

Report to Councillor Deborah Urquhart, Cabinet Member for Environment

March 2021

Soft Sand Review: adoption of changes to 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), has undertaken 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 has considered the need for soft sand during the plan period (to 2033) and identified changes to the JMLP to meet this demand, including the need for new site allocations.

In April 2020, draft changes were submitted to the Secretary of State for independent examination. Following hearing sessions for the examination in August 2020, the Government-appointed Inspector indicated that the submitted changes needed to be modified to make them 'sound' and suitable for adoption. Consequently, Proposed Modifications to them were approved by the Authorities in October 2020 and published for public comment.

Following consideration of the Proposed Modifications and the representations made on them, the Inspector has issued his report. He has only recommended minor amendments to the Proposed Modifications and, subject to their inclusion, he concludes that the changes identified through the SSR satisfy the legal requirements and meet the criteria for soundness set out in the National Planning Policy Framework.

Accordingly, Appendix A to this report identifies formal changes to the JMLP to be adopted by both Authorities.

Recommendation

- (1) That the Cabinet Member for Environment recommends to County Council on 19 March 2021 that the changes to the Joint Minerals Local Plan identified through the Soft Sand Review (in Appendix A) be adopted.
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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 in Policy M2 of the adopted JMLP that the Authorities undertake a single issue Soft Sand Review (SSR).
- 1.3 The timetable for the SSR is set out in the [West Sussex Minerals and Waste Development Scheme 2020–2023](#) (MWDS).

2 Proposal details

- 2.1 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 soft sand resource in West Sussex is heavily constrained as it is almost entirely within the South Downs National Park.
- 2.2 The SSR undertaken by the Authorities has considered the need for soft sand during the plan period (to 2033). The review has addressed three key issues for soft sand supply:
 - 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 potential allocation of new sites to contribute to supply.
- 2.3 Informal public consultation on issues and options took place in January–March 2019 (under Regulation 18). Subsequently, a schedule of draft changes to the JMLP was prepared. These include a revised strategy for the supply of soft sand, changes to two policies, and the allocation of three sites; an extension to West Heath Common, Rogate; an extension to Chantry Lane, Storrington, and a new site at Ham Farm, near Steyning. A formal period for representations on the proposed changes to the JMLP was undertaken in January–March 2020 (under Regulation 19).
- 2.4 In April 2020, the draft schedule of changes to the JMLP was submitted to the Secretary of State for independent examination. Following virtual hearing sessions for the examination in August 2020, the Government-appointed Inspector indicated that the submitted changes need to be modified to make them 'sound' and suitable for adoption. No modifications were required by the Inspector to the supply figures, the policies, or the allocation of the three new sites. The only modifications that were required were relatively minor changes to the development principles for the three allocated sites.

- 2.5 Accordingly, County Council and SDNPA officers prepared a schedule of Proposed Modifications to the submitted changes. Following approval by the Authorities in October 2020, the Proposed Modifications were published for public comment. Thirty three third party representations on the Proposed Modifications were received.

Inspector's Report

- 2.6 Following consideration of the Proposed Modifications and the representations made on them, the Inspector has issued his [report](#) in which he recommends that only minor amendments to the Proposed Modifications are required. Subject to their inclusion, he concludes that the changes identified through the SSR satisfy the legal requirements and meet the criteria for soundness set out in the National Planning Policy Framework.

Adoption

- 2.7 Although the Inspector's Report is not binding on the Authorities, the changes identified through the SSR can only be adopted if they are considered to be 'sound'. In effect, this means that the Main Modifications recommended by the Inspector must be made to the changes before they are adopted (as formal changes to the JMLP). Given that the Inspector's Main Modifications reflect those submitted to him by the Authorities, there are no material reasons why they should not be incorporated, and the changes adopted as soon as possible.
- 2.8 The schedule in Appendix A to this report identifies the formal changes to the JMLP to be adopted by both Authorities. For information, Appendix B identifies the relevant parts of the JMLP incorporating the changes.
- 2.9 The SDNPA intends to adopt the changes at its meeting on 25 March 2021. Following adoption by both Authorities, a notice of adoption will be issued and the adoption of the formal changes to the JMLP will be subject to a six-week period for legal challenge. The revised JMLP, incorporating the changes, will then be published.

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 were considered.
- 3.2 The Government-appointed Inspector has indicated that the changes identified through the SSR, incorporating the Proposed Modifications, are 'sound' and suitable for adoption. If the changes (as modified) are not now adopted, the County Council would not meet the requirement to undertake the Soft Sand Review.

4 Consultation, engagement and advice

- 4.1 The Inspector's Report and his recommended main modifications have been the subject of discussion between officers of the County Council and SDNPA.
- 4.2 The preparation of the draft changes to the JMLP took account of the results of the issues and options consultation undertaken in early 2019 (under Regulation 18) and internal consultations with relevant officers of both authorities (e.g.

highways, landscape, ecology etc). Following approval of the proposed changes at County Council in December 2019, a formal period for representations was undertaken in January-March 2020 (under Regulation 19). Following approval in October 2020, the Proposed Modifications were subject to a formal period of public comment during November 2020–January 2021, and the representations considered by the Planning Inspector.

5 Finance

The cost of adopting the formal changes and publishing the revised JMLP is minimal and will be met by the base budget in Planning Services.

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 are required 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.	Undertaking 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.	Undertaking 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, which 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 that 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 There are no Crime and Disorder, Public Health or Social Value implications

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Appendices

Appendix A – Schedule of Changes to the Joint Minerals Local Plan

Appendix B – Relevant parts of the Joint Minerals Local Plan incorporating the changes

Background papers

None