
Adoption of the West Sussex Joint Minerals Local Plan

Background and Context

- 1** The West Sussex Joint Minerals Local Plan is being prepared by the County Council, in partnership with the South Downs National Park Authority (SDNPA), to cover the period to 2033.
- 2** Informal public consultation on the content of a Joint Minerals Local Plan (JMLP) and relevant background evidence was undertaken during spring/summer 2016. The Proposed Submission Draft was published in January 2017 to allow representations to be made on its 'soundness' and compliance with legal requirements. At the end of May 2017, the JMLP was submitted to the Secretary of State for independent examination by a government-appointed Inspector.
- 3** The hearing sessions for the examination took place in September 2017. During those sessions, the approach taken by the Authorities was debated and a number of potential modifications to the JMLP were discussed. Following those sessions, the Inspector indicated that changes needed to be made to the submitted Plan to make it 'sound' and suitable for adoption.
- 4** County Council and SDNPA officers prepared a schedule of Proposed Modifications to the submitted Plan that was approved by the County Council on 15 December 2017. The schedule was published to allow representations on 'soundness' and compliance with legal requirements for an eight-week period, commencing in January 2018. The Proposed Modifications and the representations received on them were submitted to the Inspector for his consideration.
- 5** The Inspector subsequently decided that it was not necessary to reconvene the hearings to consider the representations and he submitted his report on the JMLP on 30 May 2018.

Proposal

Joint Minerals Local Plan

- 6** The County Council is required to prepare the JMLP, which covers the period to 2033. It sets out the background, the spatial context and the strategy and policy context within which it has been prepared. It includes a vision and strategic objectives, land-use strategies, use-specific and general development management policies, the allocation of sites for mineral extraction, and implementation and monitoring information.
- 7** The Proposed Submission Draft (January 2017), incorporating the Proposed Modifications (January 2018) is currently the most up-to-date statement of the County Council's land-use planning policy for minerals. In accordance with a resolution of County Council in December 2017, it is being used to determine planning applications for minerals development.

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- 8** Upon adoption, the JMLP will become part of the statutory 'development plan' for West Sussex and it will provide the basis for making consistent land-use planning decisions about planning applications for minerals development.

Inspector's Report

Legal Requirements

- 9** The Inspector concluded that the Authorities had met all the legal requirements involved in the preparation of the JMLP. These included compliance with the Authorities' approved Minerals and Waste Development Schemes (that is, the statutory management plan), consultation in accordance with the Authorities' Statements of Community Involvement, and adequate Sustainability Appraisal and Appropriate Assessment.
- 10** With specific regard to the 'Duty to Co-operate', the Inspector concluded that the Authorities had engaged constructively, actively and on an on-going basis in the preparation of the JMLP, and that the duty to co-operate has been met.

Soundness

- 11** The Inspector considered that the submitted plan had a number of deficiencies and, therefore, that it should not be adopted. In accordance with the Planning and Compulsory Purchase Act 2004, the Authorities asked the Inspector to recommend main modifications that would make the Plan 'sound' and allow its adoption.

Main Modifications

- 12** The Inspector's recommended Main Modifications (**enclosed with the agenda at Appendix A**) largely reflect those submitted by the Authorities for his consideration following the representations period during January – March 2018. In particular, it should be noted that no substantive changes have been recommended by him following his consideration of representations.

Additional (minor) Modifications

- 13** In addition to the Main Modifications, changes of a minor nature (e.g. factual updates and corrections) were submitted to the Inspector by the Authorities. The Inspector considered that the minor changes do not impact upon soundness and, therefore, their inclusion in the adopted JMLP is solely a matter for the Authorities.

Adoption

- 14** Although the Inspector's Report is not binding on the Authorities, the JMLP can only be adopted if it is considered to be 'sound'. In effect, this means that the Main Modifications recommended by the Inspector must be incorporated into the Plan before it is adopted. 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 Plan adopted as soon as possible.

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- 15** A version of the Plan incorporating the Main Modifications **is enclosed with the agenda at Appendix B**. It also includes the additional (minor) modifications previously approved by the Authorities in December 2017, together with other, non-substantive, changes that are required prior to adoption.
- 16** The SDNPA approved the JMLP for adoption, incorporating the Inspector's Main Modifications, at its meeting on 3 July 2018. The Cabinet Member for Highways and Infrastructure recommends that the West Sussex Joint Minerals Local Plan, incorporating the main modifications recommended by the Inspector (and other minor changes), be adopted.
- 17** Following adoption by both Authorities, a notice of adoption will be issued and the adoption of the JMLP will be subject to a six-week period for legal challenge.
- 18** When adopted by both Authorities, the JMLP will become part of the statutory 'development plan' for West Sussex, replacing the adopted West Sussex Minerals Local Plan (2003).

Resources

- 19** The costs of adopting the Joint Minerals Local Plan can be met from existing budget provision in 2018/19.

Consultation

- 20** The Inspector's Report and his recommended main modifications and the other minor changes have been the subject of discussion between officers of the County Council and the SDNPA.

Risk Management Implications

- 21** The current West Sussex Minerals Local Plan was adopted in 2003 and so did not take into account current national planning policy (the National Planning Policy Framework). The Proposed Submission Draft Joint Minerals Local Plan, as modified, was approved for Development Management purposes in December 2017.
- 22** The Inspector has concluded that the JMLP "provides an appropriate basis for the planning of the County, provided that a number of main modifications are made to it" and adoption of it will help ensure that the County continues to be supplied with the minerals it needs for its future development and prosperity.

Equality Duty

- 23** Minerals development proposals have potential negative social impacts, in particular from: a loss of amenity space; increases in noise, dust, pollutants, traffic; and general health and community safety concerns.
- 24** There are also potential positive social impacts through the JMLP: creation of employment opportunities; and policies to protect people and manage

potential adverse impacts of minerals extraction.

- 25** Each of the potential negative and social impacts issues could impact on people including groups with protected characteristics. The policies set out in the JMLP are not expected to discriminate against any sections of the community.

Recommended

That the West Sussex Joint Minerals Local Plan, incorporating the main modifications recommended by the Inspector and other minor changes (Appendix B), be adopted to replace the West Sussex Minerals Local Plan (2003).

Bob Lanzer

Cabinet Member for Highways and Infrastructure

Appendices

Appendix A – Schedule of Main Modifications

Appendix B – JMLP incorporating the Main and Minor Modifications

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Background Papers

None