Fitzjohn, Cllr A Jones, and Cllr Sudan.

17.2 Apologies for part of the afternoon session were received from Cllr Arculus who left at 2.40 pm and re-joined the meeting at 3.40 pm and then left at 4.25 pm. Cllr Elkins gave his apologies and left at 4.00 pm. Cllr Barling left at 2.35 pm, Cllr Cloake at 3.00 pm, Cllr Smith at 3.05 pm, Cllr Purchase at 3.10 pm, Cllr Hillier at 3.25 pm, Cllr R J Oakley at 3.35 pm, Cllr Oppler at 3.55 pm, Cllr McDonald at 4.00 pm and Cllr Goldsmith at 4.15 pm.

18 Members' Interests

18.1 Members declared interests as set out at Appendix 1.

19 Minutes

19.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 17 July 2020 (pages 7 to 28) be approved as a correct record.

20 Review of Proportionality

20.1 Following a recent change in group affiliation, the Council has a statutory duty to review the proportionality on its committees following the by-election. A paper on the application of the proportionality rules and how they were applied, together with a table showing the number of seats on committees, was set out on pages 29 and 30.

20.2 Resolved –

That the proportionality be agreed.

21 Appointments

21.1 The Council approved appointments as set out below.

Committee	Change
Children and Young People's Services Scrutiny Committee	Cllr Pendleton in place of Cllr Barling* Cllr Hillier as Chairman* Cllr Brunsdon in place of Cllr Lea Cllr Lea in place of Cllr Brunsdon as substitute Cllr Oxlade to fill vacancy

	* with effect from 25 September
Environment and Communities Scrutiny Committee	Cllr Montyn in place of Cllr Barton
Fire and Rescue Service Scrutiny Committee	Cllr David Barling in place of Cllr M Jones
Health and Adult Social Care Scrutiny Committee	Cllr M Jones in place of Cllr Oxlade Cllr Oxlade in place of Cllr M Jones as substitute
Performance and Finance Scrutiny Committee	Cllr Hillier in place of Cllr Barling Cllr Quinn in place of Cllr Oxlade as substitute
Planning Committee	Cllr Baldwin in place of Cllr Barton Cllr Sudan to fill vacancy
Regulation, Audit and Accounts Committee	Cllr Lea in place of Cllr M Jones
Rights of Way Committee	Cllr Sudan in place of Cllr Brunsdon
Standards Committee	Cllr Lea in place of Cllr Brunsdon
Staff Appeals Panel	Cllr Sudan to fill vacancy

22 Address by a Cabinet Member

- 22.1 Members received addresses by the Cabinet Member for Children and Young People on the Council's Children First Improvement Plan and by the Cabinet Member for Adults and Health on the public health emergency.
- 22.2 In response to questions the Cabinet Member for Adults and Health agreed to provide members with responses as set out below.
- Cllr O'Kelly: the current waiting time results for tests and how many staff members were self-isolating.
 - Cllr Brunsdon: the percentage of patients in the dataset used that had needed to be hospitalised.
 - Cllr M Jones: the levels of cases by district/borough areas (information to be sent to all members).

23 Motion on Support and Recognition for Veterans with Post-Traumatic Stress Disorder

- 23.1 At the County Council meeting on 13 December 2019 a motion had been moved by Cllr Edwards, seconded by Cllr Atkins, and referred to the Leader and Cabinet Member for Adults and Health for consideration.
- 23.2 A revised version of the motion was circulated as set out below (change shown in bold, italic text). Due to technical issues experienced by Cllr Atkins, Cllr Walsh acted as seconder for the revised motion.
- 23.3 Members noted that the word 'not' had been omitted in error from the final line of paragraph 3 which should read 'not recognised'. A report by the Leader and Cabinet Member was included with the agenda (pages 37 and 38).

'This Council advocates better treatment of veterans who suffer from post-traumatic stress disorder (PTSD) and better recognition for those who have died as a result of this disorder. The County Council takes the wellbeing of all those who have served extremely seriously and is continually considering how it can better understand the needs of ex-services persons who are suffering from PTSD and provide the best possible support.

In this country there is a National Memorial Arboretum to commemorate those who have given their lives in the service of our country. Families are able to spend time there remembering their loved ones. Every name, in one place, a calm, respectful space, where people can reflect and honour these heroes. However, those veterans who have taken their own lives, succumbing to Post Traumatic Stress Disorder caused by combat, are not remembered at the National Memorial Arboretum.

This Council believes that this must change. These service personnel have given their all in their service for our country and in many cases have been medically discharged from service because of the trauma they have seen and taken part in. Subsequently, as civilians, they take their own life and therefore are recognised as combat related casualties.

This Council calls upon the Leader of the Council and the Armed Forces Champion to:

- (1) Lobby the Ministry of Defence **and other appropriate bodies** to provide a fitting memorial to those who have served and ultimately succumbed to PTSD'
- (2) Continue to work with partners through the West Sussex Civilian Military Partnership Board to improve the lives of veterans and promote the services available to them with particular emphasis on mental health services, including use

of the Forces Connect South East App to all staff as a signposting mechanism;

- (3) Encourage staff to undertake Armed Forces Mental Health First Aid training; and
- (4) Work with the Cabinet Member for Adults and Health to ensure that health and wellbeing matters affecting veterans, including PTSD, are recognised in health and wellbeing strategies including the forthcoming refresh of Suicide Prevention Strategy in 2020.'

23.4 The revised corrected motion was carried as set out below.

'This Council advocates better treatment of veterans who suffer from post-traumatic stress disorder (PTSD) and better recognition for those who have died as a result of this disorder. The County Council takes the wellbeing of all those who have served extremely seriously and is continually considering how it can better understand the needs of ex-services persons who are suffering from PTSD and provide the best possible support.

In this country there is a National Memorial Arboretum to commemorate those who have given their lives in the service of our country. Families are able to spend time there remembering their loved ones. Every name, in one place, a calm, respectful space, where people can reflect and honour these heroes. However, those veterans who have taken their own lives, succumbing to Post Traumatic Stress Disorder caused by combat, are not remembered at the National Memorial Arboretum.

This Council believes that this must change. These service personnel have given their all in their service for our country and in many cases have been medically discharged from service because of the trauma they have seen and taken part in. Subsequently, as civilians, they take their own life and therefore are not recognised as combat related casualties.

This Council calls upon the Leader of the Council and the Armed Forces Champion to:

- (1) Lobby the Ministry of Defence and other appropriate bodies to provide a fitting memorial to those who have served and ultimately succumbed to PTSD'
- (2) Continue to work with partners through the West Sussex Civilian Military Partnership Board to improve the lives of veterans and promote the services available to them with particular emphasis on mental health services, including use of the Forces Connect South East App to all staff as a signposting mechanism;

- (3) Encourage staff to undertake Armed Forces Mental Health First Aid training; and
- (4) Work with the Cabinet Member for Adults and Health to ensure that health and wellbeing matters affecting veterans, including PTSD, are recognised in health and wellbeing strategies including the forthcoming refresh of Suicide Prevention Strategy in 2020.'

24 Motion on Government Planning Consultation

24.1 The following motion was moved by Cllr Bradbury and seconded by Cllr Kitchen.

'This Council notes the Government's consultations on changes to the current planning system alongside the consultation on the 'Planning for the Future' White Paper, and welcomes the focus on building on brownfield sites, better energy efficiency standards and the requirement to enhance bio-diversity.

This Council also welcomes simplifying the planning process and the proposal to replace S106 and the Community Infrastructure Levy with a new Infrastructure Levy and to apply it to permitted development. However, it believes that planning should be kept local with public participation at its heart, with sufficient funding for local infrastructure that flows to the infrastructure provider. Therefore, the County Council must have a statutory role in the operation of the new levy and secure an appropriate share of the funds that are raised.

However, the Council calls for an urgent review of the housing allocation algorithm which concentrates housing numbers in the suburbs and rural areas, which already have an infrastructure deficit, and away from towns and cities, which post Covid-19, are crying out for regeneration of town centres and high streets. The Council registers its concern over the impact that this algorithm will have on West Sussex regarding:

- (1) The almost doubling of housing targets will impact the environment, loss of agricultural land, building on flood plains and the county's ability to combat climate change. The county already suffers from a lack of infrastructure such as roads, public transport, rail, and others and has just experienced water shortages in some areas;
- (2) Insufficient account is taken of the areas covered by national parks, AONBs and coastal flood plains, leading to mass development outside of these areas;
- (3) The need in rural areas is for affordable rented housing. The change to affordable housing thresholds would mean that in approximately 70% of small parishes no affordable housing contributions would be required on sites of fewer than 40-50

dwellings, this would mean that no affordable housing would be delivered in these communities which will be catastrophic for their sustainability.

Planning is not just about housing and it will be important to understand how the proposed changes to the operation of the planning system impact upon the County Council's statutory minerals, waste and other planning functions.

Council also supports the recommendation in the Glover Review to give AONBs statutory consultee status for planning applications in their area to strengthen their role in the planning system.

This Council therefore calls upon the Cabinet Member for Environment working with the Leader to liaise with the district and borough councils and members of Parliament in making these points in the response to the Consultation.'

- 24.2 An amendment was moved by Cllr O'Kelly and seconded by Cllr Walsh as set out below:

'This Council notes the Government's consultations on changes to the current planning system alongside the consultation on the 'Planning for the Future' White Paper, and welcomes the focus on building on brownfield sites, better energy efficiency standards and the requirement to enhance bio-diversity.

This Council also welcomes simplifying the planning process and the proposal to replace S106 and the Community Infrastructure Levy with a new Infrastructure Levy and to apply it to permitted development. However, it believes that planning should be kept local with public participation at its heart, with sufficient funding for local infrastructure that flows to the infrastructure provider. Therefore, the County Council must have a statutory role in the operation of the new levy and secure an appropriate share of the funds that are raised.

However, the Council calls for an urgent review of the housing allocation algorithm which concentrates housing numbers in the suburbs and rural areas, which already have an infrastructure deficit, and away from towns and cities, which post Covid-19, are crying out for regeneration of town centres and high streets. The Council registers its concern over the impact that this algorithm will have on West Sussex regarding:

- (1) The almost doubling of housing targets will impact the environment, loss of agricultural land, building on flood plains and the county's ability to combat climate change. The county already suffers from a lack of infrastructure such as roads, public transport, rail, and others and has just experienced water shortages in some areas;

(2) Insufficient account is taken of the areas covered by national parks, AONBs and coastal flood plains, leading to mass development outside of these areas;

(3) The need in rural areas is for affordable rented housing. The change to affordable housing thresholds would mean that in approximately 70% of small parishes no affordable housing contributions would be required on sites of fewer than 40-50 dwellings, this would mean that no affordable housing would be delivered in these communities which will be catastrophic for their sustainability; **and**

(4) *Its failure to address the building of social rent homes at the scale that is required.*

Planning is not just about housing and it will be important to understand how the proposed changes to the operation of the planning system impact upon the County Council's statutory minerals, waste and other planning functions.

Council also supports the recommendation in the Glover Review to give AONBs statutory consultee status for planning applications in their area to strengthen their role in the planning system.

This Council therefore calls upon the Cabinet Member for Environment working with the Leader to liaise with the district and borough councils and members of Parliament in making these points in the response to the Consultation.'

24.3 The amendment was lost.

24.4 An amendment was moved by Cllr Lea and seconded by Cllr Brunsdon as set out below:

'This Council notes the Government's consultations on changes to the current planning system alongside the consultation on the 'Planning for the Future' White Paper, and welcomes the focus on building on brownfield sites, better energy efficiency standards and the requirement to enhance bio-diversity.

This Council also welcomes simplifying the planning process and the proposal to replace S106 and the Community Infrastructure Levy with a new Infrastructure Levy and to apply it to permitted development. However, it believes that planning should be kept local with public participation at its heart, with sufficient funding for local infrastructure that flows to the infrastructure provider. Therefore, the County Council must have a statutory role in the operation of the new levy and secure an appropriate share of the funds that are raised.

However, the Council calls for an urgent review of the housing allocation algorithm which concentrates housing numbers in the

suburbs and rural areas, which already have an infrastructure deficit, and away from towns and cities, which post Covid-19, are crying out for regeneration of town centres and high streets. The Council registers its concern over the impact that this algorithm will have on West Sussex regarding:

- (1) The almost doubling of housing targets will impact the environment, loss of agricultural land, building on flood plains and the county's ability to combat climate change. The county already suffers from a lack of infrastructure such as roads, public transport, rail, and others and has just experienced water shortages in some areas;
- (2) Insufficient account is taken of the areas covered by national parks, AONBs and coastal flood plains, leading to mass development outside of these areas;
- (3) The need in rural areas is for affordable rented housing. The change to affordable housing thresholds would mean that in approximately 70% of small parishes no affordable housing contributions would be required on sites of fewer than 40-50 dwellings, this would mean that no affordable housing would be delivered in these communities which will be catastrophic for their sustainability.

Planning is not just about housing and it will be important to understand how the proposed changes to the operation of the planning system impact upon the County Council's statutory minerals, waste and other planning functions.

Council also supports the recommendation in the Glover Review to give AONBs statutory consultee status for planning applications in their area to strengthen their role in the planning system.

This Council welcomes this review as the current planning regime imposes more development than many of our residents wish or than infrastructure can sustain, causing irreparable harm to the south-east. It fails to protect and restore the natural environment. The asymmetric planning process gives an illusion of listening to local views whilst in reality according them little weight.

This Council therefore calls upon the Cabinet Member for Environment working with the Leader to liaise with the district and borough councils and members of Parliament in making these points in the response to the Consultation.'

24.5 The amendment was lost.

24.6 The motion was carried.

25 Motion on unaccompanied Child Asylum Seekers

- 25.1 The following motion was moved by Cllr Lord and seconded by Cllr Barling.

'During summer 2020, the number of people arriving by boat to seek asylum in the UK has increased with an associated raised media profile for this issue. In August, Kent County Council announced that it is has now reached its capacity to accommodate unaccompanied asylum-seeking children. West Sussex County Council is signed up to the voluntary National Transfer Scheme and has taken six unaccompanied asylum-seeking children from Kent since June.

This Council:

- (1) Recognises the United Kingdom's proud tradition of welcoming people fleeing conflict and persecution;
- (2) Asks the Cabinet Member for Children and Young People to commit to continue to work with other local authorities through the National Transfer Scheme and to continue our dialogue with our near neighbours, particularly Kent and Portsmouth, to meet the needs of as many Unaccompanied Asylum-Seeking Children as we are able;
- (3) Asks the Cabinet Member for Children and Young People to acknowledge the role of West Sussex County Council's Children's Services and the foster carers who provide a safe home for our Unaccompanied Asylum-Seeking Children and expresses our gratitude for their ongoing work; and
- (4) Acknowledges that, notwithstanding differing personal views, anyone engaged in discourse on this issue, including elected members, has a responsibility to treat the people involved with dignity, compassion and respect.'

- 25.2 The motion was carried.

26 Motion on Post-16 Support Services

- 26.1 The following motion was moved by Cllr M Jones and seconded by Cllr Oxlade.

'This Council notes that the Covid 19 pandemic has impacted on the education of young people over the age of sixteen in this County over the last six months or so. Those who have recently taken A levels, GCSEs and BTec examinations have had a particularly stressful time due to changes in the way exams were graded which impacted on choices for onward study for some young people. For those who were planning on seeking employment or apprenticeships after completing their education, the situation is even worse due to the current state of the economy.

Now more than ever these students need support to ensure they do not find themselves Not in education, employment or training (NEETs). Moreover, given the likely long term impact of the effects of the pandemic on the economy, it will become even more important than ever for this Council to be able to provide support for future generations of school-leavers.

This Council therefore calls on the Cabinet Member for Education and Skills to reprioritise funding to enable the reversal of the decision taken at full Council in February to reduce the post-16 support service that provides interventions and careers guidance for young people Not in Education, Employment or Training (NEETs) and instead to consider whether current staffing levels are adequate or should in fact be increased.'

- 26.2 The motion was referred to the Cabinet Member for Education and Skills for consideration.

27 Allocation of Additional Funding to support response to Covid-19

- 27.1 The Cabinet Member for Finance moved the report on the allocation of additional funding to support the response to COVID-19.

- 27.2 The recommendations were put to a recorded vote under Standing Order 3.36.

- (a) For the recommendations – 59

Cllr Acraman, Cllr Arculus, Cllr Atkins, Cllr Baldwin, Cllr Barling, Cllr Barnard, Cllr Barrett-Miles, Cllr Bennett, Cllr Boram, Cllr Bradford, Cllr Brunsdon, Cllr Burgess, Cllr Burrett, Cllr Catchpole, Cllr Crow, Cllr J Dennis, Cllr N Dennis, Cllr Duncton, Cllr Edwards, Cllr Elkins, Cllr Goldsmith, Cllr Hall, Cllr High, Cllr Hillier, Cllr Hunt, Cllr M Jones, Cllr A Jupp, Cllr N Jupp, Cllr Kennard, Cllr Kitchen, Cllr Lanzer, Cllr Lea, Cllr Lord, Cllr Magill, Cllr Markwell, Cllr Marshall, Cllr McDonald, Cllr Millson, Cllr Mitchell, Cllr Montyn, Cllr O'Kelly, Cllr R J Oakley, Cllr S J Oakley, Cllr Oppler, Cllr Oxlade, Cllr Patel, Cllr Pendleton, Cllr Purnell, Cllr Quinn, Cllr Russell, Cllr Simmons, Cllr Smytherman, Cllr Sparkes, Cllr Turner, Cllr Urquhart, Cllr Waight, Cllr Walsh, Cllr Whittington and Cllr Wickremaratchi.

- (b) Against the recommendations - 0

- (c) Abstentions – 0

- 27.3 Resolved –

- (1) That grant funding received in connection with the current pandemic and which is not ring fenced is allocated pro rata to the expenditure incurred in relation to each service area;

- (2) That ring-fenced grant funding is allocated according to the purposes and in accordance with any rules specified; and
- (3) That the Total Performance Monitor report will report on the use and allocation of this funding during the course of 2020/21.

28 Question Time

- 28.1 Members asked questions of members of the Cabinet on matters relevant to their portfolios and asked questions of chairmen, as set out at Appendix 3. This included questions on those matters contained within the Cabinet report (pages 43 to 48) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

29 Governance Committee: Minor changes to the Constitution: Rights of Way Committee, Pension Advisory Board and Pensions Committee

- 29.1 The Council considered minor changes to the terms of reference of the Rights of Way Committee, the Pension Advisory Board and the Pensions Committee, in the light of a report from the Governance Committee (pages 49 to 54).
- 29.2 Resolved –
- (1) That the proposed changes to the Rights of Way Committee terms of reference and Delegation Code of Practice, as set out at Appendix 1, be approved;
 - (2) That the amendment to the terms of reference of the Pension Advisory Board set out in paragraph 2 be approved; and
 - (3) That the amendment to the membership of the Pensions Committee set out in paragraph 3 be approved.

30 Report of Urgent Action: Regulation 19

- 30.1 The report of urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (pages 55 and 56) was noted.

Chairman

The Council rose at 4.30 pm

Interests

Members declared interests as set out below. All the interests listed below were personal but not pecuniary or prejudicial unless indicated.

Item	Member	Nature of Interest
Item 7(a) – Notice of Motion on Post Traumatic Stress Disorder	Cllr Atkins	As veteran of the Royal Navy Reserve, vice chair of Worthing's Royal Naval Association, As trustee of Building Heroes Trust and as director of Building Heroes Property Services
	Cllr Bradbury	Chairman of Building Heroes
	Cllr Goldsmith	Son serves in the Armed Forces
Item 7(b) – Notice of Motion on Government Planning Consultation	Cllr Atkins	Vice-Chair of Worthing Borough Council's Planning Committee
	Cllr Bennett	Member of Mid Sussex District Council
	Cllr Boram	Member of Adur District Council
	Cllr Bradbury	Member of Mid Sussex District Council
	Cllr Brunsdon	Member of Mid Sussex District Council
	Cllr Elkins	Member of Arun District Council
	Cllr Goldsmith	Chairman of Save Our South Coast Alliance
	Cllr High	Chairman of Worthing Borough Council Planning Committee
	Cllr Hunt	Chairman of Chichester Harbour Conservancy
	Cllr N Jupp	Member of Horsham District Council
	Cllr M Jones	Member of Crawley Borough Council
	Cllr Kitchen	Chairman of Horsham District Council Planning Committee North
	Cllr Lea	Member of Mid Sussex District Council

Item	Member	Nature of Interest
Item 7(b) – Notice of Motion on Government Planning Consultation (cont)	Cllr Montyn	Member of Chichester Harbour Conservancy and its Planning Committee Has Freedom of the Harbour
	Cllr S Oakley	Member of Chichester District Council and that Council's appointee to Portsmouth Water's Customer Challenge Group Member of Tangmere Parish Council
	Cllr Smytherman	Member of Worthing Borough Council
	Cllr Walsh	Leader of Arun District Council
Item 7(d) – Post 16 Support Services	Cllr Smytherman	Chairman of Governors of West Sussex Alternative Provision College
Item 9 – Question Time	Cllr Atkins	Former Royal Navy qualified Fire Fighter
	Cllr Brunsdon	Member of Mid Sussex District Council Employed by British Airways
	Cllr Burrett	Deferred member of the West Sussex Local Government Pension Scheme
	Cllr Lanzer	Deferred Member of the West Sussex Local Government Pension Scheme Member of Crawley Borough Council
	Cllr Lea	Member of Mid Sussex District Council
	Cllr O'Kelly	Member of Chichester District Council
	Cllr S Oakley	Member of Chichester District Council
Item 10 – Governance Committee: Minor Changes to the Constitution	Cllr Burrett	Deferred member of the West Sussex Local Government Pension Scheme

Written Questions: 18 September 2020

1 Written question from **Cllr Noel Atkins** for reply by the **Cabinet Member for Economy and Corporate Resources**

Question

I have a great interest and background in IT and built the IT Junction at Heene Community Centre with a grant from the County Council to provide the residents of Worthing with free hands-on advice and use of computer systems.

Can the Cabinet Member, therefore, please describe the kind of emerging technologies that are in the IT Strategy and how they might be effectively deployed in the future.

Answer

The IT Strategy references the following emerging technologies:

- Virtual assistants that can operate at the explicit or implicit direction of the user (for example, virtual personal assistants and chatbots). These can be used for the enable automation of routine tasks and then, as they grow in sophistication, more complex tasks can be added to their repertoire.
- Independent agents that operate in the background and are not invoked directly by the user. For example, an independent agent might monitor a place and make decisions that changes the actions and activity of control systems. This might range from intelligent street lights through to whole place management.

The application of machine learning and AI to analytical systems can transform how analytics content is developed, consumed and shared, for example:

- Augmented data preparation, which uses machine learning automation to augment data preparation activities such as data quality management, modelling, enrichment, and metadata development.
- Augmented business intelligence (BI), which enables business users and others to automatically find, visualize and narrate relevant findings without building models or writing algorithms.

Microsoft Power BI products have been selected as many of these capabilities are or will be included within this product set as they become more mainstream. This will enable response to the increase in data generated by the IoT as well as making the analytical capability more sophisticated.

Elsewhere in this strategy describes how IT services will be migrated to a cloud-based delivery model. One of the advantages of cloud-based solutions is that they have capacity in depth and can respond to high demand for processing and other technical requirements. At the same time the power and capabilities of 'end-point' devices (e.g. laptops, smartphones, IoT devices, consumer technologies) is also increasing. These devices collectively may be referred to as 'edge' computing. Edge computing will tend to keep the data traffic and processing local, with the goal being to reduce data transmissions and to speed up local responses. It is expected that intelligence will enhance a range of edge devices including edge input/output devices such as

speakers and screens, edge computing devices such as smartphones and laptops, and complex edge devices such as vehicles and power generators. This intelligence at the edge will provide opportunity to deliver services in new ways, or example using virtual reality (VR) or augmented reality (AR) technologies.

- VR provides a computer-generated 3D environment that surrounds a user and responds to an individual's actions in a natural way.
- AR is the real-time use of information in the form of text, graphics, video and other virtual enhancements integrated with real-world objects.

AR aims to enhance users' interaction with the real physical environment, rather than separating them from it. Both AR and VR will be enhanced by technology capabilities that will improve visual interaction and allow other sensory models, such as touch and sound. There are several examples of VR or AR in use in the UK public sector. While most of these are experimental, it is likely that use will become mainstream. The County Council's computing facilities will enable VR and AR solutions.

The sense of immersion within a virtual world or when interacting with digital entities is enhanced by the growth in capability of conversational platforms that provide an interface that is mainly in the user's spoken or written natural language. Conversational platforms are most recognisably implemented in:

- Virtual personal assistants, such as Amazon Alexa, Apple's Siri, Google Assistant and Microsoft's Cortana
- Virtual customer assistants, such as IPsoft's Amelia and Watson Virtual Agent
- Chatbot frameworks, such as Amazon Lex, Dialogflow from Google, IBM Watson Assistant and Microsoft Bot Framework

While interactions in conversational platforms are currently relatively simple (e.g. "What's the weather today") or via a highly structured interaction such as that required to book a hotel room, the technology will mature. This will enable extremely complex requests and activities, for example collecting oral testimony from crime witnesses and then creating an image of the suspect.

2 Written question from Cllr Kate O'Kelly for reply by the Cabinet Member for Economy and Corporate Resources

Question

Can the Cabinet Member please:

- (a) Confirm how much funding has been provided to the County Council by the European Union through the European Structural and Investment Fund (ESIF) since 1 April 2015?
- (b) Provide a break-down of funding from each of the strands of the ESIF (which includes the European Social Fund, European Regional Development Fund and the European Agricultural Fund for Rural Development), for each of the last five years and in respect of each of those years confirm what any funding provided has been used for.

- (c) In 2017, the UK government announced that it would replace EU Structural Funds with a successor arrangement called the UK Shared Prosperity Fund. Does the Cabinet member have any further information regarding the intention to replace the funds previously provided by the EU to ensure the residents of West Sussex do not miss out?

Answer

- (a) and
- (b) The main funds received by the County Council are in the areas of economy, education and energy. For economy in the last five years the County Council has received:
- LEADER programme with £2.9m from the European Agricultural Fund for Rural Development providing grants to rural businesses and communities
 - SPARK Social Enterprise Project with £230,000 Interreg 2 Seas funding to support and enable innovation among social enterprises
 - Downs Link cycling and walking improvements to support the visitor economy – delivered by countryside services – with £557,000 from the European Agricultural Fund for Rural Development

The Council has committed match funding through the economy reserve for two further projects and awaits final decisions from the managing authority on the bids to the European Regional Development Fund. One concerns business innovation and the other the low carbon sector.

Other funds have been levered by providing match funding, mainly through the Strategic Investment Fund to the University of Chichester led Hot House business support, this received a £5.5m European Regional Development Fund allocation.

For Education in the last five years the Council has received the following ESIF funding in relation to the current NEETS programme which comes to an end in December 2020:

2018/19 - £140,000

2019/20 - £233,000

2020/21 - £58,000 to date with a further £123,000 (approx.) pending between now and the project end date

This is match funded by the local authority.

For Energy in the last five years the Council has received: BISEPS Project, based in Manor Royal Business Park, funded by the Interreg 2 Seas programme to explore, encourage and implement exchange of renewable energy in business parks with £231,099 received to date with a further £90,000 (approx.) pending between now project end date of April 2021.

An LECSEA Project is to be funded by the Interreg 2 Seas programme to explore the financial and legal structures for Local Energy Communities including capital works to install battery storage for the Local Energy Community. Over the life of the project (February 2020 to March 2023) the

County Council will receive EUR 800,000 of de minimis funding from the Interreg 2 Seas Programme. To date no funding for LECSEA has been received.

Both projects are match funded by the Council.

- (c) On the UK Shared Prosperity Fund there have been no further updates that the Council is aware of.

3 Written question from Cllr Heidi Brunsdon for reply by the Cabinet Member for Education and Skills

Question

It has been recently reported that nationally only around 8,173 Children Looked After (CLA) are enrolled in university this academic year. It paints a sad picture, during lockdown, of many disadvantaged students going through A Levels completely alone. It is well known that students from such backgrounds are, on average, two years of learning behind their more affluent or fortunate peers by the end of secondary school. They are twice as likely to be predicted an E at A Level than those from less disadvantaged backgrounds.

Could the Cabinet Member, please:

- (a) Confirm how many of our CLA took A levels this year;
- (b) Provide a breakdown of results, such as percentages of A-E grades obtained by those students;
- (c) Advise how these results compare with those generally across the county;
- (d) Advise how these results compare with results for CLA over the last three years in West Sussex; and
- (e) Advise how these results compare to our authority neighbours in East Sussex, Hampshire, Surrey and Kent, and nationally, over the last three years.

Answer

During the academic year 2019/20, we had 131 students registered with the virtual school. They undertook a range of qualifications at level 3 including A levels which can lead onto higher education should they chose to pursue this pathway.

As most students undertaking A levels or other level 3 qualifications are 18 years or over by the time, they complete their courses and they are therefore considered to be care leavers. The level of involvement with the virtual school is therefore limited once they are 18 years and any sharing of information requires the consent of the young person. The Virtual School requests that the young people share their results but this does not always give a full picture of outcomes as some young people choose not to engage with this process.

Due to the constantly evolving nature of the year 13 cohort and the changing needs to our young people every year, along with the incomplete data set, it is not possible to give year on year comparisons.

With specific reference to the 2019/20 examinations, the Department for Education [announced on 8 April](#) that school, college or multi-academy trust level performance data based on summer 2020 tests, assessments and exams at any phase would not be published and therefore there will be no data available to Virtual Schools.

The Department of Education does not publish any local authority level data for post-16 children looked after and therefore there is no local or national data available to demonstrate trends or comparisons over time.

4 Written question from Cllr Brian Quinn for reply by the Cabinet Member for Environment

Question

On Friday 17 July West Sussex Fire and Rescue Service (WSFRS) was called to the Household Waste Recycling Site in Crawley at 6.50 pm. I understand that firefighters then battled a huge blaze for around 12 hours affecting 40 tonnes of waste at the site with crews from Crawley, East Grinstead, Petworth, Haywards Heath, Horsham, Turners Hill, Burgess Hill and Reigate in Surrey in attendance. At the time of submitting this question the site remains closed to residents so that structural engineers can inspect the extent of the damage to the building and to allow for burnt and dampened waste to be removed. Local residents are being asked to store their waste rather than making longer journeys to dispose of it.

This is not the first fire at this site, neither is it the first fire this year resulting in the closure of a household waste site.

Can the Cabinet Member, therefore, please:

- (a) Provide me with the dates of other fires at or within the West Sussex household waste sites since 2005, confirming which sites were affected, the cause of the fires (if known), whether it resulted in the closure of the facility and what additional measures were installed to prevent further fires at each site;
- (b) Given that the sites are operated by an external provider, confirm the position regarding liability and who is responsible for the cost of insuring the facilities;
- (c) Confirm the estimated total cost to the County Council of the fires referred to in (a) above, including waste clearance, additional staffing arrangements, increases in insurance premiums and additional measures to prevent further fires; and
- (d) Confirm when she anticipates the Crawley site re-opening to residents and what additional fire prevention measures she is proposing to introduce to this site.

Answer

- (a) **2020/21**

Date of fire	Time	Scale	Site	What was affected	Other information
28/04/20	Identified around 05:30	Major	Burgess Hill TS	Artic trailer of MDR, parked outside in yard	Smoke discovered by arriving drivers
17/07/20	Approx 18:30	Major	Crawley	Fire in CA waste	Smoke discovered by people in local area

2019/20

Date of fire	Time	Scale	Site	What was affected	Other information
02/04/19	approx 20:00	Major	Westhampnett	Transfer Station	Commenced in CA pile, whole shed destroyed
15/05/19	approx 19:30	Major	Westhampnett	RORO vehicle outside in yard	Electrical fault on the vehicle - whole vehicle destroyed
02/03/20	approx 18:00	Major	Westhampnett HWRS	Outside while shed was being rebuilt	Commenced in CA pile.

2018/19 - No records

2017/18 - No fires

2016/17

Date of fire	Time	Scale	Site	What was affected	Other information
06/05/16	approx 15:30	Minor	Westhampnett	Transfer Station	CA pile, something smouldering, so removed from shed and extinguished.
04/08/16	approx 21:00hrs	Major	Burgess Hill TS	Transfer Station CA pile	Corner of shed and part of the roof needed to be rebuilt. Very short term diversion of WCAs, HWRS unaffected (as containerised)
26/08/16	Afternoon	Minor	Horsham HWRS	Container for metal	Believed to be from hot coals from a disposable BBQ
06/02/17	16:10	Minor	Worthing	WEEE container	Cause not conclusive, likely battery ignition

2015/16

Date of fire	Time	Scale	Site	What was affected	Other information
29/05/15	approx 16:15	Major	Crawley	In a loaded artic trailer, inside the shed	While artic was being loaded with WEEE, variety of fire appliances attended and site closed for approx for 2 days.
19/08/15	15:45	Minor	Burgess Hill TS	Small fire in MDR pile	
03/09/15	Afternoon	Minor	Burgess Hill TS	Small fire in MDR pile	
17/09/15	approx 11:00	Minor	Lancing TS	In a loaded artic trailer, inside the shed	

2014/15

Date of fire	Time	Scale	Site	What was affected	Other information
10/09/14	approx 15:00	Minor	Crawley	MDR after it had been tipped from RCV	Staff wet area with hoses, fire service called and hose down.
15/10/14	approx 14:30	Minor	Crawley	Mattress smouldering in CA pile	
03/02/15	approx 13:30	Minor	MBT	Fire caused by maintenance in wet pre-treatment	
14/03/15	14:10	minor	Westhampnett HWRS	Fire in small WEEE skip in HWRS area	Site closed while Fire Service doused container with water. Once safe they left and site was re-opened.

2013/14 - No fires recorded

2012/13

Date of fire	Time	Scale	Site	What was affected	Other information
03/07/12	approx 13:00	Major	Burgess Hill	MSDC refuse freighter fire in	Fire service called - site evacuated and closed for the rest of the day. Fire was behind the cab

Date of fire	Time	Scale	Site	What was affected	Other information
				Burgess Hill yard	which then caused the fuel tank to rupture.
01/08/12	approx 21:00	Major	Woodhorn Tangmere	Fire in wood pile	RCVs with green diverted the following day
02/10/12	04:00hrs	Major	Chi Depot	RCV caught fire overnight while in their workshop	

2011/12

Date of fire	Time	Scale	Site	What was affected	Other information
15/03/12	approx 08:30	Minor	Shoreham	Hot ashes placed in a bin by customer.	Site evacuated, while fire service in attendance

2010/11

Date of fire	Time	Scale	Site	What was affected	Other information
27/05/11	approx 12:30	Major	Ford MRF	Fire in plastics bunker	Site evacuated and fire service attended. Material diverted to Crayford (not sure how long out of service).

2009/10 - No fires recorded

2008/09

Date of fire	Time	Scale	Site	What was affected	Other information
09/06/08	18:00hrs	Major	Crawley	Fire commenced in CA area and destroyed shed	Fire in destroyed shed, which reopened 1 April 2019 (It had only been built and operating since 7 Aug 2006)

2007/08 - No data available

2006/07 - No fires recorded

2005/06

Date of fire	Time	Scale	Site	What was affected	Other information
26/03/06	Unknown	Major	Burgess Hill	Fire in TS (unknown exactly where)	TS and HWS closed all day (this was before the site was constructed as it is now).

- (b) Viridor is liable and responsible for the insurance on the facilities.
- (c) No additional costs for the County Council as these costs sit with Viridor.
- (d) The Household Waste Recycling Site in Crawley remains closed following the fire on 17 July. Contractors have carried out work to clear and clean the internal and external areas of the building which were affected by the fire.

A full structural assessment to see what other work may be needed for the site has been undertaken. This showed that one major and approximately 20 minor beams need replacing. In addition, most of the shutters and the electric/lighting systems in the building will have to be repaired or replaced. Most damage is towards the back of the shed (where the public tip waste through the windows) hence the need to set up a temporary public area on the lower part of the site. Viridor has sent out tenders for this work and anticipate that the work will take a minimum of six weeks from award of contract. All potential contractors have suggested they can start the work quickly.

Additional fire prevention measures have not been discussed; these will form part of the discussions with the Environment Agency as part of a revised fire prevention plan. At this stage, there is no confirmed date for when the site will fully reopen. In the meantime, the nearby sites at Horsham and East Grinstead are open seven days per week.

5 Written question from **Cllr Brenda Burgess** for reply by the **Cabinet Member for Highways and Infrastructure**

Question

In the light of the many objections and concerns received from residents in Three Bridges and Pound Hill South division and more widely in the Borough of Crawley about the temporary pop-up cycle lane, have such concerns and objections been made from other areas of West Sussex and in the light of such objections and concerns how will these be addressed? Could the Cabinet Member advise if they will they be removed?’

Answer

There has been a great deal of publicity since May when the Secretary of State for Transport announced a £2bn package to ‘create a new era for cycling and walking’. More than 250 suggestions for temporary schemes were received from residents, district and borough councils and cycling fora. Positive and negative comments have been received about the schemes.

Post-opening road safety reviews will be undertaken for each scheme which will involve experienced and independent road safety auditors, a representative from Sussex Police and the County Council’s Cycling Development Officer.

In order to allow time for traffic patterns around each scheme to settle it will be beneficial to allow approximately six weeks from each scheme's opening which will result in a rolling review process. Each scheme will have a separate report that will present the data together with a commentary and recommendation. The recommendation will either be to:

- retain for a further period and future review,
- to amend and review in future, or
- to remove the scheme.

The Cabinet Member has set up an Executive Task and Finish Group (TFG) to act as a critical friend for officers and advise the Cabinet Member in respect of the County Council's response to the Emergency Active Travel Fund and the review of the Walking and Cycling Strategy. Each report will be presented to the Cabinet Member and the Executive TFG. The TFG will be asked for their consideration and to provide feedback to the Cabinet Member. On receipt of the TFG feedback, the Cabinet Member will be asked to consider the future of each scheme.

Question Time: 18 September 2020

Members asked questions of members the Cabinet and chairmen as set out below. In instances where a Cabinet Member, the Leader or a chairman undertook to take follow-up action, this is also noted below.

Best Start in Life

Cabinet Member for Education and Skills

The Cabinet Member answered questions on the following matters.

Reduction in school funding, from Cllr Walsh.

In response to concerns expressed by Cllr Walsh over the level of school funding affecting the more deprived areas of West Sussex, the Cabinet Member said he would respond with a fuller answer.

Woodlands Meed, Haywards Heath, from Cllr Barling, Cllr Barrett-Miles, Cllr M Jones, Cllr Lea and Cllr Lord.

In response to a question from Cllr Barrett-Miles, the Cabinet Member confirmed he would keep all members informed of progress.

Withdrawal of breaktime school milk funding for the over 5s, from Cllr M Jones.

A Prosperous Place

Leader

The Leader answered questions on Gatwick and the local economy, from Cllr Brunsdon.

In response to a question from Cllr Brunsdon about the environmental impact of Gatwick Airport the Leader said he would provide her with more information about help to support diversification and reskilling in the Crawley area. He also agreed to look at whether the County Council's seat on Gatcom should be held by the Cabinet Member for Environment.

Cabinet Member for Highways and Infrastructure

The Cabinet Member answered questions on COVID-19 pop-up cycle lanes, from Cllr Burrett, Cllr N Dennis, Cllr M Jones and Cllr Lea.

In response to a question from Cllr Lea about the pop-up cycleways in East Grinstead and whether the replacement of temporary bollards with white lines meant the measures had been made permanent without the usual traffic regulation order process, the Cabinet Member agreed to respond to Cllr Lea.

A Strong, Safe and Sustainable Place

Cabinet Member for Fire & Rescue and Communities

The Cabinet Member answered a question on new fire appliance vehicles, from Cllr Wickremaratchi.

Cabinet Member for Environment

The Cabinet Member answered questions on countywide charging network for electric vehicles, from Cllr O'Kelly and Cllr Walsh.

A Council that works for the Community

Leader/Cabinet Member for Economy and Corporate Resources

The Leader and Cabinet Member answered questions on the impact of COVID-19 on the economy in Crawley, from Cllr Oxlade.

Cabinet Member for Economy and Corporate Resources

The Cabinet Member answered questions on a visit from the Secretary of State for the Department of Culture, Media and Sport from Cllr Burgess.

Cabinet Member for Finance

The Cabinet Member answered questions on the use of the apron at Tangmere airfield for emergency resilience purposes, from Cllr S Oakley.

In response to a question from Cllr Oakley the Cabinet Member agreed to keep him informed of any plans for the future of the airfield.

Governance Committee: Merger of Planning and Rights of Way Committees

Background and Context

- 1** In December 2019, the Council agreed to the establishment of a new Fire & Rescue Service Scrutiny Committee. To better manage the budgetary implications for democratic services options for savings were explored including the merger of the Planning and Rights of Way Committees. Their roles are distinct, but they share a similar quasi-judicial process and approach to decision-making.

Proposals

- 2** It is proposed that the Planning and Rights of Way Committees be merged. Member support for decision-making can be managed through member training and officer advice. There would be a saving in the chairmanship allowance of one committee and in the member time and expenses of attendance at two or three meetings per year. There would be a small saving in costs in servicing the same number of meetings in terms of minuting and attendance.
- 3** Arrangements for planning applications will not be adversely affected as they will continue to be presented to the next scheduled meeting when they are ready. There will be a benefit to rights of way matters as these could potentially come to more frequent meetings.
- 4** These functions are delivered by a single committee in most nearby county councils including East Sussex, Hampshire and Surrey. Of the 24 two-tier county councils remaining, 16 have a single committee to perform these functions. Merger would release £9,552 through the deletion of one special responsibility allowance to accommodate the new allowance for the new scrutiny committee.
- 5** Site visits are different for the two functions and so the proposed constitutional changes allow for the different types of visit to continue.
- 6** The Governance Committee asked the Director of Law and Assurance to prepare the changes to the Constitution to give effect to the merger. **Appendix 1** contains the proposed changes to Parts 2, 3 and 4 of the Constitution. **Appendix 2** contains the proposed changes to Part 5 of the Constitution. Appendix 2 is to be considered by the Standards Committee on 2 November 2020, so any comments from the Committee will be reported to Council.

Resource Implications

- 7** Merger would release £9,552 as the cost of one special responsibility allowance to accommodate the allowance required for the new scrutiny committee.
- 8** Rights of Way Committee meets about twice a year and the Committee is supported by the same Democratic Services Officer who supports the Planning Committee, which can meet up to 10 times. A merger is unlikely to affect the overall number of meetings as all business would still be taken through officer process at a similar rate. There are no expected officer saving to be realised, while a small reduction in member travel expenses claims may be achieved if business can be combined but these small savings are more than offset by the additional costs of servicing the new scrutiny committee.

Consultation

- 9** The Chairmen of the Planning and Rights of Way Committees addressed the Governance Committee on this matter on 20 January 2020. The Chairman of the Planning Committee felt that combining the roles might create a difficult workload.
- 10** The Cabinet Member for Environment addressed the Governance Committee on 7 September 2020 as the committees' remits are related to her portfolio area. She was supportive of the proposed merger.
- 11** Neighbouring County Councils with merged committee functions were consulted. Hampshire County Council state that their committee usually considers planning matters in the morning, followed by rights of way matters. Site visits can take in both planning and rights of way matters as necessary and combined training sessions are given with input from appropriate officers in both services.
- 12** Officers from the Planning, Rights of Way and Legal Services were consulted. This suggested that a single committee meeting up to 10 times a year would bring a customer benefit on rights of way matters as any item which is ready for determination can be considered more quickly than at present and any item deferred could return sooner than is currently possible.
- 13** No public consultation was carried out as applicants and other stakeholders would not see any change in the service other than shorter waiting times for formal consideration of rights of way matters.

Recommended

- (1) That the merger of the Planning and Rights of Way Committees be approved; and
- (2) That the proposed changes to the Constitution set out in Appendices 1 and 2 be approved to give effect to the merger.

Janet Duncton

Chairman of Governance Committee

Contact Officer: Charles Gauntlett, Senior Advisor, 033022 22524

Appendices

- Appendix 1: Proposed changes to Parts 2, 3 and 4 of the Constitution
- Appendix 2: Proposed changes to Part 5 of the Constitution

Background papers

None.

Changes to Part 2, Part 3 and Part 4, Section 1 of the Constitution

(additions shown in bold, italic text, deletions struck through)

Part 2 – Description of the Constitution

Non-Executive Committees

- 2.11 Non-Executive committees carry out a number of regulatory functions mostly where a matter may not be decided by the Cabinet or by individual Cabinet Members (the Executive). Although these committees are described as 'non-Executive' they do take decisions. The non-Executive committees are the Planning Committee and the Rights of Way Committee, whose work is described by **its** their names, the Regulation, Audit and Accounts Committee (which deals with audit, accounts and regulatory functions), the Pensions Committee and the Appeals Panel. Their purpose and terms of reference are set out in the Scheme of Delegation Part 3.

Part 3, Appendix 5 – Terms of Reference of non-executive committees

Planning and Rights of Way Committee

Constitution

Thirteen members of the County Council. Quorum is four.

Terms of Reference

To exercise the following functions relating to town and country planning and development control:

1. To exercise the **statutory** non-~~Executive~~ powers and duties of the County Council pursuant to the Town and Country Planning Act 1990, the Highways Act 1980 and the New Roads and Street Works Act 1981 and the Planning and Compulsory Purchase Act 2004, the Planning and Compensation Act 1991 and the Environment Act 1995.
2. To determine applications for planning permission in respect of County Matters – minerals and waste under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.
3. To determine applications for planning permission by the County Council under Section 316 of the Town and Country Planning Act 1990 and of the Town and Country Planning General Regulations 1992 (SI 1992/1492).
4. To determine applications for planning permission for development already carried out under Section 73A of the Town and Country Planning Act 1990.
5. To decline to determine an application for planning permission under Section 70A of the Town and Country Planning Act 1990.

6. To make planning obligations regulating the development or use of land under section s106 and section 106A of the Town and Country Planning Act 1990 and other enabling legislation.
7. To determine an application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961.
8. To determine an application for a certificate of lawful use or development under Sections 191-194 of the Town and Country Planning Act 1990.
9. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject, under paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.
10. To grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject, under Section 73 of the Town and Country Planning Act 1990.
11. To serve a planning contravention notice, temporary stop notice, breach of condition notice or stop notice, under Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990.
12. To issue an enforcement notice under Section 172 of the Town and Country Planning Act 1990 and to seek injunctions to restrain breaches of planning control under Section 187B of the Town and Country Planning Act 1990.
13. To serve completion notices under Section 94 of the Town and Country Planning Act 1990.
14. To appoint members of the County Council to outside bodies which relate to the non-Executive functions of the Committee.
15. To exercise functions relating to sea fishers under Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38).
16. To advise the Executive on such aspects of the Development Plan as relate to the Committee's functions.
17. To exercise the power under Section 102 of the Town and Country Planning Act 1990 in relation to the requirement to discontinue the use of land.
18. To exercise the power to acquire a listed building in need of repair under Section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
19. To seek an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
20. To determine applications for hazardous substances consent and related powers under Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.

21. To authorise investigations of breaches of Regulations made under section 54 of the Clean Neighbourhoods and Environment Act 2005, including the power of entry into premises.
22. To authorise the entry onto land under section 196A of the Town and Country Planning Act 1990.

To exercise the following functions in relation to rights of way:

- 23. To exercise the statutory non-executive powers and duties of the County Council in relation to public rights of way (which includes, but is not limited to, public footpaths, bridleways, byways open to all traffic and restricted byways).***
- 24. To exercise the statutory non-executive powers and duties of the County Council in relation to commons and town or village greens.***

To exercise the following functions in relation to town and country planning and rights of way

- 25.*** To review and adjust delegations to officers within the functions delegated to the Committee.
- 26.*** To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority ~~including a borough or district borough council~~ and to be able, subsequently, to review, amend or withdraw that delegation.
- 27.*** To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).

~~Rights of Way Committee~~

~~Constitution~~

~~Nine members of the County Council. Quorum is three.~~

~~Terms of Reference~~

- ~~1. To exercise the statutory non-executive powers and duties of the County Council in relation to public rights of way (which includes, but is not limited to, public footpaths, bridleways, and byways open to all traffic and restricted byways).~~
- ~~2. To exercise the statutory non-executive powers and duties of the County Council in relation to commons and town or village greens.~~
- ~~3. To review and adjust delegations to officers within the functions delegated to the Committee.~~
- ~~4. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough~~

~~or district council and to be able, subsequently, to review, amend or withdraw that delegation.~~

5. ~~To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).~~

Part 3, Appendix 4 - Delegation Codes of Practice

Development ~~Management Control~~ - Delegation Code of Practice

The proposed framework in which the powers delegated to the Director of **Highways, Transport and Planning** ~~Property and Assets~~ relating to the determination of applications for planning permission and the County Council's response to consultations by district **and borough** councils, **and the South Downs National Park Authority (SDNPA)** is to operate as set out in the Code of Practice below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter, but will aim to err on the side of caution in deciding whether to exercise that discretion.

Notification

- i. In the case of any new application for planning permission (i.e. a County Matter, or a Regulation 3 application), each member of the County Council will receive notification by a schedule included in The Bulletin which will also indicate where possible whether the application is to be determined under delegated powers. The list will indicate the local member, and in the case of applications having a wider significance, adjoining division members. The application will not be determined for a period of 21 days from the date of notification in The Bulletin.
- ii. In the case of a consultation (i.e. District Regulation 3 or Regulation 4 consultation, or strategic consultation under Schedule 1 of the Town and Country Planning Act 1990) each member of the County Council will receive notification by a schedule included in The Bulletin which will also indicate where possible whether the consultation is to be determined under delegated powers. The list will indicate the local member, and in the case of applications having a wider significance, adjoining division members. The consultation will not be determined for a period of 10 days from the date of notification in The Bulletin.
- iii. In the case of enforcement action the local member will be notified by e-mail.

Members' Views

Any member wishing to express a view must do so to the Director of **Highways, Transport and Planning's** ~~Property and Assets'~~ nominated officer as stated on the notification within the appropriate period (10 or 21 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Director of **Highways, Transport and Planning** ~~Property and Assets~~ that the consultation or application should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances applications for planning permission must be determined by the Planning **and Rights of Way**

Committee and consultations will be referred to the Cabinet Member for Highways and Infrastructure. If a member wishes to exercise a veto in this way, it must be communicated to the Director of **Highways, Transport and Planning** ~~Property and Assets~~ within the appropriate notification period (10 or 21 days).

Objections

In respect of applications for planning permission by the County Council under Regulation 3, where, as a result of the consultation process, a statutory consultee ~~(which includes a borough or district or town or parish council)~~ objects in writing to a proposal, or there are written substantive material objections from members of the public the delegation is barred.

Conformity with County Council Policies

Delegated authority decisions will only be made in accordance with the County Council's stated policies. Recommendations on applications ~~which~~ **that** would depart from this requirement must be reported to the Planning **and Rights of Way** Committee or, in the case of consultations, to the Cabinet Member for **Environment** ~~Highways and Infrastructure~~.

Monitoring

All decisions on planning applications, other than consultations, determined under delegated powers will be reported **every six months** ~~regularly~~ to the Planning **and Rights of Way** Committee so that such delegated decisions can be monitored.

Rights of Way - Delegation Code of Practice (Public Path Orders, Definitive Map Modification Orders, Town and Village Green Applications and corrections to Common Land and Town and Village Green Registers)

Public Path Orders

The proposed framework in which the powers delegated to the Director of Highways, Transport and Planning in consultation with the Director of Law and Assurance relating to public path extinguishment orders, public path diversion orders, public path creation agreements, public path creation orders (collectively known as public path orders), providing comments to district/borough councils on applications they are determining, permissive path agreements and dedication agreements is to operate as set out below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

Local Member Notification

New application/consultation/proposal(s) will be reported within two weeks' of receipt in The Bulletin and again when the public consultation process is begun. The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The application/consultation/ proposal will not be decided for a period of 21 days from the latter date of notification in The Bulletin.

Any local member (or adjacent division member where appropriate) wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the 21-day period and the member's view will then be taken into account in reaching a decision. If a member disagrees with the view of the Director, in relation to the delegation, and this is within the 21-day period, the matter will be referred to the **Planning and** Rights of Way Committee for determination. If the causes of disagreement can be resolved through discussion, the delegated action can proceed. This will apply to all applications/responses to district/borough consultations/ proposals.

Objections from County Local Committees, district and parish councils, Sussex Police and interested user groups

In respect of applications for public path orders where, as a result of the consultation process, a borough, district, town or parish council, the County Local Committee or a prescribed user group objects in writing to the application, the delegation is barred.

Objections from the public

In respect of applications for public path orders where, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.

Definitive Map Modification Orders (DMMO)/Town and Village Green (TVG) Applications and Corrections to Common Land/TVG Registers

The proposed framework in which the powers delegated to the Director of Law and Assurance relating to definitive map modification order applications, village green applications and applications to amend the commons and village green registers is to operate as set out below, providing safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

Local Member Notification

New applications for DMMO, TVG and to amend the Commons/TVG registers will be notified to the local member for information by email within two weeks of acceptance of a valid application.

Significant evidence in conflict

There are strict legal tests associated with such applications and relevant evidence will be needed. Objections are often received which must be discounted, for example where the objection is that a route is not suitable for use. Such objections would be discounted even if large in number or from other local authorities or prescribed user groups. In other cases there may be significant evidence in conflict. Where such significant evidence exists the delegation is barred and the determination then rests with the **Planning and** Rights of Way Committee. Where there is uncertainty the officers will undertake the necessary report, setting out whether the legal tests have been met and explaining the evidence in conflict and a discussion will take place with the Chairman of the **Planning and** Rights of Way Committee and the local member about whether the delegation should be barred.

No significant evidence in conflict received

Where no significant evidence in conflict has been received the matter shall be determined by officers. The officer's report will be signed off as a delegated decision.

Report of Delegated decisions

All decisions on applications determined under delegated powers will be reported **every six months** to the next meeting of the **Planning and** Rights of Way Committee **so that such delegated decisions can be monitored**. ~~for the Committee to note and monitor.~~

Part 4, Section 1 – Standing Orders

7. Non-Executive Committees

- 7.01 The provisions in Section 3, Decision-making and Committees General apply to non-executive committees, who receive their decision-making powers direct from the County Council. The following provisions apply specifically to non-executive committees.
- 7.02 In the event of a non-executive committee deciding any matter which has implications for the functions carried out by the Cabinet or a cabinet member, and the Cabinet or cabinet member not accepting those implications, the matter shall be determined by the County Council on recommendation from the Governance Committee.

Substitutes for Planning and Rights of Way Committees

- 7.03 Substitute members are permitted to attend a meeting of the Planning ~~Committee~~ and the Rights of Way Committee.
- 7.04 The County Council will, at each annual meeting, nominate a panel of substitutes for the Planning ~~Committee~~ and the Rights of Way Committee.
- 7.05 If a member is not able to attend a meeting, his or her political party may arrange a substitute by giving appropriate notice to the Director of Law and Assurance in writing, including the name of the member to attend in his or her place from the appropriate panel of substitutes.
- 7.06 The notice should be given by the appropriate Group Leader, Deputy Group Leader, Group Secretary or Group Chairman to the Director of Law and Assurance by 5.00 p.m. on the day before the meeting if possible and not later than the start of the meeting.
- 7.07 Members appointed as substitutes are in the same position in terms of responsibilities and duties as any other member of the committee, for example in relation to the declaration of any interest they might have.

Planning and Rights of Way Committee decisions

- 7.08 If the Planning **and Rights of Way** Committee is minded to refuse an **planning** application under Regulation 3 of the Town and Country Planning General Regulations 1992 or grant consent subject to a condition or conditions which may be unacceptable to the relevant Cabinet Member:
- (a) The Planning **and Rights of Way** Committee will not determine the application but will indicate its decision in principle.
 - (b) The officers of the County Council will try to overcome the objections to the proposal. If, after further investigation and discussion, they conclude that the Planning **and Rights of Way** Committee's decision is justified, the decision will be implemented. If, on the other hand, they conclude that a re-submission or modification is not appropriate because the original proposal remains the best option, or the condition or conditions in dispute impose an unreasonable demand on the implementing committee, a report will be made to the Planning **and Rights of Way** Committee.
 - (c) In the event of the Planning **and Rights of Way** Committee sustaining its original decision it will proceed only by way of recommendation to the County Council.
 - (d) Any recommendation by the Planning **and Rights of Way** Committee shall include:
 - (i) The full officer report to the Planning **and Rights of Way** Committee, including the views of the applicant Cabinet Member; and
 - (ii) A covering report from the Chairman of the Planning **and Rights of Way** Committee explaining the reason(s) for its refusal which had not been accepted by the applicant Cabinet Member; and
 - (iii) A third report giving legal advice/guidance and indicating the views of other consultees, including the district council and any members of the public who have made representations at the Planning **and Rights of Way** Committee meeting considering the matter.
 - (e) At the County Council meeting hearing the recommendation from the Planning **and Rights of Way** Committee the County Council will act as a planning authority under its statutory powers. The Chairman of the Planning **and Rights of Way** Committee shall introduce the item and the Leader shall respond for the applicant Cabinet Member. The applicant Cabinet Member shall be treated as having a prejudicial interest and shall not participate in the debate nor vote but may remain in the chamber. Members of the Planning **and Rights of Way** Committee shall be treated as having a personal interest.

Public Participation at Planning and Rights of Way Committees

- 7.09 Where a report on a planning application to the Planning **and Rights of Way** Committee or a **rights of way** matter before the ~~Rights of Way~~ Committee for

determination is included on the agenda of the ~~relevant~~ committee the provisions of this paragraph shall apply.

- 7.10 An individual who is either **an** the objector to the proposal, the subject of the application or a supporter (~~which includes applicant, agent or supporter~~), shall be eligible to address the ~~relevant~~ committee subject to the provisions of Standing Order 7.11 below.
- 7.11 This Standing Order shall be read in conjunction with the Protocol on Public Participation at Planning and Rights of Way Committees (Part 5 Section 3). ***Irrespective of whether they have formally commented on the application,*** an individual wishing to address the committee under Standing Order 7.10 must contact the Director of Law and Assurance's representative at least two clear working days before the relevant committee to give notice of their wish to speak, stating the application/matter about which they wish to address the committee and whether they are in favour of, or against the officer's recommendation. The Director of Law and Assurance shall record the receipt of such a request.
- 7.12 The maximum time for parties speaking for and against the application the subject of the recommendation shall be 15 minutes for those parties speaking for the application and 15 minutes for those parties speaking against the application for every relevant item on the agenda.
- 7.13 A maximum of three objectors and three supporters (~~which can be any combination of representatives from the following groups; applicant, agent or supporters of the application~~), shall be permitted to address the committee during such time, subject to a time limit of five minutes each, and they shall be determined in strict order of receipt of request by the Director of Law and Assurance.
- 7.14 The Chairman of the Committee shall have discretion at or in advance of a meeting to increase the number of members of the public permitted to speak if he or she is of the view that to do so would assist the Committee in determining a major or controversial case. In doing so he or she may also increase the maximum time limit for public representations but not the five minutes allowed for each speaker.

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Changes to Part 5, Section 3 of the Constitution: Code of Practice on Probity in Planning and Protocol on Public Participation at Planning and Rights of Way Committees

Code of Practice on Probity in Planning

1. Introduction - The need for guidance

- 1.1 The third report of the Committee on Standards in Public Life (the Nolan Committee) recommended that all planning committees should consider whether their procedures are in accordance with best practice, and adapt their procedures if necessary, setting them out in a code accessible to members, staff, and the public.
- 1.2 The planning system regulates the development of land in the public interest. In doing so it can greatly affect the value of land and the character and amenity of an area. Inevitably therefore, there will be perceived winners and losers. In order for public confidence in the planning system to be maintained it is important that the system operates in a transparent and fair manner giving no reasonable basis for asserting that decisions have been made in a partial manner. This is particularly important as planning is not an exact science. Planning decisions are based on the weighing of competing interests and are therefore always open to criticism that the balance which has been struck is wrong. This heightens the need for an open and fair system.
- 1.3 The aim of this Code of Practice is therefore to ensure that the County Council does operate an open system. By setting out the County Council's approach to both the determination of planning applications and the Development Plan making process it is hoped that public confidence in the system can be maintained. The code also aims to provide helpful guidance to both members and officers in ensuring that there is no reasonable basis for alleging that the planning system has been operated in a partial or biased manner.

2. General Role and Conduct of Members and Officers

- 2.1 Section 54A of the Town and County Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan, if material to the application, and any other material consideration. If the Development Plan is material to the application, then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The emphasis in determining applications is upon a plan led system.
- 2.2 The public are entitled to expect the highest standards of conduct and probity by all persons holding public office and in particular when dealing with planning matters only material planning considerations are taken into account. There are statutory provisions and codes setting standards which must be followed.
- 2.3 A range of seminars is held for members after the County Council elections. Guidance is given on the Code Conduct and the Constitution. In addition, members of the Planning **and Rights of Way** Committee will be expected to attend specialised training seminars in relation to planning regulations and procedures, the Development Plan, **rights of way** and the practical operation

of this Code of Practice. ***In consultation with officers, the Chairman of the Planning and Rights of Way*** Committee will review annually the training requirements of the members.

- 2.4 Members are required to comply with the Code Conduct. The general obligations of members under the Code of Conduct include that "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute." (paragraph 3 of the Code of Conduct). In addition, a member "must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage" (paragraph 3 (8) of the Code of Conduct). Members should therefore ensure not only that they avoid impropriety but that they avoid any situation in which impropriety could reasonably be suspected.
- 2.5 Officers are employed by and serve the whole County Council. They advise the County Council, the Executive and its non-Executive committees and are responsible for effectively implementing the decisions of the County Council, the Executive, non-Executive committees, or officers where decisions are formally delegated to them. Officers must act in accordance with the requirements of the Local Government and Housing Act 1989 and the various documents referred to in the ***Human Resources*** Guidance on Propriety and Official Conduct ~~for~~. Officers must also act in accordance with the orders of conduct of the professional bodies to which they belong.
- 2.6 Officers are all required to be politically neutral and for senior officers there are political restrictions imposed by the Local Government and Housing Act 1989. This ensures that all members should be able to seek the advice of officers and that information communicated privately to officers by members will be kept in confidence.
- 2.7 Hospitality, gifts or sponsorship by third parties should generally not be accepted by members and officers. Guidance on the acceptance of hospitality is provided for members in the Guidance on Hospitality and Gifts in Part 5, ***Section 1***, Part 5 of the Constitution and for officers in the ***Human Resources*** Guidance on Propriety and Official Conduct ~~for Officers~~. The correct test is to consider whether a member of the public apprised of all the facts would regard the acceptance of the offer as likely to unduly influence a member or officer. For example in terms of the provision of refreshment, an appropriate question may be, whether if the event had been hosted by the County Council, the County Council would have provided refreshment. If the answer is no, then the offer should be declined. In addition to this general principle of propriety, members should be aware of a specific duty under the Code of Conduct (paragraphs 5(1)(cc)(viii) and 10(2)) that they must within 28 days of receiving any gift or hospitality with an estimated value of over £25 provide written notification to the Director of Law and Assurance of the existence and nature of that gift or hospitality.

3. Declaration and Registration of Interests

- 3.1 It is the responsibility of individual members to ensure that the decisions they make ~~on~~ in planning ***and rights of way*** matters are in the public interest and not in order to further their own private interests. Not only must there be no actual impropriety but there must be no grounds for suspecting that decisions

have been taken for anything other than proper reasons. However, members are prominent members of the community with often well-publicised views on a number of issues. They are also often members of community bodies such as school governing bodies and local charities. Care and common sense is required so that members may play their role in the community.

- 3.2 It is a member's responsibility to observe the guidance on declaring a personal, prejudicial or pecuniary interest as set out in paragraphs 4 to 9 of the Code of Conduct.
- 3.3 The Register of Members' Interests maintained under the Local Government Act 2000 will be updated regularly. Where any changes occur to members' interests, they should be notified to the Director of Law and Assurance as soon as they occur by the member concerned.
- 3.4 Members will need to be aware that simply having a personal interest in a matter to be considered by the Planning **and Rights of Way** Committee will not automatically mean that they must declare their interest and withdraw. As soon as they have established that they do have a personal interest, they should then consider the objective test of bias, which is; "would a member of the public with knowledge of the relevant facts reasonably think that a member's judgement of the public interest in that matter would be prejudiced." If the answer is "yes" to this question, a member may then have a prejudicial interest. Where this is the case, there are several categories of exemptions which members **may be** ~~may be~~ entitled to claim. Alternatively in certain instances, members may be able to obtain a dispensation from the Director of Law and Assurance (paragraph 9(1)(a) of the Code of Conduct). If the member has the benefit of exemption or dispensation, they should still declare their interest but they may participate in the meeting. If no exemption or dispensation applies, the member may exercise his or her right to remain in the meeting and address the Committee to the same extent as members of the public are entitled. After doing this he or she must withdraw from the room where the meeting is being held.
- 3.5 Members with significant property interests or other interests which would prevent them from voting (for example solicitors acting in the property field) should avoid sitting on the Planning **and Rights of Way** Committee. Members in this position should advise their Group Leaders before nominations for membership of the Committee are put forward.

4. Applications for the County Council's Own Development and Development Proposals Submitted by Members

- 4.1 Applications made by a Cabinet Member for development by the County Council, such as an application seeking planning permission for a new school must be determined in an identical manner to applications made by the general public and the same planning policy considerations applied. The County Council's current practices and procedures achieve this with identical consultation and publicity in relation to the application. Applications for development by the County Council are determined, not by the Cabinet Member concerned, but by the Planning **and Rights of Way** Committee. Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the County Council if the

development is permitted.

- 4.2 The County Council has adopted a Delegation Code of Practice for planning applications **and rights of way** which is set out in the Scheme of Delegation and which gives clear guidelines on when applications will be determined under delegated powers. Provided these are met, there should be no grounds for an allegation of unfairness.
- 4.3 If an application has been made by a member, one of their family or friends then that member should not vote or speak on the application. Equally, a member who has acted in a professional capacity for any individual, company or other body pursuing a planning matter should not vote or speak in relation to an application. The Director of Law and Assurance, as Monitoring Officer, should be informed of all such applications as soon as they are submitted.

5. Lobbying of and by Members

- 5.1 The Nolan Report recognises that in order for the planning system to work properly, sections of the community must have an opportunity to make their views on an application known, and that one way of doing that is through their elected representative. It is not therefore suggested that members should decline any form of contact with either applicants or objectors to a proposal. However, if this contact is not managed properly, where the local elected representative is a member of the Committee, allegations can be made that a member has formed a pre-determined view of the application and is not discharging his or her obligations properly. This can lead to the decision being overturned by the courts.
- 5.2 A member should not favour or appear to favour any person, company, group or locality. Strictly, a member of the planning committee should not make up his or her mind on an issue until all the information has been duly considered and it is time to vote in committee. In practice a member will often begin to form a judgement before that point, but it is important that members should not declare their voting intentions until that point has been reached. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration. It should be possible for a member to give support to a particular body of opinion whilst waiting until the Planning **and Rights of Way** Committee and hearing all the evidence presented before making a final decision.
- 5.3 Individual members should reach their own conclusions on a planning **or rights of way** matter rather than follow the lead of another member. In this regard, any political group meetings prior to Committee meetings should not be used to decide how members should vote. Decisions can only be taken after full consideration of the officer's report and information and discussion at Committee.
- 5.4 When dealing with the public it is quite proper for members to give factual information; advice as to the process and procedures followed by the County Council; advice about the contents of the development plan; and ~~who~~ **which officer** to contact in the Planning Unit for further information. Equally it is appropriate for a member to report the public's views either to officers or to the Committee but it would be wrong to exert pressure on an officer to change his

or her recommendation to a committee. If a member is pressed for an opinion on the merits of a planning **or rights of way** matter it is best practice that any opinion given should be qualified by a statement that a member cannot make up his or her mind until all the information is to hand and that will not be until the **Committee** considers the matter.

- 5.5 The problem of lobbying can be particularly difficult for a local member who may hold strong views in relation to a planning **or rights of way** matter in his or her own division; he or she may even have been elected specifically to present those views to the County Council. A local member who is not a member of the Planning **and Rights of Way** Committee is, with the Chairman's prior agreement, permitted to attend the meeting of the committee at which a ~~planning~~ matter is to be determined in order to put forward his or her constituents' views. For a local member who is a member of the Planning **and Rights of Way** Committee, it is his or her responsibility to strike the right balance having regard to the general rules laid down in the Code of Conduct. It should be possible for such a local member in these circumstances to give support to a body of opinion whilst not advocating a particular outcome for a planning **or rights of way** application prior to the committee meeting. However, if a member intends to participate in the determination of a planning **or rights of way** application he or she should avoid leading a campaign or organising support for or against the ~~planning~~ application or, alternatively, the member should declare a prejudicial interest and not take part in voting on the matter. A member may exercise his or her right to remain in the meeting and address the Committee to the same extent as members of the public are entitled. After doing this he or she must withdraw from the room where the meeting is being held.
- 5.6 A lobbyist may write to members direct without copying the letter to officers. Objections can only be considered where they can be made public. Therefore, where a member intends to rely on the contents of the letter or to make the letter available to the Committee, a copy of the letter should be given to the Director of Law and Assurance and Director of Highways, Transport and Planning at the earliest opportunity prior to the meeting of the Committee. This will ensure that the content of the letter can be verified and commented upon in fairness to all parties.
- 5.7 As soon as is practicable, members shall declare at Planning **and Rights of Way** Committee any lobbying or contact with any person (to the avoidance of doubt, the term "person" includes a group of people or a company) in relation to any application which is to be determined at that Committee.

6. Pre-Application Discussions

- 6.1 In relation to pre-application discussions, it should be made clear at the outset that the discussions will not bind a council to make a particular decision and that any views expressed are personal and provisional, until all relevant information is submitted and consultations on it have taken place.
- 6.2 Advice should be consistent and, **when dealing with a planning application**, based on the development plan. A written note should be made of pre-application discussions and telephone calls and where material has been left with the County Council; confirmation of its receipt should be given in a follow

up letter. Records of pre-application discussions will be made available to the Committee if requested by the Committee.

- 6.3 It is preferable that members do not take part in pre-application discussions so as to maintain impartiality. Should there be occasions when members are involved, appropriate professional advisors, including a senior planning officer will be present. The involvement of members in such discussions will be recorded as a written file record.
- 6.4 Once the application is submitted meetings between an applicant and a member or members of the determining committee will be inappropriate although exceptionally, officers may arrange site visits for members or for them to attend exhibitions and displays arranged by an applicant to inform the public. Briefings for members on more complex applications will be undertaken by officers.

7. Committee Reports and Decisions Contrary to the Officer Recommendation

- 7.1 In order for public confidence in the planning system to be maintained the public needs to be clear why decisions have been taken and the committee report should be the prime document for this. The committee report must give a clear explanation of the relevant history, **where the matter is a planning application the** development plan policies which are relevant to the application, and report the views of statutory consultees and other representations. **In the case of rights of way matters, the report must also give a clear explanation of the legal tests that need to be addressed.** The report must conclude with a firm recommendation which should be fully justified by the rest of the report. This is particularly important where the recommendation is for **planning** permission to be granted and the proposal is contrary to the **Development Plan**.
- 7.2 The reasons for a decision taken by committee should be clearly minuted, particularly if it is contrary to the officer recommendation. The Nolan Report makes it clear that there is nothing intrinsically wrong in planning committees not following the advice of officers. The report emphasises that planning is not an exact science and relies for its decisions on the balancing of competing interests. Officers will advise the **Committee** on how they feel those interests should be weighed. However, provided members take into account all material considerations and ignore all irrelevant considerations it is quite proper for them to weigh those interests differently to the officers. Provided the decision is not motivated by bad faith or is outside the County Council's powers - in which case the Director of Law and Assurance should be informed - then officers are under a duty to support the County Council's decision. If the determination of a planning application results in a public inquiry then officers are required to attend and make the best planning argument they can. If it is clear that members are going to depart from an officer recommendation, the Chairman may consider it appropriate to seek officer views on an alternative wording.
- 7.3 ~~A senior planning officer and a planning solicitor~~ **Appropriate officers** should always attend meetings at which planning applications are to be considered to

ensure that planning **and rights of way** issues are properly addressed and the procedures properly followed.

8. Committee Site Visits

Planning Applications

- 8.1 Site visits may be made at the discretion of the **Committee** where the **Committee** is the determining authority **and a** record should be kept of the reason for the site visit. ~~but such visits are likely to be the exception rather than the rule.~~ A site visit may be justified where the complexity or technical aspects of the proposals or public concern at the issues raised is such that members' understanding would substantially benefit from a site visit.
- 8.2 A site visit will be organised by officers and attended by representatives of the Director of Highways, Transport and Planning and Director of Law and Assurance. The planning officer will explain the application and the planning issues associated with it and for this reason a site visit to a planning application site will take place following the publication of the Director of Highways, Transport and Planning's report to the committee.
- 8.3 An applicant and his or her planning adviser may be permitted to accompany a site visit and will generally be expected to do so in the case of minerals and waste applications on active sites where arrangements for the safety of the visitors to the site must be observed. The applicant or his adviser may answer questions **of clarification** and provide **factual** explanations to the visiting party as a whole or in groups but, in order to avoid allegations of lobbying, not to converse with members individually.
- 8.4 Where the applicant or his or her adviser is to accompany the site visit, a representative of the local parish council, the local member and a representative of each of the bodies of objectors will also be invited to attend to hear what is said and to answer **factual** questions of the visiting committee. Individual conversations with members are to be discouraged in order to ensure that all parties are treated fairly and equitably. A list of those attending the site visit will be kept by the Director of Law and Assurance.
- 8.5 A decision on an application where a site visit has taken place will be made by the **Committee** at its properly convened meeting, in public, and not be delegated to the **Committee** at a site visit.
- 8.6 Members of the **Committee** may from time to time be invited to attend site visits arranged by ~~district~~ **other** planning authorities. The Director of Highways, Transport and Planning and Director of Law and Assurance will advise on the appropriateness of attending. The ~~district council's~~ **relevant authority's** code of practice for the conduct of the site visit will apply.
- 8.7 Site visits may also be appropriate in the course of local plan preparation when the principles of fairness and equity will be applied. Additionally, as part of members' training, opportunities will be sought to view different types of mineral extraction sites and waste disposal **sites** ~~sties~~, so that members have an understanding of the processes and technical aspects involved.

Rights of Way

- 8.8 ***Where a rights of way application is to be considered by the Committee, individual members are encouraged to visit the site in question as members' understanding would usually substantially benefit from a site visit. Members should avoid conversations with applicants if practicable, but if it cannot be avoided, the member should ensure that they only ask questions of clarification or for factual explanations. They should then declare this to the Democratic Services Officer.***

9. Public Speaking at Planning and Rights of Way Committee

- 9.1 Standing Order 7.09 allows an individual or a number of individuals to address the Planning **and Rights of Way** Committee on a planning **or Rights of Way** application which **that** is to be considered for determination at that Committee meeting. The total time taken shall not exceed 15 minutes for objectors and 15 minutes for supporters (made up of any combination of representatives from the following groups: applicant, agent or supporters of the application). All public participation will be governed by the Protocol on Public Participation at Planning and Rights of Way Committees (attached as an Appendix).

10. Review of Planning Permissions

- ~~10.1 At least on an annual basis, arrangements will be made for members to review a sample of implemented planning permissions in order that the quality of decisions can be assessed. Any amendments to existing policy or practice will be identified.~~
- ~~10.2 A quarterly report will be made to the Planning Committee on the local liaison meetings on minerals extraction and processing sites and waste disposal sites.~~
- ~~10.3 A quarterly report will be made to the Planning Committee on the decisions made by district planning authorities on which it has commented as strategic consultees in order that the quality of the consultation response can be reviewed.~~

11. Complaints and Record Keeping

- 11.1 In order that complaints can be fully investigated, record keeping on planning **and rights of way** matters will be complete and accurate. In particular, every planning application and enforcement file will contain an accurate account of events throughout its life, including a record of meetings and telephone conversations.
- 11.2 Where **an** planning application is dealt with under the delegation procedure, a complete record will be kept of the **planning** considerations taken into account in determining the application.

12. Information Disclosure

- 12.1 All consultation replies listed in the **committee** planning report together with the application documents and accompanying letters or reports submitted by

the applicant constitute background papers **that** which are available for inspection and published on the County Council's website following publication of the Committee report - unless such documents contain exempt information as defined by Schedule 12A Local Government Act 1972.

13. Responding to Queries

~~13.1 The planning officer who is handling the application shall respond to written queries within 10 days. A log of all telephone queries will be kept on the planning application file.~~

14. Planning and Rights of Way Application Decision Making (at Committee)

- 14.1 Written/visual material may be submitted to the Committee by individuals who have made written representations on an application. However such written/visual material must be with the Democratic Services Officer at least three clear working days before the date of the relevant Committee meeting so that the Committee can be told of the content of the material and receive considered officer advice. Any written/visual material submitted to the Committee otherwise than in accordance with these arrangements may not be considered by the Committee.
- 14.2 The Chairman will call the Committee to order and will then introduce the Committee business.
- 14.3 The Chairman will introduce each agenda item and shall ask **officers** the ~~Director of Highways, Transport and Planning or Director of Law and Assurance~~ for additional information/clarification as appropriate.
- 14.4 Where an application falls to be determined by the Committee, the **officers** ~~Director of Highways, Transport and Planning or his or her representative~~ shall explain the application, policies, representations, **law** etc.
- 14.5 In relation to an application to be determined by the Committee the first three objectors who notify the Director of Law and Assurance that they wish to address the Committee will be allowed to **do so** ~~address the Committee~~ for a maximum of five minutes each, i.e. 15 minutes in total.
- 14.6 Three supporters of the application (~~made up of any combination of representatives from the following groups; applicant, agent or supporters of the application~~) may address the Committee for a maximum of five minutes each, i.e. 15 minutes in total. **The speakers may be any combination that represents supporters of the application (and may, for example, include the applicant and/or their agent).**
- 14.7 An objector or supporter (~~representatives from the following groups; applicant, agent or supporters of the application~~) eligible to address the Committee may exercise their right to speak through representation by another person. (e.g. planning consultant or lawyer).
- 14.8 The Chairman may request the ~~Director of Highways, Transport and Planning~~ **officers** to clarify any points raised by objectors or supporters.

- 14.9 The provisions to allow local county councillors to address the Committee will still apply, that is they may address the Committee with the Chairman's prior agreement (see paragraph 5.5).
- 14.10 The Chairman will then open the application under consideration to discussion within the Committee.
- 14.11 At the end of the discussion, ~~the representative of the Director of Law and Assurance~~ **officers** will clarify the recommendation of the report or any amendments to the recommendation. A vote will be taken and the vote recorded.
- 14.12 The applicant will be notified of the decision as soon as practicable after the Committee.
- 14.13 The individuals who address the Committee shall be entitled to comment on the draft minute of their contribution to the meeting. The draft minutes will be available as soon as practical on the County Council's website. Individuals will be notified when the unconfirmed minutes have been posted on the website. Should they feel that the final minute is not accurate they shall be given the opportunity to make a written representation asking for a correction, which will be submitted to the next meeting of the ~~Planning~~ Committee for consideration.

15. Planning and Rights of Way Committee Disputes Procedure

- 15.1 If the Planning **and Rights of Way** Committee is minded to refuse an **planning** application under Regulation 3 of the Town and Country Planning General Regulations 1992 or grant **planning permission** ~~consent~~ subject to condition or conditions which ~~that~~ may be unacceptable to the relevant Cabinet Member, a disputes procedure is set out in Standing Order 7.08.
- 15.2 In such cases, the Planning **and Rights of Way** Committee will not determine the application but will indicate its decision in principle.
- 15.3 The officers of the County Council will try to overcome the objections to the proposal. If, after further investigation and discussion, they conclude that the Planning **and Rights of Way** Committee's decision is justified, the decision will be implemented. If, on the other hand, they conclude that a re-submission or modification is not appropriate because the original proposal remains the best option, or the condition or conditions in dispute impose an unreasonable demand on the implementing committee, a report will be made to the Planning **and Rights of Way** Committee.
- 15.4 In the event of the Planning **and Rights of Way** Committee sustaining its original decision, it will proceed only by way of recommendation to the County Council.
- 15.5 Any recommendation by the Planning **and Rights of Way** Committee shall include:
- 15.5.1 The full officer report to the Planning **Rights of Way** Committee including the views of the applicant Cabinet Member;

- 15.5.2 A covering report from the Chairman of the Planning and Rights of Way Committee explaining the reason(s) for its refusal which had not been accepted by the applying Cabinet Member; and
 - 15.5.3 A report giving legal advice/guidance and indicating the views of other consultees, including the district council and any members of the public who have made representations at the Planning **and Rights of Way** Committee meeting considering the matter.
- 15.6 At the County Council meeting hearing the recommendation from the Planning **and Rights of Way** Committee the County Council will act as a planning authority under its statutory powers. The Chairman of the Planning **and Rights of Way** Committee shall introduce the item and the Leader shall respond for the applicant Cabinet Member. The applicant Cabinet Member shall be treated as having a prejudicial interest and shall not participate in the debate nor vote but may remain in the Chamber. Members of the Planning **and Rights of Way** Committee shall be treated as having a personal interest.
- 16. Development Plan Decision Making**
- 16.1 The role of the Planning **and Rights of Way** Committee is as a consultee in the preparation process which is otherwise an Executive function subject to the approval of the full County Council.
 - 16.2 Comments and advice given to the Executive will be limited to the development **management** ~~control~~ functions of the Planning **and Rights of Way** Committee.
 - 16.3 Where possible, such comments and advice should be produced during the **issues and options stage of** ~~deposit period of the plan~~ **preparation**.

Appendix

Protocol on Public Participation at Planning and Rights of Way Committees

1.
 - (a) **The types of planning application where public participation will be considered at the Planning and Rights of Way Committee**
 - (i) Minerals Applications
 - (ii) Waste Applications
 - (iii) Review of Mineral Planning Applications
 - (iv) Regulation 3 Applications (where this Council has applied to develop its own land either by itself or with a third party)
 - (v) Regulation 13 Applications (Listed Buildings Applications)
 - (b) **The types of rights of way application/proposal where public participation will be considered at the Planning and Rights of Way Committee**
 - (i) The diversion and extinguishment of public footpaths, bridleways, byways open to all traffic and restricted byways and including the creation of footpaths, bridleways, restricted byways and permissive agreements
 - (ii) Applications for Definitive Map Modification Orders
 - (iii) Applications relating to Access Land
 - (iv) Applications relating to Commons and Town and Village Greens
 - (v) The conversion of a footpath to a cycle track
 - (vi) Gating Orders
2. **Who may address the Committee?**
 - (i) Objectors to an application/proposal
 - (ii) Supporters of an application/proposal (includes applicant, agent or supporters)

An objector or supporter (representatives from the following groups; applicant, agent or supporters of the application/ proposal) eligible to address the Committee may exercise their right to speak through representation by another person (e.g. planning consultant or lawyer).
 - (iii) The local member for an application/proposal

3. Time limits for presentations/order of speakers

- Planning or Rights of Way Officer to present the report (no time limit).
- Objectors to the application (the first three objectors to apply will be allowed five minutes each to address the Committee - details of those objectors may be given to any other objectors who wish to contact those who will be presenting objections to the Committee).
- Supporters (representatives from the following groups; applicant, agent or supporters of the application) - the first three to notify the authority will be allowed to address the Committee for five minutes each.
- The Chairman of the Committee shall be able either before or at the meeting to agree to allow additional speakers if he or she considers it necessary for proper consideration of a major or controversial issue. In doing so he or she shall take account of the need for equity. Such additional speakers will be allowed five minutes each to address the Committee.
- The local member for an application/proposal (no time limit).
- Planning or Rights of Way Officer to deal with any errors of fact or clarification of policy (no time limit).

4. Minutes of the meeting

The individuals who address the Committee shall be entitled to comment on the draft minute of their contribution to the meeting. The draft minutes will be available as soon as practical on the County Council's website. Individuals will be notified when the unconfirmed minutes have been posted on the website. Should they feel that the final minute is not accurate they shall be given the opportunity to make a written representation asking for a correction, which will be submitted to the next meeting of the Committee for consideration.

5. Circulation of written/visual material

Written/visual material must be with the Democratic Services Officer at least three clear working days before the date of the relevant Committee meeting so that the Committee can be told of the content of the material and receive considered officer advice. Written/visual material submitted to the Committee otherwise than in accordance with these arrangements may not be considered by the Committee.

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Proportionality

Background

- 1** It is the duty of the County Council, following Cllr Fitzjohn and Cllr Goldsmith becoming independent members, to review the entitlement of political groups to seats on committees in line with the proportionality rules set out in the Local Government and Housing Act 1989. The rules allow adjustments to be made to make whole numbers of seats and, once the County Council has determined how adjustments should be made, appointments are made to committees on that basis. The overall number of seats will also change if the previous item is approved, to merge the Planning and Rights of Way Committees to become a single committee of 13 members, which reduces the overall number of seats to 96. This report is submitted on the basis that this proposal is agreed.
- 2** As agreed by the Council in September 2020, the vacancy in Felpham division is to be treated as a Conservative place for the purposes of calculations of proportionality as no by-election can be held before May 2021. Should any other member cease their membership of the Council prior to May 2021, the same practice would then apply to any calculation of proportionality.
- 3** The proportionality rules are as set out below:
 - (1) No political group can have all the places on a committee (the exception is the Cabinet).
 - (2) A group having an overall majority on the County Council is entitled to a majority of seats on each committee.
 - (3) The gross number of seats is allocated in accordance with each group's entitlement.
 - (4) The number of seats on each committee is allocated in accordance with each group's entitlement.
- 4** The application of these rules produce different figures so they are reconciled by applying the rules in descending order of importance. The critical rule is rule (2) if, as in the case of the County Council, there is an overall majority. Numbers of seats are then reconciled with rules (3) and (4). If there are members of the Council who do not belong to a political group (independent members) then, once the allocation of seats between the political groups has been made, any remaining seats are allocated to the independent members by the County Council.
- 5** A table showing the number of seats on committees using the above formula will follow.

Recommended

That the proportionality on committees be approved.

Tony Kershaw

Director of Law and Assurance

Contact: Charles Gauntlett, Senior Adviser, 033 022 22524,
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Background papers

None

West Sussex County Council's Children First Service Improvement Programme: Progress Report – November 2020

Introduction

- 1** I am writing with a further update to all members to coincide with the County Council meeting on 6 November. In my previous report I outlined the plans for Service Redesign that will lead to a really strong, skilled and valued workforce, using the latest techniques to benefit children, young people and their families throughout West Sussex. This vital and exciting work continues, and we expect to be able to publish detailed proposals in the spring. This time I would like to discuss the resumption of Ofsted inspections of Children's Services, and the Children's Trust.

Ofsted Focused Visit, October 2020

- 2** Members will recall that following the Ofsted judgement in 2019, Children's Services were subject to a regime of regular monitoring visits from Ofsted. After the visit in December 2019 this process had to be suspended due to the national COVID-19 crisis. However, Ofsted recommenced its inspection programme in September 2020 and notified West Sussex of its intention to conduct a Focused Visit between 12 and 22 October 2020.
- 3** I have said before that the key to improvement is self-awareness, and I believe that the new management of Children's Services has developed a really good grasp of where the service is in its journey – the strengths to build on, and what further needs to change to reach a good standard. The chance to welcome Ofsted inspectors back, therefore, is a golden opportunity to receive objective and candid feedback to support and hopefully validate our own impressions. This in turn creates a baseline that we can all subscribe to, and which can then be the springboard for the further changes we will be making in 2021.
- 4** A Focused Visit enables Ofsted to make a short but thorough examination and has a broader scope than an Ofsted Monitoring Visit, with a particular focus on the quality of decision-making for children. This time Ofsted wished to test in particular: the service's response to COVID-19; the quality of leadership and transformation; the current quality of services to Children Looked After (CLA); and our progress on addressing the Health and Protection of children.
- 5** The formal Ofsted findings are due to be published on 4 December 2020; I will be able to update members on the informal feedback provided at the end of the Visit at the full Council meeting later that month.

The Children's Trust

- 6** Members will be aware that on 20 October 2020, the Cabinet agreed to approve the principal provisions for the Memorandum of Understanding (MoU) with the Department for Education. It thereby made a formal commitment to establish a Children's Trust, and further agreed the conditions under which it will operate. The Trust will become operational from October 2021, running for an initial indicative period of five years. It has to be said that establishing the Trust is not something the County Council had a choice about, since it has been a legal requirement ever since the Secretary of State's Directive to us in November last year, following publication of the Commissioner's Report. The Council has however exercised its

discretion in terms of the detailed form and scope of the Trust, the outline of which has now been agreed, and is set out in the MoU.

- 7** My view is that the Children's Trust is good news for vulnerable children and young people in West Sussex, and their families: that must always be our primary consideration. The Trust will be an independent body, working single-mindedly for service improvement, but able to do business effectively with the County Council. It should be noted that the Council retains its full statutory responsibilities for Children's Social Care under these arrangements. My role as Lead Member for Children and Young People, and the Scrutiny function of holding the Trust to account for its performance will be as important as they are now.
- 8** We have deliberately chosen to include the full range of services to children in the scope of the Trust: we have already seen evidence that unifying Social Care, Early Help and Education functions under a single management structure (something the Inspector's report required us to put into effect) has greatly improved the connectivity and outcomes of these services, as illustrated by the comprehensive response to COVID-19. I believe that our partners on whom the delivery of services also depends in so many ways will be able to work effectively with the Trust. Further detail about the Trust, its status, governance and relationship with the Council can be found in the [Cabinet Report](#).

The Staff Perspective

- 9** All staff associated with the affected services will transfer to the Children's Trust, retaining their existing terms and conditions, including pension rights. It is essential that they are fully supported through a period that may create a sense of uncertainty. We are clear that the planned service transformation would take place whether or not the Trust came into being. However, the Trust will ensure that staff can concentrate on improving prospects for vulnerable children using the best techniques and support available. Indeed, we hope that the Trust will become a home where high-quality professionals will seek to build their careers, and that our competitive employment package and supportive conditions will encourage the best people to work with us.
- 10** Lucy Butler, the Executive Director, and her senior staff are determined to ensure all staff remain informed and engaged in the improvement journey and service re-design. To that effect the senior leadership team undertook a substantial staff engagement exercise (between July and September 2020), comprising 15 face-to-face events and two virtual sessions, welcoming over 450 staff from across the breadth of Children, Young People and Learning. The new, more specific proposals for the Service Redesign are being presented at further staff workshops during the autumn. It is expected that the detailed options will come forward for formal consideration by Scrutiny Committee and Cabinet in spring 2021.
- 11** Additionally to the above, I was present recently at two Round Table meetings with staff, on 5 and 9 October. These were an opportunity to meet informally with representatives from different parts of the service, to gain an understanding of their perspectives, and to answer their questions. I was struck by the professionalism on display, a recognition of the task still facing us, and the determination to reach standards of which we can all be proud.

Other Service Improvement Initiatives

12 The following is a summary of current and forthcoming developments within the service improvement agenda:

Service Redesign

- Work is progressing on the 'Whole Service' design, based on the Family Safeguarding model of practice, and embodying best practice standards;
- An Assessment and Development programme for managers has now been created and is out to tender: this will further enhance professional standards;
- The new employment Offer for Social Workers is being finalised; the existing retention scheme will remain in place until the new scheme becomes operational in July 2021; the service will therefore retain market competitiveness;
- The financial aspects of the service improvement and re-design will be incorporated into the budget proposals for 2021/22 in due course.

Staffing

- The vacancy gap is being maintained at a low level - currently being 1.9% (which equates to 9.8 FTE posts);
- The frequency of management supervision of cases has further improved to 88% (a 25% increase in the four-month period April to July 2020), and representing a significant improvement in practice;
- As part of the continuing COVID-19 Recovery phase, face-to-face visits with children and young people continue to increase; more staff have returned to office-based working where this is deemed 'business critical'.

Other Operational Highlights

- 97% of plans for CLA are now in place and being reviewed in the CLA teams;
- The new Children Looked After and Care Leavers Strategy 2020-24 is being finalised and will be agreed by the Cabinet Member in due course;
- A new and updated Leaving Care Local Offer has been developed jointly with young people, and recently launched;
- The previously closed children's residential homes (Cissbury Lodge and May House in Worthing, and Seaside at Shoreham) remain on course to reopen in the spring of 2021; I visited the site at Cissbury Lodge on 12 October and was very impressed with the facilities that are being created there;
- Improvements to the in-house Fostering Service are being prepared for decision.

Conclusion

13 I am convinced that our journey of improvement is gathering further momentum and look forward to receiving from Ofsted objective evidence of the progress being made, which I will share with members when available. It is clear that, although there is still lots to do, we are firmly on the right track to delivering good services again.

Youth Cabinet

14 I am delighted to end this update by introducing once again a message from Daisy, the Chair of our Youth Cabinet.

With my best wishes for your continued good health.

For information

Jacquie Russell

Cabinet Member for Children and Young People

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Statement from the Chair of West Sussex Youth Cabinet

November 2020

During October, tackling racial inequality in West Sussex has been at the centre of the Youth Cabinet's focus. Our webinars took place on 20, 21 and 22 October, covering three extremely relevant topics; black history, religion and culture, and racial inequalities. The campaign group organising these webinars have shown real compassion and organisation when planning this, and it's going to make a real difference to all of the communities in West Sussex.

Similarly, our annual council debate is coming in November; this year, we have decided to discuss how to improve and influence the pastoral curriculum on racial inequality in schools and colleges within West Sussex. It's a highlight of the Youth Cabinet's year, and we have already had a lot of Councillors, Cabinet Members and MPs accept invitations to join us.

The primary purpose of our Tackling Racial Inequality campaign is to help people of all ages in West Sussex, and hopefully, nationally, feel safe and welcomed in their communities. These two events are going to have a significant impact on many people, and as a Youth Cabinet, we are all incredibly proud of the progress we've made. Our other campaigns are still running on social media and will continue to. It's been a busy month!

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Petition: Remove the Pop Up Covid 19 Cycle Lanes

Statement by Petitioners

I run Spotted; Crawley, which is the largest online audience in the area, and since the installation of these 'lanes' it is clear that 99% of the Crawley population disagree with their installation for various reasons, even the cyclists won't use them. Ask any local councillor, or even our own Mayor, and they will all tell you the same story.

I was asked to start this petition and within 48 hours, had gained over 4,000 signatures of support. These 'Pop Up lanes' are also creating a terrible 'Us and them' mentality amongst drivers and cyclists, which is ironic as even the cyclists agree that these routes are poorly thought out.

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Petition: Remove the Pop Up Covid 19 Cycle Lanes

Briefing Note

Summary

In May 2020, the Government announced an opportunity to bid into the emergency active travel fund (EATF) for funds to provide temporary schemes that would facilitate walking or cycling in place of public transport in response to the COVID-19 crisis.

The County Council, in co-operation with district and borough councils, identified seven schemes that would fulfil the Government's criteria and was successful in securing funding for all of these. The schemes were implemented over eight weeks between July and September 2020. They are due for review and decision on next steps in October/November following a period of monitoring their use and impact.

A petition has been received that calls for the removal of all of the schemes but which specifically refers to the scheme in Crawley. A decision on the temporary scheme in Crawley is due to be taken on 2 November 2020.

Background and context

- 1** The national lockdown arising from the COVID-19 pandemic led to a reduction in vehicular traffic on the roads (up to around 70% reduction in West Sussex) and an even greater reduction (up to 90%) in bus and train use. Alongside this there was a noticeable increase in cycling and walking on the network.
- 2** On 9 May 2020 the Secretary of State (SoS) for Transport announced a £2bn package to quickly establish new schemes for cycling and walking as ways to help relieve the pressure on public transport. The aim was that pop-up lanes with protected space for cycling, wider pavements, safer junctions, and cycle and bus-only corridors would be created within weeks as part of a £250m emergency active travel fund - the first stage of a £2bn investment, as part of the £5bn in new funding announced for cycling and buses in February.
- 3** The idea was to encourage more people to choose alternatives to public transport, making healthier habits easier and helping make sure the road, bus and rail networks were ready to respond to future increases in demand.
- 4** [Fast tracked statutory guidance](#) empowered councils to reallocate road space for cyclists and pedestrians. The guidance was clear that schemes should provide "meaningful reallocation of road space" i.e. taking space from motor vehicles and allocating this to cycling and walking.
- 5** On 27th May 2020 the Department for Transport (DfT) wrote to all local transport authorities setting out the criteria for funding to be allocated from the emergency active travel fund. West Sussex County Council was given an indicative allocation of £784,000. Bids had to be submitted by 5 June - eight working days after the advice was received.
- 6** It was clear that failing to respond positively to the tranche 1 offer (a total of £45m) would impact upon the likelihood of receiving money in future tranches (totalling £2bn). As such it was important that the County Council responded positively to support future bids for more permanent active travel solutions.

- 7** In developing the schemes for the tranche 1 bid County Council officers worked closely with district and borough officers. Work already undertaken in districts and boroughs on local cycling and walking infrastructure plans was used to identify routes. Outline work was undertaken to determine the likely cost of the schemes. All were subject to a technical assessment and prioritisation to meet the DfT criteria, buildability in tight time scales, support from the district and boroughs and the results from the cycling infrastructure prioritisation toolkit – as recommended by the DfT. Due to the tight timescales for the process, public consultation, potential impact on traffic congestion and air quality could not be considered at this stage.
- 8** The final list of schemes to be included in the bid was supported by the Cabinet Member for Highways and Infrastructure. Seven schemes were identified (one in each district/borough) with nearly all drawn from suggestions made by districts and boroughs.
- 9** Whilst the schemes had been prioritised and approved from a technical perspective at this outline stage no specific criteria were set for determining the impact of the schemes. Targets were not set in terms of usage or impact on the road network or public transport. Instead the plan was for the schemes to be reviewed after a period of time in operation, data on use and an overall technical assessment being used alongside feedback from the public.
- 10** The funding decision was received on 26 June and the County Council was successful in securing the full amount of its bid. The criteria for securing the money included that the programme of schemes be started within four weeks of the money being received and completed within eight weeks of starting the installations. Local members and district and borough officers were given the opportunity to comment on schemes once the designs had been completed.
- 11** Scheme implementation started on 27 July and the final scheme was opened in late September within the limits set as part of the award. These schemes were implemented as an emergency temporary measure, not as permanent routes – underlined by the speed at which they were delivered and the materials used.
- 12** The EATF schemes were implemented in response to a specific set of conditions driven by the lockdown associated with COVID-19. At the time of the funding announcement traffic conditions were very different and the government was actively discouraging use of public transport. The volume of traffic on the county's roads has now largely returned to that seen pre-pandemic whilst public transport usage remains greatly reduced.
- 13** Whilst a key driver to implementing the schemes was to relieve pressure on public transport routes, local transport has continued to operate. Passenger numbers are now beginning to recover and the Government continues to provide funding to support local public transport. Operators have learnt how to manage this capacity safely and so there is less need to find an alternative to public transport.
- 14** The emergency routes did fulfil the requirements of the Government's call to action and this will be a consideration when the County Council bids for money in future rounds of funding.
- 15** The schemes were an opportunity to understand how effectively the County Council could respond quickly to calls for change. They provided data on the

propensity for people to use these types of facility and their knock-on effect. They do provide safe routes for cycling and demonstrated the County Council's aspirations to promote sustainable travel – a key part of its climate change ambitions for air quality and healthier lifestyles. The routes have provided invaluable data for future travel planning that will support implementation of permanent cycle routes in line with the national vision for walking and cycling. This aligns with the County Council's ambition to support investment in sustainable travel. The data gathered and the experience of these facilities will help the County Council deliver schemes in future tranches of the funding.

- 16** It is not however being proposed that any of the schemes be considered as permanent. The reviews planned for late October/early November were arranged to take stock of the impact of the schemes and feedback from all stakeholders but mainly to assess their value in terms of generating useful information for future planning.

Matt Davey

Director of Highways, Transport and Planning

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Motion on Post-16 Support Service

- 1** The Chairman of the County Council referred the notice of motion on the post-16 support service, submitted by Cllr Michael Jones to the County Council on 18 September 2020, to the Cabinet Member for Education and Skills for consideration.
- 2** The motion called on the Cabinet Member to reprioritise funding to enable the reversal of the decision taken at full Council in February to reduce the post-16 support service that provides interventions and careers guidance for young people Not in Education, Employment or Training (NEETs) and to consider whether current staffing levels are adequate or should be increased.
- 3** The Cabinet Member met Cllr Jones on 8 October 2020 to discuss the motion; the Director of Education and Skills and Assistant Director Skills and Commercial Services also attended the meeting. During the discussion it was explained that the savings target for the post-16 support service had been £160,000 for the period 2020/22. It was explained that the £100,000 of savings made during this financial year had come solely from the removal of vacant posts from the service with no impact on or loss of service provision.
- 4** Members were reminded that the Post-16 team has been partially funded from a European funding programme which ends in December 2020. As the European fund is ceasing, the service has had to be restructured to reflect the fact that the County Council will no longer have this money or be running the ESIF project. It will be realigning the service to maintain front line intervention roles to support priority groups across the county.
- 5** The Cabinet Member and the service leads recognise that one impact of the pandemic is the reduction in the employment and apprenticeship opportunities for young people. Consequently we have identified a need to retain resources within the post-16 service to enable support to be offered to young people and to work with them to avoid an increase in the number becoming NEET.
- 6** It was explained that the Cabinet Member for Education and Skills supports the proposal that the £60,000 saving scheduled for 2021/22 be removed and that this be accounted for within the work to finalise the 2021/22 budget. This will mean no requirement to save £60,000 from the post-16 support service budget for that financial year, enabling the focus to be on supporting young people and NEET prevention.
- 7** The £100,000 saving already made to the post-16 support service was necessary to contribute to the efforts made by all departments of the County Council to deliver a balanced budget. It was managed through the removal of vacant posts. Recognising the uncertainty caused by the pandemic for young people's options as they move on from school, the Cabinet Member is keen to avoid the further £60k savings to the Post-16 support service.
- 8** For these reasons the Cabinet Member for Education and Skills is unable to support the motion and proposes to recommend that members do not support it at the County Council meeting on 6 November 2020. The response to the motion was published via The Bulletin on 21 October 2020.

Nigel Jupp

Cabinet Member for Education and Skills

Contact Officer: Wendy Saunders, Democratic Services Officer, 033 022 22553

Background papers

None

Proposed Modifications to the Soft Sand Review of the West Sussex Joint Minerals Local Plan

Background and context

- 1** The West Sussex Joint Minerals Local Plan (JMLP) was prepared in partnership by West Sussex County Council and the South Downs National Park Authority (the 'Authorities'). The JMLP was adopted in July 2018, following examination hearings in September 2017. During the examination hearings, the Planning Inspector raised concerns about the approach taken to soft sand supply.
- 2** The Inspector suggested modifications: to delete references to planning for a declining amount of sand extraction from within the National Park; to replace Policy M2 with new wording; and to remove the proposed Ham Farm allocation from Policy M11. Accordingly, there is a requirement set out in Policy M2 of the adopted JMLP that the Authorities undertake a single issue Soft Sand Review.
- 3** The Review is required to address the shortfall in soft sand to the end of the JMLP plan period (2033). It considers the strategy for how the shortfall of soft sand will be met. The review is not considering any other parts of the JMLP.
- 4** The timetable for the review is set out within the West Sussex Minerals and Waste Development Scheme 2020–23 (MWDS). Although the review was programmed to be adopted by the end of December 2020, the requirement to make modifications will delay adoption to early 2021. The MWDS will be updated to reflect this change.

Proposal details

- 5** In line with the approved MWDS, informal public consultation on issues and options took place in January to March 2019 (under Regulation 18) followed by a formal period for representations on the soundness and legal and procedural requirements of the proposed changes to the JMLP in January to March 2020 (under Regulation 19). In April 2020, the draft was submitted to the Secretary of State for independent examination.
- 6** National policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates, by making provision to meet demand, as calculated in the Local Aggregates Assessment. The most recent data suggests a shortfall range of between 1.74 and 2.91 million tonnes of soft sand is required to the end of the JMLP plan period (to 2033). The soft sand resource in West Sussex is heavily constrained as it is almost entirely within the South Downs National Park.
- 7** The review covers three key issues for soft sand supply, as follows:
 - (a) the amount of sand needed during the period to 2033;
 - (b) the strategy for soft sand supply to meet the identified shortfall; and
 - (c) the allocation of three new sites to contribute to supply.
- 8** Following virtual hearing sessions for the examination in August 2020, the Government-appointed Inspector has indicated that the submitted changes need to be modified to make them 'sound' and suitable for adoption. Accordingly,

County Council and SDNPA officers have prepared a schedule of Proposed Modifications to the SSR. No modifications are required to the supply figures, JMLP policies, or the allocation of the three new sites. The only modifications that are required are relatively minor changes to the development principles for the three allocated sites (**set out at Appendix 1**).

- 9 Once approved, the Proposed Modifications will be published for a period of public consultation, commencing in November, before they are submitted to the Inspector. The Inspector will consider the representations before reporting whether the proposed changes (as modified) are 'sound' and issue his report. If they are considered 'sound', they will be adopted by both Authorities as formal changes to the JMLP. It is anticipated that this will be at the County Council meeting in March 2021.

Other options considered (and reasons for not proposing)

- 10 There is a requirement in Policy M2 of the JMLP that the Authorities undertake a single issue Soft Sand Review. Furthermore, there is a statutory duty to plan for a steady and adequate supply of soft sand. Therefore, no other options are being considered.
- 11 The government-appointed Inspector has indicated that the submitted changes need to be modified to make them 'sound' and suitable for adoption. If these modifications are not proposed, and subject to a formal representations period, the Soft Sand Review could be found unsound, and the County Council would not meet its statutory duty to undertake the Soft Sand Review.

Consultation, engagement and advice

- 12 Matters of soundness were discussed by the participants at the hearing sessions. The modifications are proposed to address areas of soundness.
- 13 The preparation of the Proposed Submission Draft Review took account of the results of the Issues and Options consultation undertaken in early 2019, and included internal consultations with relevant specialist officers of both authorities (e.g. highways, landscape, ecology etc). Following approval of the Proposed Submission Draft Review at County Council in December 2019, a formal period for representations on proposed changes to the JMLP was undertaken in January to March 2020 (under Regulation 19). In April 2020, the draft was submitted to the Secretary of State for independent examination.

Finance

- 14 The cost of preparing and publishing the Proposed Modifications is minimal and will be met by the base budget.

Risk implications and mitigations

- 15 A lack of soft sand allocations for mineral development generates uncertainty for communities and the minerals industry about the acceptability 'in principle' of sites and creates more pressure on the planning application process. As mineral planning authorities, the Authorities have to plan for a steady and adequate supply of soft sand, in line with national policy. Therefore, allocating sites will help ensure that the identified need for soft sand is met.

Risk	Mitigating Action (in place or planned)
Having an out of date soft sand strategy and failing to meet the requirements of Policy M2 of the adopted JMLP.	Preparing the Soft Sand Review of the JMLP as required by Policy M2 will help to ensure the Authorities have an up-to-date strategy for soft sand supply in West Sussex through the Plan period.
Absence of a robust planning policy framework for soft sand – risk therefore of speculative planning applications and loss of control over soft sand development in West Sussex.	Preparing the Soft Sand Review of the JMLP will help to ensure the Authorities have appropriate control over soft sand development in West Sussex.

Policy alignment and compliance

- 16** Legal implications - The Authorities have a statutory duty to prepare an up-to-date minerals plan for the area. Policy M2 of the JMLP requires that the Soft Sand Review be completed within a set timescale, otherwise the Plan will be deemed to be out of date. It is a legal requirement for the County Council to plan for a steady and adequate supply of soft sand (as set out in the National Planning Policy Framework). It is also a legal requirement to carry out consultation on planning policies, as required by The Town and Country Planning (Local Planning) (England) Regulations.
- 17** Equalities - The Equalities Impact Report (EIR) for the Soft Sand Review identified the following two actions that have been undertaken:
- (1) to ensure reasonable attempts are made to engage the views of individuals and/or groups covering the protected characteristics identified in the EIR and identify any resultant mitigation measures related to these protected characteristics resulting from the consultation period; and
 - (2) to ensure that consultation information and related documentation is made available in alternative formats (different languages, larger print, audio, etc.) and this is publicised.
- 18** Climate Change - The JMLP contains a Strategic Objective on Climate Change, and a number of policies are relevant. The JMLP was found to be consistent with national planning policy on climate change (as set out in the National Planning Policy Framework). The SSR does not amend or change those parts of the JMLP.
- 19** Crime and Disorder – Not applicable.
- 20** Public Health – Not applicable.
- 21** Social Value – Not applicable.

Recommended

That the Proposed Modifications to the Soft Sand Review, as set out at Appendix 1, be approved for public consultation on their soundness, followed by

submission to the Inspector.

Deborah Urquhart

Cabinet Member for Environment

Contact Officer: Rupy Sandhu, Principal Planner, 033 022 26454,
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Appendices

Appendix 1 – Proposed Modifications to the Soft Sand Review

Background papers

None

**West Sussex Joint Minerals Local Plan
Soft Sand Single Issue Review:
Proposed Modifications (November 2020)**

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Executive Summary

Examination hearings were held for the Submission Draft Soft Sand Review of the Joint Minerals Local Plan in August 2020. During the hearings, discussions revealed some modifications would be required, prior to the Planning Inspector being able to confirm that the review is sound and legally and procedurally compliant. The modifications have been prepared and are being published to allow for representations on their soundness and legal and procedural compliance to be made. These representations will be considered by the Planning Inspector, before he issues his report.

The modifications proposed are set out in a table in Chapter 2 of this document. The full version of the proposed text for Policy M2 is set out in Appendix 1. A full version of the proposed text for Policy M11 is set out in Appendix 2.

About this Consultation

The Proposed Modifications to the Soft Sand Review (SSR) have been prepared following the examination hearings held in August 2020. These modifications are now subject to this representations period, to allow the soundness and legal and procedural compliance of the modifications to be scrutinised.

Representations will be accepted for a period of eight weeks from 9 November 2020 to 8 January 2021.

We are only able to accept representations on the Proposed Modifications. The other parts of the Submitted Soft Sand Review and the adopted JMLP are not part of this consultation.

Once adopted, the new strategy for soft sand will form part of the Joint Minerals Local Plan (JMLP).

The key documents and response forms will be available for inspection, subject to Covid-19 restrictions, during office hours at:

- County Hall, Chichester
- South Downs Centre, Midhurst
- All district and borough offices in West Sussex
- County libraries in West Sussex
- All documents are also available online at www.westsussex.gov.uk/mwdf

Details on how to make your representation can be found in the Statement of Representations procedure and the guidance note provided.

1. Introduction

Why do we have to plan for minerals? What is the Soft Sand Review about?

- 1.1 West Sussex County Council (WSCC) and the South Downs National Park Authority (SDNPA) are responsible for preparing a minerals plan for West Sussex that considers the need for minerals and how best to supply them.
- 1.2 The Joint Minerals Local Plan (JMLP) was adopted in July 2018 and provides a basis for making decisions about planning applications for mineral developments. It sets out a vision to 2033 on how and where mineral development can take place, which will ensure that communities, the environment, the economy, and the special character of West Sussex are protected.
- 1.3 During the examination hearings on the JMLP, the Planning Inspector raised concerns about the approach taken to soft sand supply. Changes were therefore made, and a requirement set out in the JMLP (Policy M2) for the County Council and SDNPA to commence a single issue soft sand review of the JMLP, within six months of adoption of the JMLP. The JMLP was adopted in July 2018.
- 1.4 An Issues and Options consultation was undertaken during January – March 2019, followed by a formal representations period on the Soft Sand Review during January – March 2020.
- 1.5 The Soft Sand Review was submitted for examination in April 2020, and virtual hearings took place during August 2020. Modifications are now proposed, that are subject of this representations period. Please note, representations can only be made on the proposed modifications, and not on other parts of the Soft Sand Review or Adopted JMLP.
- 1.6 All examination documents are available to view on our website: www.westsussex.gov.uk/mwdf.

Sustainability Appraisal

- 1.7 The Authorities have undertaken a Sustainability Appraisal (SA), which incorporates Strategic Environmental Assessment (SEA), as required by the European Union (EU) Strategic Environmental Assessment directive, to inform the preparation of this Review.
- 1.8 Following identification of the proposed modifications following the examination hearings for the SSR, a further appraisal of the proposed modifications was undertaken, and has been published as 'Addendum to the SA for the Soft Sand Review October 2020'.

Habitat Regulations Assessment (HRA)

- 1.9 The purpose of the HRA is to report on the 'likely significant effects' of the plan on internationally designated nature conservation sites.
- 1.10 The HRA was produced by officers of the South Downs National Park Authority and West Sussex County Council to inform the preparation of the SSR.
- 1.11 No significant issues have arisen. However, the assessment suggests that a project level Appropriate Assessment is necessary for each of the

proposed soft sand sites. Minor wording amendments or additions were recommended to policies and site allocations in the recommendations and were incorporated into the Submission SSR.

- 1.12 A further assessment has been undertaken in relation to the Proposed Modifications. This assessment has been published as 'Addendum to the HRA for the Soft Sand Review October 2020'.

2. Proposed Modifications

- 2.1 The Authorities proposed modifications to the Submitted SSR at the beginning of the examination as document EX/MD/001. These modifications covered:
- Updates to reflect the most recent Local Aggregates Assessment;
 - More robust development principles in relation to the water environment
 - A footnote to Policy M2 referring to sites with planning permission or allocations in emerging minerals plans; and
 - Corrections to typographical errors.
- 2.2 Following discussions during the examination hearings, a number of modifications were proposed to the development principles for the sites, including:
- A new development principle requiring net gains in biodiversity
 - Additional references to Local Wildlife Sites and the South Downs Way
 - Additional wording in relation to cumulative impact of other minerals development
 - Additional wording in relation to the retention of trees and hedgerows
- 2.3 The full text of the modifications and the reason for each modification is set out in the table within Chapter 3 of this document. There are no other modifications proposed to the submitted SSR. Other sections of the JMLP are not part of this consultation.

3. Schedule of Proposed Modifications

3.1 The table below sets out Suggested Main Modifications (SMM) to the changes to the Joint Minerals Local Plan proposed in the Single Issue Soft Sand Review (SSR). Text to be deleted is shown as ~~struck through~~ and additional text to be added is shown in red and underlined.

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
SMM1	SSR3	6.2.13	<p>New paragraph number: 6.2.14.</p> <p>The current 10 year average sales value is much higher than for sharp sand and gravel, at 293,737 tonnes per annum (2008 – 2017), and other relevant local information suggests average demand may be as high as 372,459 tonnes per annum. Total permitted reserve of land-won soft sand in West Sussex is 2,754,000 which currently provides a landbank of 7.4 years, based on the 10 year average sales, taking account of other relevant local information. Current reserves are not sufficient to meet demand over the Plan period (up to 2033). Planning Guidance (NPPG, para 064) states that MPA's should also consider average sales over the previous three years, to identify the general trend of demand. The 3-year average of soft sand sales is 295,115 tonnes (2015-2017). Based on this 3-year average and current reserves, the landbank (taking account of other relevant local information) is currently 9.3 years.</p>	<p>New paragraph number: 6.2.14.</p> <p>The current 10 year average sales value is much higher than for sharp sand and gravel, at 293,737 288,718 tonnes per annum (2008 – 2017 <u>2009-2019</u>), and other relevant local information suggests average demand may be as high as 372,459 <u>371,869</u> tonnes per annum. Total permitted reserve of land-won soft sand in West Sussex is 2,754,000 <u>2,300,437</u> which currently provides a landbank of 7.4 <u>6.2</u> years, based on the 10 year average sales, taking account of other relevant local information. Current reserves are not sufficient to meet demand over the Plan period (up to 2033). Planning Guidance (NPPG, para 064) states that MPA's should also consider average sales over the previous three years, to identify the general trend of demand. The 3-year average of soft sand sales is 295,115 <u>315,560</u> tonnes (2015-2017 <u>2016-2019</u>). Based on this 3-year average and current reserves, the landbank (taking account of other relevant local information) is currently 9.3 <u>7.3</u> years.</p>	Updated figures as contained in the Local Aggregate Assessment 2019 (May 2020) [SSR.OSD.005a]
SMM2	SSR4	6.2.14	<p>New paragraph number: 6.2.15.</p> <p>The relevant strategic objectives are:</p> <p>1: To promote the prudent and efficient production and use of minerals and to ensure a steady and adequate supply, having regard to the market demand and constraints on supply in the Plan area.</p> <p>3: To make provision for soft sand, silica sand and sharp sand and gravel, to meet the need, from outside the South Downs National Park, where possible; and only allow development within the national park in exceptional circumstances and where it is in the public interest.</p>	<p>New paragraph number: 6.2.15.</p> <p>The relevant strategic objectives are:</p> <p>1: To promote the prudent and efficient production and use of minerals <u>and to ensure a steady and adequate supply</u>, having regard to the market demand and constraints on supply in the Plan area.</p> <p>3: To make provision for soft sand, silica sand and sharp sand and gravel, to meet the need, from outside the South Downs National Park, where possible; and only allow development within the national park in exceptional circumstances and where it is in the public interest.</p>	To fix a typographical error and retain the Strategic Objectives as adopted in the Joint Minerals Local Plan.
SMM3	SSR5	New para 6.2.16	<p>In order to inform the strategy for the provision of land won soft sand, the Authorities considered the opportunities for extraction: within West Sussex but outside of the SDNP</p> <ul style="list-style-type: none"> outside of West Sussex from other sources from within the SDNP, within West Sussex a combination of the options 	<p>In order to inform the strategy for the provision of land won soft sand, the Authorities considered the opportunities for extraction: within West Sussex but outside of the SDNP</p> <ul style="list-style-type: none"> outside of West Sussex¹ from other sources from within the SDNP, within West Sussex a combination of the options <p><u>Footnote 1: where these opportunities are included in emerging or adopted mineral plans, or exist as sites that hold current planning permissions.</u></p>	For clarity in response to representations raised by Hampshire County Council.
SMM4	SSR36	-	New paragraph number: 7.2.8.	New paragraph number: 7.2.8.	Rother Local Wildlife Site response to the Sussex Wildlife Trust and

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
			<p>East of West Heath Common (Extension), Rogate (Policies Map 9): Located near to Rogate, Chichester, the extension to West Heath Quarry is located within the South Downs National Park, and used for agricultural purposes. The site is approximately 14 hectares in size and would provide 950,000 tonnes of soft sand. Materials would be exported from the extension site to the existing quarry by conveyor or pipeline, for processing, before transport by road using the existing quarry access and routing provision. Development of this site should contribute to the Petersfield to Pulborough via Midhurst non-motorised route. The after use for this site would be to create a low level water environment that should maximise nature conservation and informal recreation. Any restoration scheme should be fully integrated with the restoration scheme on the existing site. The restoration proposals should also take account of the opportunities to improve long distance trails and key public Rights of Way. Restoration proposals should clearly relate to landscape projects in the wider South Downs National Park¹. Footnote 1: SSR Landscape Assessment (2019).</p>	<p>East of West Heath Common (Extension), Rogate (Policies Map 9): Located near to Rogate, Chichester, the extension to West Heath Quarry is located within the South Downs National Park, and used for agricultural purposes. The site is approximately 14 hectares in size and would provide 950,000 tonnes of soft sand. <u>The area available for extraction may be limited by the development principles set out below, including the results of the hydrogeological survey.</u> Materials would be exported from the extension site to the existing quarry by conveyor or pipeline, for processing, before transport by road using the existing quarry access and routing provision. Development of this site <u>should avoid and minimise any impact on West Heath Common and the River Rother Local Wildlife Site.</u> <u>Development should also</u> contribute to the Petersfield to Pulborough via Midhurst non-motorised route. The after use for this site would be to create a low level water environment that should maximise nature conservation and informal recreation. Any restoration scheme should be fully integrated with the restoration scheme on the existing site. The restoration proposals should also take account of the opportunities to improve long distance trails and key public Rights of Way. Restoration proposals should clearly relate to landscape projects in the wider South Downs National Park¹. Footnote 1: SSR Landscape Assessment (2019).</p>	discussions at the Hearings.
SMM5	SSR38	-	<p>New paragraph number: 7.2.9. The development principles for the East of West Heath Common site are as follows: i. A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites; ii. A landscape and visual impact assessment should inform the development of proposals for the extraction of minerals from the site (including the use of conveyors or pipeline), taking into account and seeking to minimise adverse impacts on the South Downs National Park; iii. The Landscape and Visual Impact Assessment should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals; iv. Existing hedgerows, mature trees and vegetation along perimeters and within the site, should, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;</p>	<p>New paragraph number: 7.2.9. The development principles for the East of West Heath Common site are as follows: <u>i. Development proposals must identify and incorporate opportunities for net gains in biodiversity;</u> <u>ii.</u> i. A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites; <u>iii.</u> ii. A landscape and visual impact assessment should inform the development of proposals for the extraction of minerals from the site (including the use of conveyors or pipeline), taking into account and seeking to minimise adverse impacts on the South Downs National Park; <u>iv.</u> iii. The Landscape and Visual Impact Assessment should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals; <u>v.</u> iv. Existing hedgerows, mature trees and vegetation along perimeters and within the site, should must, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;</p>	<p>a) The development principles for the site amended to included recommendation from the Environment Agency. b) To insert a new development principle to require net gain in biodiversity for consistency with national policy. c) To strengthen wording in relation to submitted development principles iv, vii and xii. d) To amend a drafting error and add the requirement for a site liaison group as a separate development principle.</p>

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
			<p>v. There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;</p> <p>vi. Proposals should ensure that there are no significant adverse impacts on the nearby Scheduled Monuments bridges and structures on relevant parts of the road network;</p> <p>vii. At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;</p> <p>viii. A hydrological assessment should be completed, evaluating and seeking to minimise the impact from the proposals on ground water and watercourses, including the River Rother SNCI;</p> <p>ix. The potential for impact on the Wealden Heaths Phase II SPA and East Hampshire Hangers SAC should be considered, and mitigation applied to ensure no harm occurs;</p> <p>x. Any loss of potentially high quality agricultural land should be minimised and mitigation provided, if required;</p> <p>xi. A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;</p> <p>xii. Consideration should be given to ensuring mitigation measures are applied to Public Footpath 861, which is 500m west of the site, and may be impacted by the use of conveyors;</p> <p>xiii. Proposals for restoration should be informed by a landscape and ecosystem services led strategy agreed with the SDNPA. The strategy should be informed by relevant technical assessments, contribute to the purposes of the SDNP and form a cohesive scheme with the existing quarry site. A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</p>	<p>vi. v. There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;</p> <p>vii. vi. Proposals should ensure that there are no significant adverse impacts on the nearby Scheduled Monuments bridges and structures on relevant parts of the road network;</p> <p>viii. vii. At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;</p> <p>ix. viii. A hydrological assessment should be completed, evaluating and seeking <u>to avoid</u> and minimise the impact from the proposals on ground water and watercourses, including the River Rother SNCI; <u>Where necessary, changes to the development boundary will be made to prevent impacts on the water environment.</u></p> <p>x. ix. The potential for impact on the Wealden Heaths Phase II SPA and East Hampshire Hangers SAC should be considered, and mitigation applied to ensure no harm occurs;</p> <p>xi. x. Any loss of potentially high quality agricultural land should be minimised and mitigation provided, if required;</p> <p>xii. xi. A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;</p> <p>xiii. xii. Consideration should <u>must</u> be given to ensuring mitigation measures are applied to Public Footpath 861, which is 500m west of the site, and may be impacted by the use of conveyors;</p> <p>xiv. xiii. Proposals for restoration should be informed by a landscape and ecosystem services led strategy agreed with the SDNPA. The strategy should be informed by relevant technical assessments, contribute to the purposes of the SDNP and form a cohesive scheme with the existing quarry site. A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</p> <p>xv. xiv. <u>A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</u></p>	
SMM6	SSR34	-	<p>New paragraph number: 7.2.7.</p> <p>The development principles for Ham Farm are as follows:</p> <p>i. A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites</p> <p>ii. A Landscape and Visual Impact Assessment should inform the development of proposals for the extraction of minerals from the</p>	<p>New paragraph number: 7.2.7.</p> <p>The development principles for Ham Farm are as follows:</p> <p><u>i. Development proposals must identify and incorporate opportunities for net gains in biodiversity;</u></p> <p>ii. i. A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites</p>	<p>a) To insert a new development principle to require net gain in biodiversity for consistency with national policy.</p> <p>b) To strengthen wording in relation to submitting</p>

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
			<p>site, taking into account and seeking to minimise impacts on the South Downs National Park and its setting, and Wiston Park;</p> <p>iii. The LVIA should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;</p> <p>iv. The access should be carefully sited to ensure lines of mature broadleaf trees remain intact. A tree survey and arboricultural impact assessment in accordance with "BS5837 Trees in Relation to Design, Demolition and Construction 2012" should be provided to ensure that retained trees are adequately protected from site operations and that any to be removed are clearly identified and appropriate mitigation proposed;</p> <p>v. The entrance to the site should be carefully designed to minimise adverse impacts upon the South Downs National Park and its setting;</p> <p>vi. During excavation there should be screening, such as perimeter mounding and planting of native trees and shrubs (including native evergreen species) along the eastern and southern boundaries to strengthen and reinforce existing screening of views into the site from the A283, Cherrytree Rough to the north and surrounding open farmland should be considered as part of the Landscape and Visual Impact Assessment process. Any screening landform and/or planting should be designed to be consistent with local landscape character in order to minimise unintended additional impacts on landscape character from incongruous screening features;</p> <p>vii. Existing hedgerows, mature trees and vegetation along perimeters and within the site, should, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;</p> <p>viii. There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;</p> <p>ix. A historic building setting impact assessment of nearby listed buildings (including but not limited to Horsebrook Cottage and Wappingthorn Manor) should be carried out and mitigation provided, if required;</p> <p>x. At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;</p> <p>xi. A hydrological assessment should be completed, evaluating and seeking to minimise the impact from the proposals on ground water and watercourses, including but not limited to, Alderwood Pond and Wiston Pond;</p>	<p>iii. ii. A Landscape and Visual Impact Assessment should inform the development of proposals for the extraction of minerals from the site, taking into account and seeking to minimise impacts on the South Downs National Park and its setting, and Wiston Park;</p> <p>iv. iii. The LVIA should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;</p> <p>v. iv. The access should be carefully sited to ensure lines of mature broadleaf trees remain intact. A tree survey and arboricultural impact assessment in accordance with "BS5837 Trees in Relation to Design, Demolition and Construction 2012" should be provided to ensure that retained trees are adequately protected from site operations and that any to be removed are clearly identified and appropriate mitigation proposed;</p> <p>vi. v. The entrance to the site should be carefully designed to minimise adverse impacts upon the South Downs National Park and its setting;</p> <p>vii. vi. During excavation there should be screening, such as perimeter mounding and planting of native trees and shrubs (including native evergreen species) along the eastern and southern boundaries to strengthen and reinforce existing screening of views into the site from the A283, Cherrytree Rough to the north and surrounding open farmland should be considered as part of the Landscape and Visual Impact Assessment process. Any screening landform and/or planting should be designed to be consistent with local landscape character in order to minimise unintended additional impacts on landscape character from incongruous screening features;</p> <p>viii. vii. Existing hedgerows, mature trees and vegetation along perimeters and within the site, should must, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;</p> <p>ix. viii. There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;</p> <p>x. ix. A historic building setting impact assessment of nearby listed buildings (including but not limited to Horsebrook Cottage and Wappingthorn Manor) should be carried out and mitigation provided, if required;</p> <p>xi. x. At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;</p>	development principles vii, xi and xvii.

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
			<p>xii. A flood risk assessment should be carried out and mitigation provided, if required;</p> <p>xiii. The transport assessment should consider the net impact of changing the land use from agricultural (maize production) to mineral and include allowances for the importation of materials for restoration and importation of feedstock for anaerobic digestion at Wappingthorn Farm;</p> <p>xiv. A HGV routing agreement is required, including a robust approach to monitoring adherence, to ensure that HGVs travelling to/from the site avoid the villages of Steyning and Storrington;</p> <p>xv. If the traffic from the site could have a negative impact on the Air Quality Management Area in Storrington High Street, then an Air Quality Assessment is required;</p> <p>xvi. Vehicular access to the site to be created at the existing gated access and shall be designed to accord with the standards and guidance within the Design Manual for Roads and Bridges and Roads in the South Downs;</p> <p>xvii. There should be an assessment of the cumulative impact associated with other development (e.g. other minerals development) including landscape and transport considerations, such as the A24/A283 Washington roundabout and mitigation, if required;</p> <p>xviii. Any loss of potentially high quality agricultural land should be considered and mitigation provided, if required;</p> <p>xix. There are known power cables, power lines and water mains within and adjacent to the site which should be diverted or protected, as necessary;</p> <p>xx. A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;</p> <p>xxi. Options for restoration could include reinstating the original profile of the site and returning it to agricultural use and restoring the structure of hedgerows and hedgerow trees, with the aim of maximising farmland habitat value, and connectivity with the surrounding structure of hedgerows and lines of trees. Long term restoration should aim to maximise the habitat value by taking opportunities to link the surrounding hedgerow and woodland structure; and</p> <p>xxii. A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</p>	<p>xii. xi.–A hydrological assessment should be completed, evaluating and seeking to avoid and minimise the impact from the proposals on ground water and watercourses, including but not limited to, Alderwood Pond and Wiston Pond;</p> <p>xiii. xii.–A flood risk assessment should be carried out and mitigation provided, if required;</p> <p>xiv. xiii.–The transport assessment should consider the net impact of changing the land use from agricultural (maize production) to mineral and include allowances for the importation of materials for restoration and importation of feedstock for anaerobic digestion at Wappingthorn Farm;</p> <p>xv. xiv.–A HGV routing agreement is required, including a robust approach to monitoring adherence, to ensure that HGVs travelling to/from the site avoid the villages of Steyning and Storrington;</p> <p>xvi. xv.–If the traffic from the site could have a negative impact on the Air Quality Management Area in Storrington High Street, then an Air Quality Assessment is required;</p> <p>xvii. xvi.–Vehicular access to the site to be created at the existing gated access and shall be designed to accord with the standards and guidance within the Design Manual for Roads and Bridges and Roads in the South Downs;</p> <p>xviii. xvii. There should must be an assessment of the cumulative impact associated with other development (e.g. other minerals development) including landscape and transport considerations, such as the A24/A283 Washington roundabout and mitigation, if required;</p> <p>xix. xviii.–Any loss of potentially high quality agricultural land should be considered and mitigation provided, if required;</p> <p>xx. xix.–There are known power cables, power lines and water mains within and adjacent to the site which should be diverted or protected, as necessary;</p> <p>xxi. xx.–A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;</p> <p>xxii. xxi.–Options for restoration could include reinstating the original profile of the site and returning it to agricultural use and restoring the structure of hedgerows and hedgerow trees, with the aim of maximising farmland habitat value, and connectivity with the surrounding structure of hedgerows and lines of trees. Long term restoration should aim to maximise the habitat value by taking opportunities to link the surrounding hedgerow and woodland structure; and</p> <p>xxiii. xii.–A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</p>	

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
SMM7	SSR40	-	<p>New paragraph number: 7.2.11.</p> <p>The development principles for the Chantry Lane Extension are as follows:</p> <p>i. A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites;</p> <p>ii. A Landscape and Visual Impact Assessment (LVIA) should inform the development of proposals for the extraction of minerals from the site, taking into account and seeking to minimise impacts on the South Downs National Park;</p> <p>iii. The LVIA should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;</p> <p>iv. The entrance to the site should be carefully designed to minimise adverse impacts upon the South Downs National Park and its setting, and designed to accord with the standards and guidance within the Design Manual for Roads and Bridges and Roads in the South Downs;</p> <p>v. During excavation there should be screening, such as perimeter mounding and planting of native trees and shrubs (including native evergreen species) along the boundaries to strengthen and reinforce existing screening of views into the site from the A283, and surrounding open farmland should be considered as part of the Landscape and Visual Impact Assessment process. Any screening landform and/or planting should be designed to be consistent with local landscape character in order to minimise unintended additional impacts on landscape character from incongruous screening features;</p> <p>vi. Existing hedgerows, mature trees and vegetation along perimeters and within the site, should, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;</p> <p>vii. There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;</p> <p>viii. At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;</p> <p>ix. A hydrological assessment should be completed, evaluating and seeking to minimise the impact from the proposals on ground water and watercourses, given its location close to the Arun Valley SPA;</p>	<p>New paragraph number: 7.2.11.</p> <p>The development principles for the Chantry Lane Extension are as follows:</p> <p><u>i. Development proposals must identify and incorporate opportunities for net gains in biodiversity;</u></p> <p><u>ii.</u> i.–A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites;</p> <p><u>iii.</u> ii.–A Landscape and Visual Impact Assessment (LVIA) should inform the development of proposals for the extraction of minerals from the site, taking into account and seeking to minimise impacts on the South Downs National Park;</p> <p><u>iv.</u> iii.–The LVIA should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;</p> <p><u>v.</u> iv.–The entrance to the site should be carefully designed to minimise adverse impacts upon the South Downs National Park and its setting, and designed to accord with the standards and guidance within the Design Manual for Roads and Bridges and Roads in the South Downs;</p> <p><u>vi.</u> v.–During excavation there should be screening, such as perimeter mounding and planting of native trees and shrubs (including native evergreen species) along the boundaries to strengthen and reinforce existing screening of views into the site from the A283, and surrounding open farmland should be considered as part of the Landscape and Visual Impact Assessment process. Any screening landform and/or planting should be designed to be consistent with local landscape character in order to minimise unintended additional impacts on landscape character from incongruous screening features;</p> <p><u>vii.</u> vi.–Existing hedgerows, mature trees and vegetation along perimeters and within the site, should must, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;</p> <p><u>viii.</u> vii.–There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;</p> <p><u>ix.</u> viii.–At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;</p>	<p>a) To insert a new development principle to require net gain in biodiversity for consistency with national policy.</p> <p>b) To strengthen wording in relation to submitted development principles vi, ix and xii.</p>

SMM Ref	SSR Ref	JMLP Para/Policy	Submitted SSR	Proposed Modification	Reason for Proposed Modification
			<p>x. An HGV routing agreement is required , including a robust approach to monitoring adherence, to ensure that HGVs travelling to/from the site avoid the village of Storrington;</p> <p>xi. If the traffic from the site could have a negative impact on the Air Quality Management Area in Storrington High Street, then an Air Quality Assessment is required;</p> <p>xii. There should be an assessment of the cumulative impact associated with other development (e.g. other minerals development) including landscape and transport considerations, such as the A24/A283 Washington roundabout and mitigation, if required;</p> <p>xiii. Any loss of potentially high quality agricultural land should be minimised and mitigation provided, if required;</p> <p>xiv. There are known power cables, power lines and water mains within and adjacent to the site which should be diverted or protected, as necessary;</p> <p>xv. A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;</p> <p>xvi. Proposals for restoration should be informed by a landscape and ecosystem services led strategy agreed with the SDNPA. The strategy should be informed by relevant technical assessments, contribute to the purposes of the SDNP and form a cohesive scheme with the existing quarry site.</p> <p>xvii. A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</p>	<p>x. ix. A hydrological assessment should be completed, evaluating and seeking to avoid and minimise the impact from the proposals on ground water and watercourses, given its location close to the Arun Valley SPA;</p> <p>xi. x. An HGV routing agreement is required, including a robust approach to monitoring adherence, to ensure that HGVs travelling to/from the site avoid the village of Storrington;</p> <p>xii. xi. If the traffic from the site could have a negative impact on the Air Quality Management Area in Storrington High Street, then an Air Quality Assessment is required;</p> <p>xiii. xii. There should must be an assessment of the cumulative impact associated with other development (e.g. other minerals development) including landscape and transport considerations, such as the A24/A283 Washington roundabout and mitigation, if required;</p> <p>xiv. xiii. Any loss of potentially high quality agricultural land should be minimised and mitigation provided, if required;</p> <p>xv. xiv. There are known power cables, power lines and water mains within and adjacent to the site which should be diverted or protected, as necessary;</p> <p>xvi. xv. A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;</p> <p>xvii. xvi. Proposals for restoration should be informed by a landscape and ecosystem services led strategy agreed with the SDNPA. The strategy should be informed by relevant technical assessments, contribute to the purposes of the SDNP and form a cohesive scheme with the existing quarry site.</p> <p>xviii. xvii. A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.</p>	

4. Next Steps

- 4.1 After 8 January 2021, the Authorities will submit all representations on the proposed modifications to the Planning Inspector. The Planning Inspector will consider all representations and will either require further hearing sessions for the purpose of further examining the representations, or he will issue his final report on the SSR, including necessary modifications. If further hearing sessions are required, information will be made available on the time and location of these on our website.
- 4.2 Once the Inspectors Report is issued, the Authorities will consider whether to adopt the SSR as modified, or not. If the SSR is adopted, it will become part of the Joint Minerals Local Plan.

Appendix 1: Revised Policy M2 and Supporting Text

Text to be deleted is shown as ~~struck through~~ and additional text to be added is shown in red and underlined.

Soft Sand

- 6.2.13 Land won soft sand is of a particular quality that cannot be substituted by other minerals. The soft sand resource is heavily constrained due to its location within or adjacent to the South Downs National Park.
- 6.2.14 The current 10 year average sales value is much higher than for sharp sand and gravel, at ~~293,737~~ 288,718 tonnes per annum (~~2008—2017~~ 2009-2019), and other relevant local information suggests average demand may be as high as ~~372,459~~ 371,869 tonnes per annum. Total permitted reserve of land-won soft sand in West Sussex is ~~2,754,000~~ 2,300,437 which currently provides a landbank of ~~7.4~~ 6.2 years, based on the 10 year average sales, taking account of other relevant local information. Current reserves are not sufficient to meet demand over the Plan period (up to 2033). Planning Guidance (NPPG, para 064) states that MPA's should also consider average sales over the previous three years, to identify the general trend of demand. The 3-year average of soft sand sales is ~~295,115~~ 315,560 tonnes (~~2015—2017~~ 2016-2019). Based on this 3-year average and current reserves, the landbank (taking account of other relevant local information) is currently ~~9.3~~ 7.3 years.
- 6.2.15 The relevant **strategic objectives** are:
- 1: To promote the prudent and efficient production and use of minerals and to ensure a steady and adequate supply, having regard to the market demand and constraints on supply in the Plan area.
 - 3: To make provision for soft sand, silica sand and sharp sand and gravel, to meet the need, from outside the South Downs National Park, where possible; and only allow development within the national park in exceptional circumstances and where it is in the public interest.
- 6.2.16 In order to inform the **strategy** for the provision of land won soft sand, the Authorities considered the opportunities for extraction:
- within West Sussex but outside of the SDNP
 - outside of West Sussex¹
 - from other sources
 - from within the SDNP, within West Sussex
 - a combination of the options
- 6.2.17 The Authorities have engaged in discussions under Duty to Cooperate with all Mineral Planning Authorities across the South East culminating

¹ where these opportunities are included in emerging or adopted mineral plans, or exist as sites that hold current planning permissions

in the agreement of a joint Position Statement for Soft Sand. Further Statements of Common Ground have been prepared on the issue of soft sand provision, as necessary, and the Authorities will continue to engage with other MPAs on the issue given to constrained nature of soft sand in West Sussex.

- 6.2.18 In light of this work, site allocations through Policy M11 make provision for soft sand to meet the shortfalls set out in the latest LAA.
- 6.2.19 The **strategy** for the provision of land won soft sand is:
- to allocate a new site inside of West Sussex and outside of the South Downs National Park (see Policy M11)
 - to allocate two extensions to existing soft sand sites within the South Downs National Park (see Policy M11)
 - to continue to work with Mineral Planning Authorities across the South East to identify potential alternative sources of soft sand (land won, marine won or substitute materials) to ensure that sites provision is made for soft sand outside of protected landscapes in the first instance.
- 6.2.20 This strategy accords with national policy as it seeks to make provision for non-energy minerals from outside of protected areas in the first instance NPPF para 205 (a). In future, provision for soft sand may be available from beyond West Sussex and from alternative sources. This information will form part of the assessment of any planning application that comes forward on allocated or unallocated sites.
- 6.2.21 Any application for soft sand extraction within the SDNP, that is determined to be major development, will be assessed to determine whether or not exceptional circumstances exist and whether a proposal would be in the public interest.
- 6.2.22 Policy M2 will be used to determine all planning applications for soft sand extraction in West Sussex, including extensions of time and physical extensions on allocated and unallocated sites.

Policy M2: Soft Sand

- (a) Proposals for land won soft sand extraction, including extensions of time and physical extensions to existing sites, will be permitted provided that:
- i. The proposal is needed to ensure a steady and adequate supply of soft sand and to maintain at least a seven year land bank, as set out in the most recent Local Aggregates Assessment; and
 - ii. The site is allocated within Policy M11 of this Plan, or if the proposal is on an unallocated site, it can be demonstrated that the need cannot be met through the site/s allocated for that purpose; and
 - iii. Where transportation by rail or water is not practicable or viable, the proposal is well-related to the Lorry Route Network.
- (b) Proposals located outside the South Downs National Park that accord with part (a) must not adversely impact on its setting.

(c) Proposals located within the South Downs National Park that accord with part (a) and constitute major development will be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest.

- 6.2.23 The Authorities' Monitoring Report will be updated annually to contain the latest information about the status of the allocated sites. The landbank calculation for the purposes of Policy M2(a(i)) will be made by using the reserve and annual demand information set out in the most recent published Local Aggregate Assessment.
- 6.2.24 Site allocations are set out in policy M11. The Soft Sand Site Selection Report, Sustainability Appraisal and Major Development Background Paper set out how the Authorities undertook the site selection process. For development proposals on unallocated sites a clear preference will be given to sites with the least impact on the SDNP in line with national policy.
- 6.2.25 Sites outside of the boundary of the SDNP will be assessed for their impact on the setting of the SDNP in line with Section 62 of the Environment Act 1995 which requires all relevant authorities, including statutory undertakers and other public bodies, to have regard to the purposes of a National Park.
- 6.2.26 Sites within the South Downs National Park that are assessed as constituting major development will need to demonstrate exceptional circumstances exist and the development would be in the public interest before planning permission is granted.²
- 6.2.27 Physical extensions to existing sites generally benefit from established infrastructure (e.g. access roads, processing plant and offices) which means that it may be more appropriate to continue activities, rather than develop new sites. The acceptability of extending existing sites will also depend on the cumulative impacts of continued working, considered in more detail by Policy M22.
- 6.2.28 Proposals to extend existing sites will only be supported where the existing site does not have any outstanding or unresolved issues in relation to planning controls aimed at ensuring that the site operates without harm. For example, if a site that should have been partly restored in accordance with a phased restoration scheme were to be extended, this would exacerbate the ongoing impact on the landscape.

Implementation and Monitoring

Actions	Key Organisation(s)
Annual monitoring of sand and gravel sales data from operators. Annual production of Assessment of Need for Aggregates (Local Aggregate Assessment)	WSCC, SDNPA, minerals operators, South East England Aggregates Working Party.

² West Sussex and South Downs Major Development Paper

Measure/Indicator	Trend/Target
<ul style="list-style-type: none"> ▪ Soft sand sales ▪ Permitted soft sand reserves 	<p>Trends:</p> <ul style="list-style-type: none"> ▪ Declining landbank within the South Downs National Park ▪ Soft sand continues to be adequately supplied to the construction industry in West Sussex.
Intervention Levels	Actions
<p>Lack of sites coming forward that are able to demonstrate exceptional</p>	<ul style="list-style-type: none"> ▪ Work with the Aggregates Working Party to monitor supplies of soft sand in the south east ▪ Review policy

Appendix 2: Revised Policy M11 and Supporting Text

Text to be deleted is shown as ~~struck through~~ and additional text to be added is shown in red and underlined.

7. Strategic Minerals Site Allocations

7.1 Introduction

- 7.1.1 This chapter identifies the mineral sites that have been allocated in the Plan in pursuit of the following **strategic objectives**; 1: To promote the prudent and efficient production and use of minerals and to ensure a steady and adequate supply, having regard to the market demand and constraints on supply in the Plan area and 3: To make provision for soft sand, silica sand and sharp sand and gravel, to meet the need, from outside the South Downs National Park, where possible; and only allow development within the national park in exceptional circumstances and where it is in the public interest.
- 7.1.2 Paragraph 204 of the NPPF requires that Local Plans should allocate sites to promote development and flexible use of land. Specifically in relation to planning for aggregate minerals, paragraph 207 of the NPPF states that Mineral Planning Authorities should plan for a steady and adequate supply by, amongst other things, identifying specific sites, preferred areas and/or areas of search and locational criteria as appropriate.
- 7.1.3 Allocation of a site gives certainty to the mineral industry and local communities about the acceptability 'in principle' of the use of an identified site for mineral extraction. However, all planning applications must be judged on their merits and the allocation of a site in the Plan does not mean that a proposal for the allocated use will automatically be granted planning permission; the proposal must be acceptable in its own right taking into account all the material considerations. This includes the application to the proposed development of the relevant use-specific and general development management and policies of this Plan. It should also be noted that wider (non-land use planning) controls may apply to development proposals, for example, the environmental permitting regime.
- 7.1.4 Development within the SDNP will need to consider its impact on the purposes of the SDNP³ at each stage of development. Restoration of sites within or nearby to the SDNP should consider their ability to contribute to ecosystem services and biodiversity net-gain. The SDNPA will prepare a guide to restoration of mineral sites within the SDNP and proposals should take account of this in the preparation of any planning application.
- 7.1.5 Although the allocated sites are currently available for mineral uses during the Plan period, circumstances may change and they may not come forward as expected. Private sector businesses (and, therefore, commercial considerations) will determine whether extraction will actually take place. Therefore, the Plan potentially allows, under the

³ As set out in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995.

use-specific policies in the preceding chapter, for other sites to come forward for mineral extraction. Such provision will provide additional flexibility and compensate for any allocated sites that do not come forward for minerals extraction. Accordingly, the fact that a site is not allocated in the Plan does not mean that a proposal for mineral extraction at that site will not receive planning permission at some future date.

7.1.6 Following technical work and discussions with the mineral industry, statutory and other consultees, and resident and community groups, a number of guiding principals have been identified for the location of new mineral extraction sites. These sites are needed to address likely demand shortfalls for meeting needs for soft sand in West Sussex as identified in Chapter 6.

7.1.7 There are six key guiding principles that have been used to guide the identification of the allocated sites:

- **First principle:** Places where there are opportunities to restore land beneficially, for example a net-gain in biodiversity.
- **Second principle:** Places without a sensitive natural or built environment and away from communities, in order to protect the amenity of businesses, residents and visitors to West Sussex
- **Third principle:** The new sites should have good access to the Lorry Route Network (LRN). Access from the site to the LRN should be acceptable 'in principle', that is, there should not be any technical issues, with regard to highway capacity and road safety, that cannot be overcome.
- **Fourth principle:** The need to protect and enhance, where possible, protected landscapes in the plan area, particularly ensuring that any major minerals development will only be considered within designated landscapes in exceptional circumstances and in the public interest.
- **Fifth principle:** A preference for extensions to existing sites rather than new sites, subject to cumulative impact assessments.
- **Sixth principle:** The need to avoid the needless sterilisation of minerals by other forms of development

7.2 Strategic Mineral Site Allocation

7.2.1 A detailed technical assessment of each site has been undertaken that has not identified any overriding or fundamental constraints to the proposed forms of development on the allocated sites. This includes, for example, the potential impact of the development on amenity and character, and risk to the natural and historic environment. It is considered, therefore, that any potential unacceptable impacts can be prevented, minimised, mitigated, or compensated for to an acceptable standard. Restoration forms a key part of any application for mineral extraction and proposals should ensure appropriate mitigation through the extraction period as well as the proposals for the final land use. Pre-application advice should be sought to ensure each site is brought forward in the most appropriate way, as set out in Policy M24

Restoration and Aftercare. Accordingly, the sites allocated in Policy M11 are acceptable 'in principle' for the allocated uses.

- 7.2.2 Proposals for development on the allocations within the SDNP that are considered to be major development will need to demonstrate exceptional circumstances exist and the development would be in the public interest before planning permission is granted in line with policy M2.

Policy M11: Strategic Minerals Site Allocations

- (a) The following site is allocated for the extraction of clay for brick making and is acceptable, in principle, for that purpose:
Extension to West Hoathly Brickworks (Policies Map 1)
- (b) The following sites are allocated for soft sand extraction and are acceptable, in principle, for that purpose:
Ham Farm, Steyning (Policies Map 8)
East of West Heath Common (Extension) (Policies Map 9)
Chantry Lane Extension (Policies Map 10)
- (c) The development of the allocated sites must take place in accordance with the policies of this Plan and satisfactorily address the 'development principles' for that site identified in the supporting text to this policy.
- (d) The allocated sites will be safeguarded from any development either on or adjoining the sites that would prevent or prejudice the development of its allocated minerals use or uses.

Implementation and Monitoring

Actions/Activities	Key Organisation(s)
Development management process	WSCC, minerals industry
Monitoring the 'take-up' of allocated sites through the AMR	n/a

Measure/Indicator	Trend/Target
Number of applications for minerals working on allocated sites permitted per annum	n/a
Type of facilities permitted on allocated sites per annum	In line with the requirements of the Plan area as set out in Policy M11
Intervention levels	A downward trend in applications on allocated sites (compared with applications on unallocated sites). Loss of allocations to non-minerals uses or use for minerals determined as being undeliverable.

- 7.2.3 The broad locations of the sites allocated in Policy M11 are shown on the Key Diagram. The boundary of each allocated site is identified on the Policies Maps. The following paragraphs identify 'development principles' for the sites, that is, specific issues that will need to be

addressed at the planning application stage, as and when proposals come forward for the allocated sites. Policy M11 requires these principles to be satisfactorily addressed in addition to any requirements within the use-specific and general development management policies of this Plan. Application of the Development Principles should take place alongside full consideration of the Development Management policies set out in Chapter 8.

- 7.2.4 **Extension to West Hoathly Brickworks, West Hoathly (Policies map 1):** Located in West Hoathly, Mid Sussex, the site is used for agricultural purposes and is approximately 9 hectares in size. The site would provide a 2-3 year supply of Wadhurst clay to the existing brick factory. The after use for this site would be a return to agricultural uses, or restoring part, or all, of the land to woodland. Restoration should seek to reinstate the original profile of the site.
- 7.2.5 The development principles for the Extension to West Hoathly Brickworks are as follows:
- (i) Phasing of clay extraction and restoration so that a series of small areas are developed in sequence, to reduce visual intrusion;
 - (ii) Careful siting of extraction and infrastructure on the lower areas to the northwest of the site to reduce visual intrusion on the village and Historic Park and Garden to the south;
 - (iii) Perimeter mounding (using topsoil and overburden) and then planting of native trees and shrubs along the southern and eastern boundary, including some evergreen species, to screen/filter views of the village to the southeast, and Top Road to the south;
 - (iv) Perimeter mounding should be carried out and then planting of native trees and shrubs along the north western boundary, to reduce visibility from views along the valley and the hills to the northwest within the wider AONB;
 - (v) In order to minimise negative impacts on mature trees and watercourses, appropriate buffers, where no development shall take place, should be created and retained along the watercourse, and around the mature trees and ancient woodland within and adjacent to the site around these features;
 - (vi) In areas where no excavation is to occur, existing hedgerows, mature trees and vegetation should be protected and linked by new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas and reducing overall visibility across the site from surrounding areas;
 - (vii) An assessment of the impact on the Ancient Woodland (Blackland Wood, Front Wood and Cookhams Shaw); should be carried out, appropriate buffers incorporated, and mitigation provided, if required in accordance with Natural England and the Forestry Commission's standing advice;

- (viii) An assessment of the impact on the Ashdown Forest SPA/SAC, and Wakehurst & Chiddingly Woods SSSI and Weir Wood Reservoir SSSI should be carried out and mitigation provided, if required;
- (ix) An assessment of the impact on nearby listed buildings (including Aldern House, Old Coombe House and Blackland Farmhouse) and the Historic Parkscapes (Courtlands and Northwood House) should be carried out and mitigation provided, if required;
- (x) At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;
- (xi) A flood risk assessment should be carried out, and mitigation provided, if required;
- (xii) Potential impacts on the Crawley AQMA resulting from site operations and HGV traffic should be identified and mitigation set out if required;
- (xiii) Opportunities should be sought to enhance future public access;
- (xiv) Access to the site should be through the existing brickworks;
- (xv) As the site contains Grade 3 Agricultural Land Quality, an assessment should be undertaken of the of potential for high quality agricultural land should be undertaken, and mitigated provided, if required;
- (xvi) The power line and BT line should be diverted or protected, as necessary;
- (xvii) The site shall be restored either to agricultural or woodland use in accordance with the following principles, either:
 - a. Reinstate the original profile of the site and returning it to agricultural use. Long term restoration should aim to restore and reinforce existing landscape elements in keeping with the surrounding pattern, including the structure of hedgerows and hedgerow trees. It should aim to maximise the farmland habitat value and connectivity with the surrounding structure of hedgerows and woodland. It should also include the creation of ponds, a notable feature of the local landscape and important component of the habitat diversity of the area, or,
 - b. Restoring all or part of the site to woodland following extraction. Long term restoration should aim to maximise the habitat value by taking opportunities to link it into the surrounding structure of hedgerows and woodland. It should also include the creation of ponds, a notable feature of the local landscape and important component of the habitat diversity of the area.

(xviii) A site liaison group involving the local community should be established if necessary, by the operator to address issues arising from the operation of the site.

7.2.6 **Ham Farm, Steyning (Policies Map 8):** Located in Steyning, Horsham, the site is used for agricultural purposes, and is approximately 7.9 hectares in size. It would provide 725,000 tonnes of soft sand. Materials would be exported from the site by road. The after use for this site would be a return to agricultural use, and restoration would consider enhancement of the existing woodland within the site.

7.2.7 The development principles for Ham Farm are as follows:

- i. Development proposals must identify and incorporate opportunities for net gains in biodiversity;
- ii. ~~i.~~ A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites
- iii. ~~ii.~~ A Landscape and Visual Impact Assessment should inform the development of proposals for the extraction of minerals from the site, taking into account and seeking to minimise impacts on the South Downs National Park and its setting, and Wiston Park;
- iv. ~~iii.~~ The LVIA should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;
- v. ~~iv.~~ The access should be carefully sited to ensure lines of mature broadleaf trees remain intact. A tree survey and arboricultural impact assessment in accordance with "BS5837 Trees in Relation to Design, Demolition and Construction 2012" should be provided to ensure that retained trees are adequately protected from site operations and that any to be removed are clearly identified and appropriate mitigation proposed;
- vi. ~~v.~~ The entrance to the site should be carefully designed to minimise adverse impacts upon the South Downs National Park and its setting;
- vii. ~~vi.~~ During excavation there should be screening, such as perimeter mounding and planting of native trees and shrubs (including native evergreen species) along the eastern and southern boundaries to strengthen and reinforce existing screening of views into the site from the A283, Cherrytree Rough to the north and surrounding open farmland should be considered as part of the Landscape and Visual Impact Assessment process. Any screening landform and/or planting should be designed to be consistent with local landscape character in order to minimise unintended additional impacts on landscape character from incongruous screening features;

- viii. ~~vii.~~ Existing hedgerows, mature trees and vegetation along perimeters and within the site, ~~should~~ must, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;
- ix. ~~viii.~~ There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;
- x. ~~ix.~~ A historic building setting impact assessment of nearby listed buildings (including but not limited to Horsebrook Cottage and Wappingthorn Manor) should be carried out and mitigation provided, if required;
- xi. ~~x.~~ At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;
- xii. ~~xi.~~ A hydrological assessment should be completed, evaluating and seeking to avoid and minimise the impact from the proposals on ground water and watercourses, including but not limited to, Alderwood Pond and Wiston Pond;
- xiii. ~~xii.~~ A flood risk assessment should be carried out and mitigation provided, if required;
- xiv. ~~xiii.~~ The transport assessment should consider the net impact of changing the land use from agricultural (maize production) to mineral and include allowances for the importation of materials for restoration and importation of feedstock for anaerobic digestion at Wappingthorn Farm;
- xv. ~~xiv.~~ A HGV routing agreement is required, including a robust approach to monitoring adherence, to ensure that HGVs travelling to/from the site avoid the villages of Steyning and Storrington;
- xvi. ~~xv.~~ If the traffic from the site could have a negative impact on the Air Quality Management Area in Storrington High Street, then an Air Quality Assessment is required;
- xvii. ~~xvi.~~ Vehicular access to the site to be created at the existing gated access and shall be designed to accord with the standards and guidance within the Design Manual for Roads and Bridges and Roads in the South Downs;
- xviii. ~~xvii.~~ There ~~should~~ must be an assessment of the cumulative impact associated with other development (e.g. other minerals development) including landscape and transport considerations, such as the A24/A283 Washington roundabout and mitigation, if required;
- xix. ~~xviii.~~ Any loss of potentially high quality agricultural land should be considered and mitigation provided, if required;

- ~~xx.~~ ~~xix.~~ There are known power cables, power lines and water mains within and adjacent to the site which should be diverted or protected, as necessary;
- ~~xxi.~~ ~~xx.~~ A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;
- ~~xxii.~~ ~~xxi.~~ Options for restoration could include reinstating the original profile of the site and returning it to agricultural use and restoring the structure of hedgerows and hedgerow trees, with the aim of maximising farmland habitat value, and connectivity with the surrounding structure of hedgerows and lines of trees. Long term restoration should aim to maximise the habitat value by taking opportunities to link the surrounding hedgerow and woodland structure; and
- ~~xxiii.~~ ~~xii.~~ A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.

7.2.8 **East of West Heath Common (Extension), Rogate (Policies Map 9):** Located near to Rogate, Chichester, the extension to West Heath Quarry is located within the South Downs National Park, and used for agricultural purposes. The site is approximately 14 hectares in size and would provide 950,000 tonnes of soft sand. The area available for extraction may be limited by the development principles set out below, including the results of the hydrogeological survey. Materials would be exported from the extension site to the existing quarry by conveyor or pipeline, for processing, before transport by road using the existing quarry access and routing provision. Development of this site should avoid and minimise any impact on West Heath Common and the River Rother Local Wildlife Site. Development should also contribute to the Petersfield to Pulborough via Midhurst non-motorised route. The after use for this site would be to create a low level water environment that should maximise nature conservation and informal recreation. Any restoration scheme should be fully integrated with the restoration scheme on the existing site. The restoration proposals should also take account of the opportunities to improve long distance trails and key public Rights of Way. Restoration proposals should clearly relate to landscape projects in the wider South Downs National Park⁴.

- 7.2.9 The development principles for the East of West Heath Common site are as follows:
- ~~i.~~ Development proposals must identify and incorporate opportunities for net gains in biodiversity;
 - ~~ii.~~ ~~i.~~ A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites;

⁴ SSR Landscape Assessment (2019)

- iii. ~~ii.~~ A landscape and visual impact assessment should inform the development of proposals for the extraction of minerals from the site (including the use of conveyors or pipeline), taking into account and seeking to minimise adverse impacts on the South Downs National Park;
- iv. ~~iii.~~ The Landscape and Visual Impact Assessment should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;
- v. ~~iv.~~ Existing hedgerows, mature trees and vegetation along perimeters and within the site, ~~should~~ **must**, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;
- vi. ~~v.~~ There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;
- vii. ~~vi.~~ Proposals should ensure that there are no significant adverse impacts on the nearby Scheduled Monuments bridges and structures on relevant parts of the road network;
- viii. ~~vii.~~ At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;
- ix. ~~viii.~~ A hydrological assessment should be completed, evaluating and seeking to **avoid and** minimise the impact from the proposals on ground water and watercourses, ~~including the River Rother SNCI;~~ **Where necessary, changes to the development boundary will be made to prevent impacts on the water environment;**
- x. ~~ix.~~ The potential for impact on the Wealden Heaths Phase II SPA and East Hampshire Hangers SAC should be considered, and mitigation applied to ensure no harm occurs;
- xi. ~~x.~~ Any loss of potentially high quality agricultural land should be minimised and mitigation provided, if required;
- xii. ~~xi.~~ A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;
- xiii. ~~xii.~~ Consideration ~~should~~ **must** be given to ensuring mitigation measures are applied to Public Footpath 861, which is 500m west of the site, and may be impacted by the use of conveyors;
- xiv. ~~xiii.~~ Proposals for restoration should be informed by a landscape and ecosystem services led strategy agreed with the SDNPA. The strategy should be informed by relevant technical assessments, contribute to the purposes of the SDNP and form a cohesive scheme with the existing quarry site. ~~A site liaison~~

~~group involving the local community should be established by the operator to address issues arising from the operation of the site.~~

- ~~xv.~~ xiv. A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.

7.2.10 **Chantry Lane Extension, Storrington (Policies Map 10):** Located near to Storrington, Horsham, the extension to Chantry Lane is located within the South Downs National Park, and used for agricultural purposes. The site is approximately 2.5 hectares in size and would provide 1,000,000 tonnes of soft sand. Extraction of material at this location would be linked to an holistic revised restoration scheme and lower levels of extraction at the existing site. The after use for this site could be a return to agricultural use, and restoration would consider enhancement of the existing woodland within the site. The restoration proposals should also take account of the opportunities to improve long distance trails and key public Rights of Way. Restoration proposals should clearly relate to landscape projects in the wider South Downs National Park⁵.

7.2.11 The development principles for the Chantry Lane Extension are as follows:

- i. Development proposals must identify and incorporate opportunities for net gains in biodiversity;
- ii. ~~i.~~ A project level Appropriate Assessment is required to assess potential impacts and demonstrate how this site will be delivered without any adverse effect on the integrity of any Natura 2000 sites;
- iii. ~~ii.~~ A Landscape and Visual Impact Assessment (LVIA) should inform the development of proposals for the extraction of minerals from the site, taking into account and seeking to minimise impacts on the South Downs National Park;
- iv. ~~iii.~~ The LVIA should cross reference all other relevant studies within the Environmental Statement in order to ensure that it is fully integrated and considers both direct and indirect impacts from any proposals;
- v. ~~iv.~~ The entrance to the site should be carefully designed to minimise adverse impacts upon the South Downs National Park and its setting, and designed to accord with the standards and guidance within the Design Manual for Roads and Bridges and Roads in the South Downs;
- vi. ~~v.~~ During excavation there should be screening, such as perimeter mounding and planting of native trees and shrubs (including native evergreen species) along the boundaries to strengthen and reinforce existing screening of views into the site from the A283, and surrounding open farmland should be

⁵ SSR Landscape Assessment (2019)

considered as part of the Landscape and Visual Impact Assessment process. Any screening landform and/or planting should be designed to be consistent with local landscape character in order to minimise unintended additional impacts on landscape character from incongruous screening features;

- vii. ~~vi.~~ Existing hedgerows, mature trees and vegetation along perimeters and within the site, ~~should~~ **must**, where possible, be retained and linked to new planting to create continuous corridors of trees and vegetation, connected to wider networks of hedges in surrounding areas;
- viii. ~~vii.~~ There should be phasing of working and restoration to minimise impacts associated with unrestored open excavated areas;
- ix. ~~viii.~~ At pre-application stage, a Lidar survey should be undertaken and an assessment of the impacts on buried archaeological remains should be carried out including archaeological field evaluation and mitigation measures where required;
- x. ~~ix.~~ A hydrological assessment should be completed, evaluating and seeking to **avoid and** minimise the impact from the proposals on ground water and watercourses, given its location close to the Arun Valley SPA;
- xi. ~~x.~~ An HGV routing agreement is required, including a robust approach to monitoring adherence, to ensure that HGVs travelling to/from the site avoid the village of Storrington;
- xii. ~~xi.~~ If the traffic from the site could have a negative impact on the Air Quality Management Area in Storrington High Street, then an Air Quality Assessment is required;
- xiii. ~~xii.~~ There ~~should~~ **must** be an assessment of the cumulative impact associated with other development (e.g. other minerals development) including landscape and transport considerations, such as the A24/A283 Washington roundabout and mitigation, if required;
- xiv. ~~xiii.~~ Any loss of potentially high quality agricultural land should be minimised and mitigation provided, if required;
- xv. ~~xiv.~~ There are known power cables, power lines and water mains within and adjacent to the site which should be diverted or protected, as necessary;
- xvi. ~~xv.~~ A lighting, noise, dust, odour and vibration management plan should be completed, setting out how unacceptable impacts will be avoided;
- xvii. ~~xvi.~~ Proposals for restoration should be informed by a landscape and ecosystem services led strategy agreed with the SDNPA. The strategy should be informed by relevant technical assessments, contribute to the purposes of the SDNP and form a cohesive scheme with the existing quarry site.

- xviii. ~~xvii.~~ A site liaison group involving the local community should be established by the operator to address issues arising from the operation of the site.

Cabinet Report: Delivering the West Sussex Plan 2017-22

This report sets out the key strategic decisions, policy and programme initiatives, consultations, government announcements and key events within each Cabinet portfolio area to deliver the Council's strategic priorities.



Best Start in Life

Cabinet Member for Children and Young People – Jackie Russell

- A new and updated [Leaving Care Local Offer](#) has been launched. Produced in conjunction with partners and care leavers themselves, the offer sets out the services the County Council provides, and the support young people can expect as care leavers from 18 to 25 years old. It aims to ensure care leavers are able to access all relevant services and support and be as prepared as possible for living independently, to aid a smooth transition towards adulthood.
- [Ofsted](#) has undertaken a focused visit to assess the quality of decision making by Children's Services during the pandemic on the journey of the child, from initial referral onwards. Inspectors talked to children and care leavers about their experiences and met social workers to discuss their cases. Inspectors also evaluated the work of the Education and Skills service in its partnership working with schools and assessed the effectiveness of the [Virtual School](#). The outcome of the visit will not be graded but reflected in a letter outlining the findings that will be published on the Ofsted [website](#) on 4 December.

Cabinet Member for Education and Skills – Nigel Jupp

- Adult Education learners studying with Aspire Sussex have achieved a [100% pass rate in their English and Maths GCSEs](#). 73.6% of the students obtained grade 4-9 (previously A*-C), despite the disruption of moving from their usual face-to-face lessons in March to online learning from April, due to the pandemic. [Aspire Sussex Ltd](#) is commissioned by the County Council to provide learning opportunities for adults in communities across West Sussex, supporting them to reach their learning goals such as working towards a career change or to better support their children with their own studies.
- The [Educational Psychology Service](#) (EPS) has been working with the Education and Skills service and external partners to produce [support and guidance](#) for schools in **ensuring the emotional wellbeing of their staff and pupils** who may have concerns and anxieties related to the pandemic. As well as these resources, the EPS provides supervision and training for members of school staff to become Emotional Literacy Support Assistants. These staff are able to provide direct support within the school environment in situations where a child or young person is presenting with feelings of worry or where they have experienced an impact of COVID-19 directly, such as a bereavement.

- The figures for **pupil attendance** since term started in September have been encouraging with the number of children in school in West Sussex, including those with Education, Health & Care Plans, regularly [exceeding the national average](#). This continues the [trend seen in the summer term](#) when schools welcomed back high numbers of eligible pupils during the partial re-opening. Teachers, school staff and governors have worked hard to ensure the necessary safety measures are in place and reassure pupils and parents about the changes to the school environment.



A Prosperous Place

Leader – Paul Marshall

- Following County Council's debate in July, work on **developing the Reset Plan** is now well underway, with a series of workshops being held with County Council officers and stakeholders and partners from a wide range of organisations from across the county. The workshops examined the four priorities in the plan: keeping vulnerable people safe, sustainable and prosperous economy, helping people and communities fulfil their potential and making best use of resources. Further engagement activity with members and staff is planned, with the Reset Plan due to be debated and ratified by full Council in December.
- The Leader continues to raise concerns with MPs and the Government regarding the **financial pressures that West Sussex County Council is facing due to the COVID-19 pandemic** and the impact that this is likely to have on the Council's ability to contribute to the economic and social recovery of the county. The Council is working with organisations such as SE7 and the County Councils Network in order to promote a collective voice for West Sussex on this challenging issue.

Cabinet Member for Highways and Infrastructure – Roger Elkins

- Highways England recently announced the [preferred route](#) for the **A27 Arundel Bypass**. The County Council's preferred scheme was along a different route (the magenta route). However, this investment in West Sussex's road infrastructure is very welcome. The rationale for this decision will be carefully examined and further detail is awaited about the much-needed mitigation package to, as much as possible, limit the impact on residents and the environment.
- The highways team is currently working with a number of communities to implement **wildflower verges and pollinator friendly places** throughout the county and are looking to trial and assist other areas to improve biodiversity. Anyone interested in implementing a scheme in their area should contact active.communities@westsussex.gov.uk so preparations can be made for the 2021 planting season.

- Due to COVID-19, the deadline for receipt of [community highways scheme applications](#) is being extended until 13 November 2020. Whilst not all applications can be progressed, many schemes have been successfully delivered including footpaths, crossings and local public realm improvements. Schemes must demonstrate a clear understanding of the problem and proposed solution and show that community engagement and support has been undertaken and the proposed scheme has the local member's approval.

Cabinet Member for Economy and Corporate Resources – Bob Lanzer

- A [decision report](#) has been published to award a contract for the **enabling works phase of the development of the Horsham Enterprise Park**. The contract will support site preparation works to enable commencement of the scheme in spring 2021. The Horsham Enterprise Park will deliver a high quality mixed commercial and residential scheme to boost the local economy by providing new homes and high value jobs. Local members and the community will be informed of the works prior to commencement.
- The County Council's [gigabit capable broadband voucher 'top up' scheme](#) is supporting the Department of Culture, Media and Sport national scheme. Whether for a resident or rural business, the voucher can be topped up to £4,000 each. So far over 150 premises have claimed vouchers since the launch this summer and 30 more communities are looking to progress the scheme. Local members are being asked to help in encouraging residents to sign up to the scheme in communities where speeds are still slow



A Strong, Safe and Sustainable Place

Cabinet Member for Fire & Rescue and Communities – Duncan Crow

- The County Council has committed to the investment of £20.85m for the delivery of a new fire station and [a new fire and rescue service training centre](#) at Highwood in Horsham. The project underlines the continued commitment to training firefighters, giving them the best resources to undertake their job, so that West Sussex communities are kept safe.
- The Council's Community Safety and Wellbeing Team has supported this year's **Hate Crime Awareness Week from 10 to 17 October** with a series of social media posts highlighting what a hate incident is and why it can be so damaging to a victim and to society. Anyone targeted is encouraged to access the free, confidential support available to them through the [Hate Incident Support Service](#).
- The County Council, as part of the [Sussex Anti-Slavery Network](#), has signed a pledge alongside East Sussex County Council and Brighton and Hove City Council, supporting **Sussex-wide plans to become a Slavery Free Community** by 2030. A Slavery free Community eradicates forced labour, ends modern slavery and human trafficking and secures the prohibition and elimination of the worst forms of child labour. To report a suspicion or seek

advice there is a [Modern Slavery Helpline](#) operating confidentially which is open 24 hours a day, 365 days a year.

Cabinet Member for Environment – Deborah Urquhart

- **Solar Together Sussex** is a group-buying scheme that enables householders to install high quality solar panels and battery storage systems in their home at a reduced price. The scheme supports the County Council's ambition for communities to generate and use renewable energy and act on climate change. More than 5,800 expressions of interest have been received through the autumn 2020 registration, more than half of which are from West Sussex addresses.
- Wasting less, especially food, saves money and is good for the environment. The **recycling rate in West Sussex has increased to 53%** and, on average, households have managed to reduce their general waste by 30kg compared to last year. To help boost recycling rates even further, residents are reminded that their household recycling should be clean dry and loose and more details can be found on the [County Council's website](#).

Cabinet Member for Economy and Corporate Resources – Bob Lanzer

- In common with all employers the County Council has a legal obligation under the Equality Act 2010 to accommodate staff and visitors with disabilities. In alignment with [inclusive and accessible design of buildings](#) a [decision report](#) has been published concerning funding for a series of **accessibility improvements** at County Hall, Chichester, Durban House, Bognor Regis, County Hall North, Horsham and Crawley library offices. Improvements include upgrading door closures, powered openings and toilet facilities, introducing induction hearing loops, provision of enhanced safe refuges from fire above the ground floor and provision of tactile paving and improved signage. More complex works, such as that for lifts and access slopes, will be programmed for a later date.



Independence for Later Life

Cabinet Member for Adults and Health – Amanda Jupp

- This year's **local health and care services Winter Plan** developed through collaborative and place-based engagement, has received praise from NHS England as an exemplar of good practice. Arrangements during the winter period October 2020 to 31 March 2021 have been set out within the Plan to ensure that services can meet the needs of the local population, including the expected additional pressure due to COVID-19.
- As a member of the [Smoke Free West Sussex Partnership](#) (PDF, 1MB) the County Council is **working to reduce smoking** recognising the increased priority during the pandemic. [Smoke free activity](#) has responded to the requirements and impacts of COVID-19 by changing from face-to-face to

phone-based support and focusing on vulnerable groups, addressing some of the inequalities they face. The West Sussex Health and wellbeing Board adopted smoking as a key priority at its meeting on 8 October 2020.



A Council that works for the Community

Cabinet Member for Finance - Jeremy Hunt

- The Council is working to prepare **a balanced budget for 2021/22** within an exceedingly difficult financial environment characterised by COVID-19, a single year government spending plan, economic recession, Brexit, and continuing uncertainty affecting residents and businesses in West Sussex. The budget gap for 2021/22 currently stands at £23m but modelling work suggests that a worst-case scenario could be as much as £49m. Consideration of how to close the gap is ongoing with options including identifying further service reductions and generating further income through increased fees and charges, with the need to take into account the awaited Draft Finance Settlement in December and any change in the current council tax referendum limit of 2%.

Contact: Helen Kenny 033 022 22532

Background papers

None

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Report of Urgent Action: Regulation 19

- 1** Under regulation 19 of the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the County Council is required to receive a report from the Leader on any decisions taken under regulation 11. These are key decisions which were not in the Forward Plan and which needed to be taken with less than five clear days' notice. Such urgent decisions can only be taken with the agreement of the relevant Scrutiny Committee Chairman or, in his or her absence, the Chairman of the County Council. Key decisions taken with less than five clear days' notice which are in the Forward Plan are reported via the Executive Decision Database.
- 2** Such action is avoided wherever possible as it circumvents the normal mechanism for publication of decisions and ensuring that members have the opportunity to comment before decisions are taken.
- 3** However, on occasion this is not possible and the County Council is asked to note the following decision which has been taken by the Director of Law and Assurance with the agreement of the relevant decision-maker and Scrutiny Committee chairman.

Emergency Assistance Grant

- 4** In response to the continuing COVID-19 situation, the Department for Food, Environment and Rural Affairs has announced a Local Authority Emergency Assistance Grant for Food and Essential Supplies to support people who are struggling with food and essential supplies. The County Council's share of the grant is £737,319. The accompanying guidance states the receiving authority can use its discretion to support those most in need. It is proposed to introduce a simple countywide approach to ensure the funding supports those in need quickly.
- 5** The Director of Law & Assurance, with the agreement of the Cabinet Member for Fire & Rescue and Communities and the Chairman of the Environment and Communities Scrutiny Committee, has therefore used his delegated powers under Standing Order 5.23 to approve the allocations from the Emergency Assistance Grant for Food and Essential Supplies to a number of voluntary sector organisations with the remaining funds from the grant being allocated to customers known to the County Council. The decision was urgent due to the need for the County Council to respond quickly to the continuing COVID-19 situation.
- 6** The County Council will work in line with government guidance and will apply the agreed criteria to support residents in hardship as a result of Covid-19 in partnership with borough and district councils and the voluntary sector. The Acting Director of Communities, in consultation with the Director of Finance and Support Services, has been authorised to rebalance the allocation according to greatest need in the event that the funds allocated prove insufficient.

Paul Marshall

Leader

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