

**Report to Councillor Deborah Urquhart, Cabinet Member for
Environment and Climate Change**

June 2021

Approval of the Minerals and Waste Development Scheme 2021-2024

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

Electoral division(s): All

Summary

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 any new local plans and other policy documents over a rolling three-year period. The current Scheme has been updated to cover the period 2021-2024.

The revised Scheme is attached as Appendix A to this report

Recommendation

That the Cabinet Member for Environment and Climate Change approves the West Sussex Minerals and Waste Development Scheme 2021-2024 (attached as Appendix A to the report).

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 2020-2023, needs to be updated to reflect the timetables for plan preparation. This report considers the revised

Scheme for the 2021-2024 period, which is attached as Appendix A to this report.

2 Proposal details

2.1 The Scheme serves two purposes:

- (a) 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 West Sussex Joint Minerals Local Plan (JMLP) was adopted in 2018, and a partial review relating to soft sand resulted in formal changes that were adopted in March 2021. The JMLP sets out detailed planning policies for minerals and includes site allocations. 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 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.

2.7 Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, requires local planning authorities to assess local plans every five years from their date of adoption to determine whether they need updating.

- 2.8 An assessment of the relevance and effectiveness of the WLP undertaken in 2019 concluded that the Plan continued to be relevant and effective and that it did not need to be updated. A further assessment of the WLP will be undertaken in 2024 unless a formal review is triggered through monitoring of the Plan or due to significant changes to national policy. The relevance and effectiveness of the JMLP and the JAAP will be assessed in 2023 and 2024 respectively.

New Plans

- 2.9 As the local plans are adopted and up-to-date, no new plans will be prepared during the three year period that this scheme covers. The Annual Monitoring Report reports on the performance of the plans; should there be a need to formally review a plan, the timetable for preparation will be set out in future iterations of the MWDS.

3 Other options considered (and reasons for not proposing)

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

4 Consultation, engagement and advice

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

5 Finance

There are no financial implications for preparing and publishing the revised scheme. The cost of monitoring and review will be met from existing revenue budgets.

6 Risk implications and mitigations

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 would be no up-to-date published information regarding plan preparation and review. The scheme provides the starting point for communities and stakeholders to get involved and find out about current planning policies.

Risk	Mitigating Action (in place or planned)
Out of date development scheme, not meeting legal requirements of the PCPA 2004 (as amended)	To prepare an up-to-date MWDS.

7 Policy alignment and compliance

- 7.1 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 any plans being prepared are not compliant with legal and procedural requirements and, therefore, that they could not be adopted.

- 7.2 Climate Change - The JMLP and WLP contain Strategic Objectives on Climate Change and a number of policies that are relevant. The plans have been found to be consistent with national planning policy on climate change (as set out in the National Planning Policy Framework). The Scheme sets out when future reviews of these plans will be undertaken, which includes consideration of performance of policies related to climate change.
- 7.3 It is concluded that there are no Equalities, Crime and Disorder, Public Health or Social Value implications, following appropriate assessment.

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Appendices

Appendix A – Minerals and Waste Development Scheme (2021 – 2024)

Background papers

None