

Subject:	East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan – Outcome of Consultation and Proposed Modifications		
Date of Meeting:	17 March 2016		
Report of:	Executive Director – Environment, Development and Housing		
Contact Officer:	Name:	Steve Tremlett	Tel: 29-2108
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Ward(s) affected:	All, but particularly Hove Park		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is twofold. Firstly, it informs the Committee of the outcome of the public consultation on the Proposed Submission draft of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (henceforth the 'Sites Plan') that took place for an eight week period from October to December 2015.
- 1.2 Secondly, to agree draft modifications and to ensure the Sites Plan is 'sound'. Subject to agreement by the partner authorities, it is proposed that these will be submitted to the Inspector for consideration, with public consultation undertaken after the initial Public Examination hearing sessions. This approach should ensure a smoother Examination process.
- 1.3 Policy & Resources Committee (P&R) and Council have previously authorised the publication of draft modifications for public consultation, save that should any draft modification involve a major shift in the policy approach of the Sites Plan, the draft modification shall be referred to P&R for approval. It is considered that the modifications now proposed represent a major shift in the policy approach, and therefore these changes require the agreement of Policy & Resources Committee.

2. RECOMMENDATIONS:

- 2.1 That the responses to representations on the Proposed Submission Sites Plan are noted.
- 2.2 That the draft 'main modifications' to the Sites Plan are approved and submitted to the Inspector for consideration through the forthcoming Public Examination process and subsequently published for public consultation.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Proposed Submission Waste & Minerals Sites Plan was agreed for public consultation by Policy & Resources Committee on 15 October and full Council on 22 October 2015. The public consultation subsequently took place between for an eight week period commencing on 28 October 2015.

Outcome of Consultation

- 3.2 A total of 47 representations and two petitions (57 and 689 signatories) were received. A summary of the representations is included in Appendix 1, available in Members' Rooms.
- 3.3 With regard to the proposed site allocations in Brighton & Hove, two representations were received regarding Hangleton Bottom – one in favour of the allocation from a prospective developer, and one local resident opposed. Nine representations opposed to the allocation of Sackville Coal Yard were received as well as a petition totalling 689 signatures. Objections were received from the landowner, Hove Station Neighbourhood Forum, Hove Civic Society, the ward councillors and four local residents.
- 3.4 With regard to the proposed 'areas of opportunity' in Brighton & Hove, i.e. locations identified as suitable in principle for waste development, but not safeguarded for that purpose, there were three objections to the inclusion of the Former Gasworks site (one local resident, and two from the landowners). One objection from a local resident was received relating to Hollingdean Industrial Estate.
- 3.5 The other representations received relate to general comments about the Plan's approach or sites in the East Sussex administrative area. These are summarised in Appendix 1.

Proposed Modifications – Brighton & Hove

- 3.6 A modification is proposed to remove the allocated site at Sackville Coal Yard from Policy SP1 of the Plan. Since the Proposed Submission draft of the Plan was published, the City Council has become aware, through discussions and representations, that the landowner's plans for a comprehensive redevelopment of the combined Coal Yard and Sackville Trading Estate sites are at an advanced stage, and that the landowner would not entertain proposals for a waste use. The landowner's position and plans for redevelopment are strongly supported by the local Neighbourhood Forum which considers that a waste allocation would impede the redevelopment of the area as envisaged in the emerging Neighbourhood Plan.
- 3.7 Furthermore, the City Council has not been aware of any interest from the waste industry in developing the site for waste management use over the ten year period that it has been safeguarded for this purpose.
- 3.8 Landowner objection is not, in itself, a justification for not allocating a site as ownership can change over the lifetime of a plan. However, the advanced stage of the alternative development proposals and the incompatibility with the aims of

the emerging Neighbourhood Plan, together with the lack of interest from the industry, are considered, in this instance, to justify the removal of the site on the grounds that a waste facility is demonstrably undeliverable¹.

- 3.9 No modifications are proposed to the other locations in Brighton & Hove. Whilst a landowner objection has also been received with regard to the Former Gasworks site in Kemptown, this site is included in the Plan as an 'area of opportunity' and is not safeguarded for waste use. Areas of Opportunity provide guidance to potential developers that these sites are considered for employment uses and worthy of further investigation, they do not seek to prevent alternative development coming forward. The City Council is not aware of any firm proposals for alternative development on the site. This site's status was changed at an earlier stage of Plan preparation from an allocation to an area of opportunity following similar comments from the landowner and no further changes are considered necessary.

Proposed Modifications – East Sussex

- 3.10 A modification is proposed to exclude the 'area of search' at Whitworth Road, Hastings from the Plan following a representation from Hastings Borough Council that cast serious doubt on its deliverability. An extension is proposed to the 'Land at Burgess Road' site in Hastings to encompass an enlargement of the industrial area that is allocated in the adjacent Rother District Council's Local Plan.
- 3.11 A number of other minor modifications to policies for the purpose of clarity are also proposed. All draft modifications are set out in the Schedule of Proposed Modifications included in Appendix 2, available in Members' Rooms.
- 3.12 Although the proposed modifications result in a reduction in the number of specifically identified sites in the Sites Plan, the Authorities are confident that the remaining provision (three safeguarded allocations, nine areas of opportunity, four areas of search and two extensions to existing waste sites, together with a criteria based policy allowing development on suitable existing industrial estates) retains sufficient flexibility to enable the need for new waste management capacity to be met.
- 3.13 The draft modifications will be subject to public consultation. However, as there may be a need for further modifications to the Sites Plan arising from the public examination hearings, it is not proposed to hold the consultation immediately. Instead, the consultation will take place after the hearing sessions so that any additional modifications resulting from the hearing can be included, thus avoiding the need for two rounds of consultation and the delays and additional expense this would cause. This approach has been taken in the past by other authorities.
- 3.14 All modifications to the Plan including those proposed by the Inspector will ultimately be presented to P&R Committee and Council in due course as part of the adoption process of the Plan.

¹ The Plan will be judged by the Planning Inspector against the 'tests of soundness' set out in paragraph 182 of the National Planning Policy Framework. One of these is that the Plan is 'effective', the definition of which includes being deliverable over the plan period.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Sites Plan could be submitted for public examination without the draft proposed modifications. However, agreeing in advance modifications considered necessary to ensure a 'sound' plan will assist the Inspector and help to ensure a smoother Public Examination process.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Waste & Minerals Sites Plan has been a number of years in preparation and has evolved through several stages of public consultation

- Call for Sites and Proposed Content of the Plan (summer 2013)
- Sustainability Appraisal Scoping Report consultation (winter 2013)
- Draft Plan consultation (summer 2014)
- Proposed Submission consultation (autumn 2015).

- 5.2 The modifications now proposed are a direct result of the representations received at the most recent stage of consultation.

6. CONCLUSION

- 6.1 The analysis of the representations on the Proposed Submission Waste and Minerals Sites Plan should be noted. Following consideration of the representations, main modifications are considered necessary to ensure the Sites Plan remains 'sound'. Agreement from P&R is sought to withdraw the site allocation at Sackville Coal Yard and the 'area of search' at Whitworth Road (Hastings), and to extend the area of search at 'Land at Burgess Road' on the fringes of Hastings.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated with the development of the Waste and Minerals Site Plan have been met proportionally between Brighton and Hove City Council, East Sussex County Council and the South Downs National Park Authority. The proportion of costs to the council for inspection, Public Examination process and subsequently public consultation will be funded from the existing Waste Planning revenue budget within the Planning and Building Control Service.

Finance Officer Consulted: Sue Chapman

Date: 25/02/16

Legal Implications:

- 7.2 Once adopted the East Sussex, South Downs and Brighton & Hove Waste & Minerals Sites Plan will form part of the Waste and Minerals Local Plan. As such it will be a material consideration in the determination of relevant planning applications. The detail as to the preparation of local plans is found in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 of the 2012 Regulations provides that, prior to submission to the Secretary of

State for independent examination, a local plan must be publicised for a period of at least 6 weeks and representations invited.

7.3 As noted in the body of the report, the draft modifications will be subject to consultation as part of the inspector's independent examination of the Sites Plan.

7.4 It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: *Name Hilary Woodward* *Date: 24/2//16*

Equalities Implications:

7.5 None arising from this report.

Sustainability Implications:

7.6 A Sustainability Appraisal (SA) has been produced to support the Sites Plan, and an addendum to this considers the sustainability implications of the draft modifications. As the Sites Plan sets a framework for future development consent of projects that are likely to have significant environmental effects a Strategic Environmental Assessment (SEA) is also necessary. These have been combined into a single joint appraisal to ensure that all issues are considered.

7.7 The SA process plays an important role in demonstrating that a Development Plan Document (DPD) is contributing to achieving sustainable development through the integration of environmental, social and economic considerations into the DPD. It is a systematic and iterative process which assesses the likely significant effects of the Plan on the environment, the economy and society.

Any Other Significant Implications:

7.8 None.

SUPPORTING DOCUMENTATION

Appendices (in Members' Rooms):

1. Summary of Representations of the Proposed Submission Waste and Minerals Sites Plan.
2. Schedule of Proposed Modifications

Documents in Members' Rooms

1. Proposed Submission East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (October 2015).
2. Sustainability Appraisal Addendum

Background Documents

1. East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013)