

Report to Mrs Deborah Urquhart, Cabinet Member for Environment

October 2020

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

Report by Matt Davey, Director of Highways, Transport and Planning

Electoral division(s): All

Summary

The County Council, in partnership with the South Downs National Park Authority (SDNPA, is required to undertake a Soft Sand Review (SSR) of the West Sussex Joint Minerals Local Plan (JMLP), which is part of the statutory 'development plan' for West Sussex. The SSR considers the need for soft sand during the plan period (to 2033) and identifies changes to the JMLP to meet this demand, including the need for new site allocations.

Informal public consultation on issues and options took place in January–March 2019 (under Regulation 18) followed by a formal period for representations on proposed changes to the JMLP in January-March 2020 (under Regulation 19). In April 2020, the draft was submitted to the Secretary of State for independent examination.

Following 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, which relate only to details in the development principles, that guide development, for the three proposed allocations.

The Cabinet Member for Environment is asked to endorse the Proposed Modifications and recommend them for approval by County Council on 6 November 2020.

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 issues his report. If they are considered 'sound', they will be adopted by both Authorities as formal changes to the JMLP.

Recommendation

- (1) That the Cabinet Member for Environment recommends to County Council on 6 November 2020 that the Proposed Modifications to the Soft Sand Review (Appendix A) be approved for public consultation on their soundness, followed by submission to the Inspector.

Proposal

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. 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 2020–2023 (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.

2 Proposal details

- 2.1 In line with the approved MWDS, informal public consultation on issues and options took place in January–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–March 2020 (under Regulation 19). In April 2020, the draft was submitted to the Secretary of State for independent examination.
- 2.2 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 (LAA). 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.
- 2.3 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.
- 2.4 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 (see Appendix A).

- 2.5 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.

3 Other options considered (and reasons for not proposing)

- 3.1 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.
- 3.2 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.

4 Consultation, engagement and advice

- 4.1 Matters of soundness were discussed by the participants at the hearing sessions. The modifications are proposed to address areas of soundness.
- 4.2 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-March 2020 (under Regulation 19). In April 2020, the draft was submitted to the Secretary of State for independent examination.

5 Finance

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

6 Risk implications and mitigations

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.

7 Policy alignment and compliance

- 7.1 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 - 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.
- 7.2 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.
- (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.
- 7.3 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.
- 7.4 Crime and Disorder – Not applicable.
- 7.5 Public Health – Not applicable.
- 7.6 Social Value –Not applicable.

Matt Davey

Director of Highways, Transport and Planning

Contact Officer: Rupy Sandhu, Principal Planner, 0330 2226454,
rupy.sandhu@westsussex.gov.uk

Appendices

Appendix A – Proposed Modifications to the Soft Sand Review

Background papers

None