

Mrs Deborah Urquhart, Cabinet Member for Environment	Ref No: ENV01 (20/21)
April 2020	Key Decision: Yes
Approval of the Minerals and Waste Development Scheme 2020-2023	Part I
Report by Lee Harris, Executive Director Place Services and Matt Davey, Director of Highways, Transport and Planning	Electoral Division(s): All
<p>Summary</p> <p>The County Council, as the minerals planning authority and the waste planning authority, is required to prepare mineral and waste local plans for the parts of West Sussex outside the South Downs National Park. In addition, the County Council is required to prepare a Minerals and Waste Development Scheme (MWDS) that sets out how it will prepare the local plans and other policy documents over a rolling three-year period. The current Scheme has been updated to cover the period 2020-2023.</p> <p>The revised Scheme (attached as Appendix A to this report) includes the timetable for the preparation of the Soft Sand Review of the Joint Minerals Local Plan (JMLP).</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The Scheme sets out timetables for the preparation of planning policy documents, particularly the key stages and periods at which communities can be involved in the preparation of the documents through consultation and engagements. By having an up-to-date scheme, the County Council can ensure that it is 'a council that works for the community'.</p>	
<p>Financial Impact</p> <p>The cost of preparing and publishing the MWDS will be met from the planning service base budget.</p>	
<p>Recommendation</p> <p>That the Cabinet Member for Environment approves the West Sussex Minerals and Waste Development Scheme 2020-2023 (attached as Appendix A).</p>	

Proposal

1. Background and Context

- 1.1 The County Council, as the minerals planning authority and the waste planning authority, is required to prepare mineral and waste local plans for the parts of West Sussex outside the South Downs National Park (SDNP). The South Downs National Park Authority (SDNPA) is responsible for the preparation of local plans for the parts of West Sussex within the SDNP.
- 1.2 In addition, the County Council is required to prepare a Minerals and Waste Development Scheme (MWDS – the 'Scheme') that sets out how it will prepare the local plans and other policy documents over a rolling three-year period.
- 1.3 The current Scheme, which covers the period 2019-2022, needs to be updated to reflect the current timetables for plan preparation. This report considers the revised Scheme for the 2020-2023 period, which is attached as Appendix A to this report.

2. Proposal Details

- 2.1. The Scheme serves two purposes:
 - (a) by setting out the documents that form part of the statutory 'development plan', it provides the starting point for the local community to identify the County Council's current minerals and waste planning policies for the parts of West Sussex outside the SDNP; and
 - (b) it sets out the programme for the preparation of the local plans and other policy documents and tells people when the various stages will be carried out.
- 2.2. The MWDS is a 'living' document that must be reviewed and rolled forward on an annual basis to take account of progress on plan preparation and the monitoring of the evidence base and adopted policies. It also needs to be revised each time new documents are prepared or the timetable for the preparation of a document is significantly revised.

Current Minerals and Waste Planning Policies

- 2.3. With regard to the first purpose of the Scheme, the West Sussex Structure Plan 2001-2016 (2004) sets out strategic planning policies for minerals and waste. Although it no longer forms part of the statutory 'development plan', it may still be a material consideration in decision-making for some planning applications until it is overridden by new development plan documents.
- 2.4. The adopted West Sussex Joint Minerals Local Plan 2018 (JMLP) sets out detailed planning policies for minerals. It is the most up-to-date statement of the County Council's land-use planning policy for minerals. The Plan is part of the statutory development plan for West Sussex and it is a material consideration in the determination of planning applications.

- 2.5. The adopted West Sussex Waste Local Plan 2014 (WLP) sets out detailed planning policies for waste together with site-specific allocations. It is the most up-to-date statement of the County Council's land-use planning policy for waste. The Plan is also part of the statutory development plan for West Sussex and it is a material consideration in the determination of planning applications.
- 2.6. Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, requires local planning authorities to review local plans every five years from their date of adoption to assess whether they need updating. A review was undertaken in 2019, which concluded that the WLP continues to be relevant and effective and that it does not need to be updated. A further review will be undertaken in 2024 unless an early review is triggered through monitoring of the Plan or there are any significant changes to national policy.
- 2.7. To help deliver the regeneration of Shoreham Harbour and associated infrastructure, Adur District Council, Brighton and Hove City Council and the County Council, worked with relevant agencies (including the Shoreham Port Authority) to prepare Shoreham Harbour Joint Area Action Plan (JAAP). The JAAP, adopted in October 2019, includes planning policies that seek to consolidate port activities, including mineral wharves, in the Eastern Harbour Arm and deliver mixed use redevelopment of sites in the Western Harbour Arm.

Single Issue Soft Sand Review of the JMLP

- 2.8. There is a requirement in the JMLP for the joint authorities to undertake a review of the approach to planning for soft sand. The review needed to commence within six months of adoption of the JMLP. The review will consider the demand and supply of soft sand required during the plan period, and how this demand will be met, including the potential need for site allocation(s).
- 2.9. The key milestones for preparing the JMLP single issue review are set out below.

Timetable for the Single Issue Soft Sand Review of the JMLP	
Key Milestone	Date
Representations period (Reg. 19) on Proposed Submission Draft and Final Sustainability Appraisal Report <i>Approved by County Council in October 2019</i>	Jan – March 2020
Submission of final document and Sustainability Appraisal Report to Secretary of State	April 2020
Public Examination Hearings	July - August 2020
Receive Inspector's Report	October - November 2020
Adoption <i>County Council December 2020</i>	December 2020
Publication	January 2021

Factors taken into account

3. Consultation

Consultation has been undertaken with officers from the relevant planning authorities with regard to the preparation of the joint plans.

4. Resource Implications

There are no financial implications for preparing and publishing the revised scheme. Implementation will be met from existing revenue budgets.

5. Legal Implications

It is a legal requirement (under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the County Council to prepare and update development schemes. Without a rolled-forward scheme, there is a legal risk that plans being prepared are not compliant with legal and procedural requirements and, therefore, that they could not be adopted.

6. Risk Assessment Implications and Mitigations

- 6.1. Although the JMLP was adopted in 2018, it includes a requirement to undertake a single issue soft sand review. The lack of up-to-date local planning policy and strategy on soft sand supply potentially takes some of the control away from the County Council and may make it harder to resist unwanted development proposals.
- 6.2. Lack of progress in allocating new sites generates uncertainty for communities and the mineral industry about the acceptability 'in principle' of sites and creates more pressure on the planning application process. It could potentially lead to more 'planning by appeal' which takes control away from the County Council and has significant resource implications.

7. Other Options Considered

There is a statutory duty to prepare the Scheme. Therefore, no other options have been considered.

8. Equality and Human Rights Assessment

An Equality Impact Report is not required for this decision because it only deals with procedural matters.

9. Social Value and Sustainability Assessment

There are no identifiable Social Value and Sustainability Assessment implications.

10. Crime and Disorder Reduction Assessment

There are no identifiable Crime and Disorder Act implications.

Lee Harris

Executive Director Place Services

Matt Davey

Director of Highways, Transport
and Planning

Contact: Rupy Sandhu, Planning Services (x26454)

Appendix

A – Minerals and Waste Development Scheme (2020 – 2023)

Background Papers

None