

Mrs Urquhart, Cabinet Member for Environment	Ref No: ENV12 18/19
January 2019	Key Decision
Approval of the Soft Sand Review – Issues and Options Consultation (Regulation 18 stage)	Part I
Report by Executive Director of Economy, Infrastructure and Environment	Electoral Division(s): All
<p>Summary</p> <p>Following adoption of the Joint Minerals Local Plan (JMLP) in July 2018, the County Council, in partnership with the South Downs National Park Authority, is required to undertake a single issue Soft Sand Review as set out in Policy M2 of the JMLP. Informal public consultation (Regulation 18) is timetabled to take place during January–March 2019.</p> <p>The Review is considering the demand and supply of soft sand required during the plan period (to 2033), and how this demand will be met, including the potential need for site allocations.</p> <p>The Issues and Options consultation document (see Appendix A) will seek views on the options for meeting the demand for soft sand. The results of the consultation, and further technical work, will inform the preparation of the Proposed Submission Draft document, which will identify the proposed changes to the relevant sections of the JMLP.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The Soft Sand Review will not change the principles and approaches set out in the adopted JMLP. Consultation in accordance with the adopted Statement of Community Involvement will ensure that communities have the opportunity to comment on and inform the preparation of the Soft Sand Review, in keeping with the 'A council that works for the community' priority.</p>	
<p>Financial Impact</p> <p>The cost of preparing and publishing the Soft Sand Review will be met from the base budget.</p>	
<p>Recommendation</p> <p>That the Cabinet Member for Environment approves the Soft Sand Review Issues and Options consultation document (attached as Appendix A to this report) for publication in January 2019 for eight weeks.</p>	

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 JMLP (as adopted) that the Authorities undertake a Single Issue Soft Sand Review.
- 1.3 The review must address the shortfall in soft sand to the end of the JMLP plan period (2033). It will consider the strategy for how the shortfall of soft sand will be met and, as required, the potential need for allocating sites for soft sand extraction. The review will not consider 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 (2018-2021). The review is programmed to be adopted by the end of December 2020, and must be undertaken in accordance with relevant legislation, including the Planning and Compulsory Purchase Act 2004 Regulations.

2. Proposal Details

- 2.1. Policy M2 of the JMLP requires that consultation is undertaken on the Soft Sand Review within six months of adoption of the Plan. The Authorities have prepared an 'Issues and Options' consultation document (attached as Appendix A to this report). The document sets out the three key issues and the options that could address these issues.

Issue 1: The amount of sand needed

- 2.2. The amount of sand that needs to be planned for (to 2033) is set out in the Authorities' Local Aggregates Assessment (LAA), as required by the National Planning Policy Framework (NPPF). The LAA is produced annually and sets out the picture of supply and demand of aggregates in West Sussex. The latest LAA sets out that the shortfall of soft sand, taking account of existing reserves, could range between 1.66 and 2.83 million tonnes (mt) over the period to 2033.
- 2.3. The approach taken to calculating the demand for soft sand has not changed since the examination of the JMLP. The approach was considered to be 'sound' by the Planning Inspector and is in the process of being ratified by the South East England Aggregate Working Party, as required by the NPPF.

- 2.4. The Issues and Options consultation document sets out questions seeking views from stakeholders on the amount of soft sand to be planned for, and the approaches taken to calculating demand for aggregates.

Issue 2: The strategy for soft sand supply

- 2.5. The only source of land-won soft sand in West Sussex is from the Folkstone Formation, which is largely contained within the South Downs National Park, which has the highest level of protection. The NPPF requires that the Authorities plan for a steady and adequate supply of sand. Consideration needs to be given to strategy options that provide the sand needed to the end of the plan period, but also those that protect the National Park, which has the highest level of protection in planning terms.
- 2.6. The following options are considered to be the 'reasonable alternatives' to meeting the identified need for soft sand:
- **Option A:** Supply from sites within West Sussex but outside of the National Park;
 - **Option B:** Supply from sites within West Sussex, including within the National Park;
 - **Option C:** Supply from areas outside West Sussex;
 - **Option D:** Supply from alternative sources including marine-dredged material; and
 - **Option E:** A combination of the above options.
- 2.7. A Sustainability Appraisal of the options will be available for consideration alongside the Issues and Options document.
- 2.8. The Issues and Options consultation document sets out questions seeking views from stakeholders on the options set out above and the Sustainability Appraisal.

Issue 3: Potential sites and site selection

- 2.9. Paragraph 207 of the NPPF states that Mineral Planning Authorities should plan for a steady and adequate supply by, amongst other things, identifying specific sites. The Soft Sand Review must consider allocating sites for soft sand extraction.
- 2.10. The approach to site identification was subject to discussion at the examination hearings of the JMLP. The Planning Inspector concluded that the site selection methodology and its application, including the RAG (Red, Amber, Green) traffic light system of assessment, were robust and sound. Accordingly, the Authorities have applied the same site assessment methodology, having first reviewed it with technical specialists to ensure it is up-to-date.
- 2.11. A 'Call for Sites' was undertaken during August–September 2018. The sites submitted, along with all previously-considered sites, make up a 'long list' of 21 sites. All of these sites were reviewed and 12 have been ruled out as they are considered to be unsuitable for further consideration (due to either availability or viability).

- 2.12. The remaining nine sites have been shortlisted for consultation and further review. Of the nine sites, two are outside of the SDNP (see Table 1 below). To inform the Issues and Options consultation, some general information about the sites is set out in the consultation document. A more detailed Soft Sand Site Selection Report will be published in January, which will include RAG assessment proformas for each site.
- 2.13. At this stage, the Authorities have not concluded whether each site is 'acceptable in principle' and, therefore, suitable for allocation. Instead, the purpose of publishing the shortlisted sites is to seek views from stakeholders on the accuracy of the information held on each site and provide the opportunity to submit further evidence on the sites.
- 2.14. Following the consultation, officers will review the comments and information received on the sites and undertake any further technical assessments that are required.

Table 1: Shortlisted soft sand sites

Site Name	Parish	Site (Ha)	Yield (tonnes)	In SDNP?	Extension to existing site?
Bunton Manor Farm	Washington and Wiston	23	1,000,000	No	No
Chantry Lane (Extension)	Storrington and Sullington	2.5	1,000,000	Yes	Yes
Coopers Moor (Extension)	Duncton	5.7	500,000	Yes	Yes
Duncton Common (Extension)	Duncton and Petworth	28.5	1,800,000	Yes	Yes
East of West Heath Common (Extension)	Harting	14	950,000	Yes	Yes
Ham Farm	Steyning and Wiston	8	725,000	No	No
Minsted West (Extension)	Stedham with Iping	11	2,000,000	Yes	Yes
Severals East	Woolbeding with Redford	20	1,000,000	Yes	No
Severals West	Woolbeding with Redford	55	1,000,000 – 3,000,000	Yes	No

- 2.15. Although sites within the shortlist may be judged to be 'acceptable in principle' for site allocation, there is a need to identify how they should be selected, if required, in accordance with the preferred strategy. The JMLP contains guiding principles (see paragraph 7.1.6), which have been used to shape the principles for the selection of soft sand sites. These are;

- **First principle:** Places where there are opportunities to restore land beneficially
- **Second principle:** Places without a sensitive natural or built environment and away from communities, in order to protect the amenity of businesses, residents and visitors to West Sussex
- **Third principle:** Sites that have good access to the Lorry Route Network (LRN)
- **Fourth principle:** The need to conserve, and where possible, enhance protected landscapes in the plan area
- **Fifth principle:** A preference for extensions to existing sites rather than new sites, subject to cumulative impact assessments.

2.16. The Issues and Options consultation document sets out questions seeking views from stakeholders on the site selection methodology, the sites being considered, and the guiding principles for allocating sites.

Next Steps

2.17. The results of the informal consultation will inform the preparation of the preferred strategy. The preferred strategy will set out the identified shortfall for soft sand, the strategy for delivery, and which sites (if any) are proposed for allocation to meet the identified shortfall. These will be set out as proposed changes to the adopted JMLP.

2.18. Subject to approval by both Authorities, the preferred strategy will be published for formal representations in July 2019 for eight weeks under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, before it is submitted for independent examination. Once adopted, the changes will be made to the Joint Minerals Local Plan (July accordingly).

FACTORS TAKEN INTO ACCOUNT

3. Consultation

3.1. The preparation of the Issues and Options Consultation document has included internal consultations with relevant specialist officers of both authorities (e.g. highways, landscape, ecology etc). It also considered the submissions received to the 'Call for Sites' undertaken during August 2018.

4. Resource Implications

4.1. The cost of preparing and publishing the Soft Sand Review will be met by provision from the base budget.

5. Legal Implications

5.1. 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 (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.

6. Risk Assessment Implications and Mitigations

- 6.1. Preparing the Soft Sand Review of the JMLP will help to ensure the Authorities have appropriate control over soft sand development in West Sussex. The 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, if necessary, will help ensure that the identified need for soft sand is met.

7. Other Options Considered

- 7.1. 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.

8. Equality and Human Rights Assessment

- 8.1. An Equalities Impact Report (EIR) has been completed. Two actions have been identified:
- (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.

9. Social Value and Sustainability Assessment

- 9.1. There are no identifiable Social Value and Sustainability Assessment implications.

10. Crime and Disorder Reduction Assessment

- 10.1. There are no identifiable Crime and Disorder Act implications.

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Appendices

A – Single Issue Soft Sand Review – Issues & Options Consultation Document
(Reg.18)

Background Papers

None