
Approval of the Proposed Submission Draft Soft Sand Review (Regulation 19 stage) of the West Sussex Joint Minerals Local Plan

1 Background and Context

- 1.1 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.
- 1.2 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 (Ham Farm was removed due to the Inspector's conclusion that the proposed strategy for soft sand was unsound. The Inspector did not conclude whether Ham Farm was acceptable in principle for allocation. However, he concluded that "the methodology and criteria is justified, effective and consistent with national policy.."). Accordingly, there is a requirement set out in Policy M2 of the adopted JMLP that the Authorities undertake a single-issue Soft Sand Review.
- 1.3 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.
- 1.4 The timetable for the review is set out within the [West Sussex Minerals and Waste Development Scheme 2019–22 \(MWDS\)](#). The review is programmed to be adopted by the end of December 2020, and must be undertaken in accordance with relevant legislation, including the Planning and Compulsory Purchase Act 2004 Regulations.
- 1.5 In line with the approved MWDS, informal public consultation on 'Issues and Options' was undertaken in January to March 2019 under Regulation 18. This covered three key issues and options for soft sand supply, as follows;
 - (1) The amount of sand needed during the plan period (to 2033);
 - (2) The strategy for soft sand supply, namely the options that can, either singularly or in combination, be used to meet any identified shortfalls; and
 - (3) The identification of potential sites, and approach to site selection.
- 1.6 The results of the informal consultation (**published separately as Appendix B**) and further technical work have informed the preparation of the Proposed Submission Draft Soft Sand Review (**published separately as Appendix A**) which identifies proposed changes to the JMLP. These include a revised strategy for the supply of soft sand, changes to two policies, and the allocation of three sites; extensions to West Heath Common, Rogate; Chantry Lane, Storrington, and a new site at Ham Farm near Steyning. Subject to approval by the County Council (and the SDNPA), the Proposed Submission Draft will be published for a ten-week period for formal representations on 'soundness' and legal and procedural compliance between November 2019 and March 2020 under Regulations 19 and 20.

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- 1.7 Representations made during the representations period will help an independent Government-appointed Inspector to determine whether any modifications to the proposed changes are necessary prior to adoption by both authorities, when they will be incorporated into the JMLP.

2 Proposal Details

Outcomes of informal consultation

- 2.1 The consultation process involved the following:
- approximately 3,000 individuals and organisations were notified about the consultation either by email or letter;
 - hard copy documentation and notices were made available for inspection at council offices and libraries;
 - publication of the consultation on the County Council Minerals and Have Your Say Consultation webpages;
 - media coverage by press, TV and radio; and
 - engagement with members.
- 2.2 A total of 804 responses were received during the consultation with the following breakdown:
- 716 responses submitted by individuals (including parish councillors, local businesses, and from residents/members of the public); and
 - 88 by organisations (minerals industry, county, district & borough and parish councils, government bodies, community and environmental organisations).
- 2.3 Appendix B sets out the summary of comments received to the consultation, summarised under three issues:
- amount of soft sand needed to 2033;
 - strategy for soft sand supply;
 - identification of potential sites, and approach to site selection; and
 - the accompanying Sustainability Appraisal
- 2.4 A full report on the outcomes of the consultation, including responses from the Authorities, will be published alongside the Proposed Submission Draft Review. The outcomes of the Issues and Options consultation, and further technical work, have informed the preparation of the Proposed Submission Draft Review, which address the three main issues.

Proposed Submission Draft Review

Issue 1: The amount of sand needed

- 2.5 The amount of sand that needs to be planned for (to 2033) is set out in the Authorities' [Local Aggregates Assessment \(LAA\)](#). The LAA is produced annually and sets out the picture of supply and demand of aggregates in West Sussex. The LAA considers historic sales, and other relevant local information, including

planned housing development. The latest LAA sets out that the shortfall of soft sand, taking account of existing reserves, could range between 1.66 and 2.83 million tonnes (mt) over the period to 2033.

2.6 The approach taken to calculating the demand for soft sand has not changed since the examination of the JMLP, which was considered to be 'sound' by the Planning Inspector and has been subject to consideration by the South East England Aggregate Working Party.

2.7 The Authorities have sought to ensure that, should the highest level of projected demand become a reality (requiring the shortfall of 2.83mt to be met), sufficient provision will be available through the proposed strategy (including allocations) during the plan period, ensuring the amended Plan is positively prepared, and flexible.

Issue 2: The strategy for soft sand supply

2.8 The only source of land-won soft sand in West Sussex is from the Folkstone Formation, which is largely contained within the South Downs National Park (which has the highest level of protection in planning terms). The Authorities are required to plan for a steady and adequate supply of sand. Consideration needs to be given to strategy options that provide the sand needed to the end of the plan period, but also those that protect the National Park.

2.9 The following options were consulted upon, as considered to be the 'reasonable alternatives' to meeting the identified need for soft sand:

- **Option A:** Supply from sites within West Sussex but outside of the National Park;
- **Option B:** Supply from sites within West Sussex, including within the National Park;
- **Option C:** Supply from areas outside West Sussex;
- **Option D:** Supply from alternative sources including marine-dredged material; and
- **Option E:** A combination of the above options.

2.10 Following consultation, and further work to understand how demand can be met through the plan period, the Authorities have concluded that Option E would be the most reasonable to take forward. This is because Option A would not provide enough resource, Option B does not take account of the material that may be available in other areas or alternative materials, and Options C and D would not provide enough certainty of supply.

2.11 The preferred option (Option E) has been assessed through the Sustainability Appraisal and informs the identification of the site allocations. The strategy is set out in changes to Policies M2 and M11 of the JMLP. Table 1 below sets out how Option E is made up to form the strategy for soft sand supply.

Table 1: Preferred Option E (combination of A-E)

Option	Description
Option A	The allocation of Ham Farm - see below.
Option B	The allocation of Chantry Lane Extension and East of West Heath Common (Extension) – see below.
Option C	Work has been undertaken with other Mineral Planning Authorities (MPAs) in the South East, in accordance with the 'Duty to Cooperate', to understand supply issues; this has resulted in the production of a joint Position Statement for Soft Sand. Further work has been undertaken with Kent County Council, Brighton & Hove City Council and East Sussex County Council, resulting in a Statement of Common Ground (SoCG). The SoCG states that the Authorities will work together and that if any surplus of material (max. 1m tonnes) is available in Kent, then it could travel within the wider region to make up a shortfall of material elsewhere.
Option D	The Authorities have investigated the potential for marine won and alternative sources of soft sand to substitute for land won material. At this time, there is no suitable or reliable alternative supply of material in the South East; this situation will continue to be monitored.

- 2.12 Changes have been made to Policy M2 (Soft Sand) to deliver the revised strategy. The policy sets out when permission will be granted for soft sand proposals on both allocated and unallocated sites. For proposals on unallocated sites, there is a requirement for demonstration that the allocated sites cannot meet the demand for soft sand.
- 2.13 Due to the constrained nature of soft sand in West Sussex, and the high bar set by national policy for planning in national parks, amended Policy M2 requires that proposals for soft sand outside the SDNP must not adversely impact on its setting. Proposals within the SDNP, that constitute major development, will be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest.

Issue 3: Potential sites and site selection

- 2.14 Mineral Planning Authorities should plan for a steady and adequate supply of minerals by, amongst other things, identifying specific sites. Therefore, consideration has been given to allocating sites for soft sand extraction to meet identified shortfalls over the plan period.
- 2.15 The approach to site identification was subject to discussion at the examination hearings of the JMLP. The Planning Inspector concluded that the site selection methodology and its application, including the RAG (Red, Amber, Green) traffic light system of assessment, were robust and sound. Accordingly, the Authorities have applied the same site assessment methodology, having first reviewed it with technical specialists to ensure it is up to date.

- 2.16 A 'Call for Sites' was undertaken during August–September 2018. The sites submitted, along with all previously considered sites, made up a 'long list' of 21 sites. All of these sites were reviewed and 12 were ruled out as they were considered to be unsuitable for further consideration (due to either availability or viability). Therefore, nine were shortlisted (two outside the SDNP, and seven within), which are set out in Table 2 below.
- 2.17 The nine shortlisted sites were included in the Issues and Options Consultation, with the aim of seeking views from stakeholders on the accuracy of the information held on each site and providing the opportunity to submit further evidence on the sites.
- 2.18 Following consultation, further technical assessments (below) have been undertaken, and the outcomes have informed the RAG assessment of the sites, to assess whether they are 'acceptable in principle' and, therefore, suitable for allocation (see Table 2 below). The RAG assessments are set out within an updated Soft Sand Site Selection Report (4SR), which takes account of the further assessments undertaken, and will be published alongside the Proposed Submission Draft Review:
- Transport Assessment
 - Habitats Regulations Assessment
 - Landscape and Visual Impact Assessment
 - Strategic Flood Risk Assessment
 - Sustainability Appraisal
 - Scoping whether the sites within the SDNP would constitute major development

Table 2: Shortlisted soft sand sites and outcome of RAG assessment

Site Name	Parish	Site (Ha)	Yield (tonnes)	In SDNP?	Extension to existing site?	Acceptable in Principle
Bunton Manor Farm	Washington and Wiston	23	1,000,000	No	No	No
Chantry Lane (Extension)	Storrington and Sullington	2.5	1,000,000	Yes	Yes	Yes
Coopers Moor (Extension)	Dunton	5.7	500,000	Yes	Yes	No
Dunton Common (Extension)	Dunton and Petworth	28.5	1,800,000	Yes	Yes	No
East of West Heath Common (Extension)	Harting	14	950,000	Yes	Yes	Yes

Site Name	Parish	Site (Ha)	Yield (tonnes)	In SDNP?	Extension to existing site?	Acceptable in Principle
Ham Farm	Steyning and Wiston	8	725,000	No	No	Yes
Minsted West (Extension)	Stedham with Iping	11	2,000,000	Yes	Yes	Yes
Severals East/ Severals West	Woolbeding with Redford	20/55	1,700,000	Yes	No	Yes
Severals West	Woolbeding with Redford	55				

Note: Severals East and Severals West are being considered as a single site.

2.19 Through the RAG assessments, a number of the sites were considered to be 'acceptable in principle' for site allocation. In order to inform which sites should be allocated, in accordance with the preferred strategy, the following guiding principles have been applied;

- **First principle:** Places where there are opportunities to restore land beneficially
- **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:** Sites that have good access to the Lorry Route Network (LRN)
- **Fourth principle:** The need to conserve and enhance, where possible, protected landscapes in the plan area
- **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

2.20 The outcomes of the site selection process and application of the above principles has resulted in the following sites being taken forward for allocation via the Proposed Submission Draft Review.

Sites	Allocation	Site ruled out
Outside of the SDNP	<ul style="list-style-type: none"> • Ham Farm 	<ul style="list-style-type: none"> • Buncton Manor
Inside the SDNP	<ul style="list-style-type: none"> • East of West Heath Common (Extension) • Chantry Lane (Extension) 	<ul style="list-style-type: none"> • Minsted West (Extension) • Coopers Moor (Extension) • Duncton Common (Extension) • Severals East and West

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- 2.21 As set out in paragraph 2.8, the shortfall required to meet demands to 2033 is 2.83mt. The proposed allocations could provide a total of 2.68mt, leaving a remaining shortfall of 150,000 tonnes, which is around half a year's supply (based on current 10-year averages). The Authorities will continue to monitor the supply and demand of soft sand and the requirement to review the JMLP every five years will ensure that any changes in circumstances can be addressed in the future.
- 2.22 The allocations are set out in amended Policy M11. Development principles for the three sites have been established, which identify specific issues that will need to be addressed at the planning application stage, as and when proposals come forward.

South Downs National Park Authority Approval

- 2.23 The Proposed Submission Draft Soft Sand Review was subject to consideration at the South Downs National Park Planning Committee on 12 September 2019, which recommended approval to the SDNPA full Authority meeting. The SDNPA approved the Proposed Submission Draft Soft Sand Review for publication at its full Authority meeting on 1 October 2019.

Next Steps

- 2.24 Subject to approval by full Council, the approved Proposed Submission Draft will be published for a period of 10 weeks between November 2019 and March 2020, to allow representations to be made about (a) whether it has been prepared in accordance with all legal and procedural requirements, and (b) whether its contents are 'sound'. The period of representations will be undertaken in accordance with both Authorities' Statements of Community Involvement; hence a longer 10-week period is proposed than the statutory six-week period.
- 2.25 Following consideration of the representations received, minor amendments may be made to the Proposed Submission Draft, and it will be formally submitted to the Secretary of State for independent examination.
- 2.26 An independent Inspector appointed by the Government will consider the representations made and examine whether the Proposed Submission Draft is legally and procedurally compliant and 'sound'.
- 2.27 As part of the examination, the Inspector may indicate that modifications are required to make the proposed changes to the JMLP 'sound' and suitable for adoption. The Authorities will then consult on any modifications before submitting them to the Inspector. Following the examination, the Inspector will report on whether they are 'sound' and, if they are, the proposed changes (as modified) will be adopted by both Authorities and incorporated into JMLP.

3 Factors taken into account

Consultation

- 3.1 The preparation of the Proposed Submission Draft Review has taken account of the results of the Issues and Options consultation undertaken earlier this year, and also included internal consultations with relevant specialist officers of both authorities (e.g. highways, landscape, ecology etc).

Resource Implications

- 3.2 The cost of preparing and publishing the Soft Sand Review will be met by the base budget.

Legal Implications

- 3.3 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 (NPPF). 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.

Risk Assessment Implications and Mitigations

- 3.4 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.

Recommended

- (1) That the Proposed Submission Draft Soft Sand Review of the West Sussex Joint Minerals Local Plan (Appendix A) is approved for publication, consultation on legal and procedural compliance and soundness, and, provided that no substantive changes are required, submission to the Secretary of State in accordance with Regulations 19, 20 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);
- (2) That authority is delegated to the Director of Highways, Transport and Planning, in consultation with the Cabinet Member for Environment, to authorise, in agreement with the South Downs National Park Authority, any non-substantive changes that are necessary to make the Joint Minerals Local Plan sound and suitable for adoption; and

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- (3) That if substantive changes are required to the Submission Draft Soft Sand Review of the West Sussex Joint Minerals Local Plan, a further public consultation and decision by the County Council may be required.

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Appendices

Appendix A – Proposed Submission Draft Review (Regulation 19)

Appendix B – Summary of responses to Regulation 18 Issues and Options Consultation

Background Papers

None