

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 149

Brighton & Hove City Council

Subject:	Partial Review of Regional Spatial Strategy for South East – Review of Sub Regional Apportionment of Land-Won Aggregates		
Date of Meeting:	7 May 2009		
Report of:	Director of Environment		
Contact Officer:	Name: Rob Fraser	Tel: 29-2380	
	E-mail: rob.fraser@brighton-hove.gov.uk		
Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek approval to respond to government to support the sub-regional land-won allocation for East Sussex County Council and Brighton & Hove City Council of 0.07m tonnes pa.
- 1.2 Brighton and Hove City and East Sussex County Councils are jointly preparing a Waste and Minerals Development Framework which will form the planning policy base for decisions on waste and minerals for the next 20 years. As part of this joint work officers of the two councils consider it is important to respond jointly to recent consultations on the apportionment of minerals through the Draft Regional Spatial Strategy (which is known as the South East Plan) even though there are no minerals workings within the administrative area of Brighton and Hove City. There have been discussions on a new methodology for allocating apportionment of minerals. Early drafts of this did not recognise that the amount of land won aggregates in Brighton and Hove and East Sussex have been historically minimal however the revised apportionment is considered to be realistic.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment approves a response to the Government that:
 - (a) Welcomes the review to the sub regional apportionment and notes that the methodology proposed needs to continue to recognise the particular circumstances of East Sussex/Brighton & Hove, which has low production of land won resources and that they exist in the very far east of East Sussex County and the City relies heavily on marine dredged aggregates for local construction.
 - (b) Notes that the City Council supports the County Council in supporting a sub regional allocation for East Sussex / Brighton & Hove of 0.07m tonnes pa and would object to any increase in this allocation;

- (c) Notes that the City Council agrees with the County Council in not supporting the splitting of the apportionment to separately identify soft sand; see 3.3 / 3.4

- 2.2 (2) That the Cabinet Member for Environment agrees to attendance at the proposed Examination in Public by an Officer on behalf of both the County Council and Brighton and Hove City Council.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At the Examination in Public on the Review of Regional Planning Guidance (RPG9) for Waste and Minerals in 2004 that preceded the South East Plan, the Panel of Inspectors recommended that a more robust and forward looking methodology should be developed for the policy apportioning the requirement for the delivery of 13.2m tones of sand and gravel each year across the Region. Mineral Planning Authorities have to maintain a landbank based on this apportionment. This was ultimately included in the draft South East Plan as policy M3 in which the apportionment to East Sussex/Brighton & Hove requirement is currently 0.01million tonnes per annum (mtpa). The current allocation in Policy M3 is based on past rates of production.
- 3.2 The Regional Assembly commissioned consultants to examine a revised methodology for apportionment based on likely future demand for construction, the likely availability of minerals and the consideration of environmental constraints. The study considered a variety of options with various weightings.
- 3.3 There were consultations held by the Regional Assembly during 2008 on 3 Options – ‘Demand’ (Option C), ‘Environmental’ (Option D) and ‘Demand and Resource’ (Option E which places equal weighting on demand and location of aggregate resources). This was based on a regional total of 12.18m tonnes p.a. The revised allocation for East Sussex/Brighton & Hove would have been 0.86mtpa – Option C, 0.42mtpa – Option D and 0.69mtpa – Option E. The Regional Assembly also consulted on whether the allocation should be split between soft sand, and sharp sand & gravel.
- 3.4 Brighton & Hove City Council agreed with East Sussex County Council in 2008 that the principle of a more rounded approach to the sub regional apportionment could be welcomed. However, it was recognised that the methodology adopted for all the options was not responsive to particular local characteristics or the possibilities of distortion arising in the data. In particular, in East Sussex/Brighton & Hove there are limited sand and gravel resources. In recent years there has been negligible production of land won aggregates. Permitted reserves NE of Camber (on the Kent border) are unlikely to commence until after 2016 and are relatively remote to the main areas of population. There is a small extraction of soft sand close to Lewes which only amounts to 0.38mt in total.
- 3.5 Consequently, the City is dependent for its own use of aggregates upon imports of mostly marine dredged aggregates. East Sussex County Council (on behalf of both authorities) resolved that they did not support any of the options put forward and agreed that there should be a preference for East Sussex/Brighton & Hove to be treated as a special case. It was also agreed not to support the splitting of the apportionment to identify soft sand separately.

- 3.6 Since July 2008, negotiations have been undertaken with the Regional Assembly and discussions held with other mineral planning authorities. The Regional Assembly subsequently submitted to Government an apportionment based on a revised regional figure of 9.01m tonnes p.a. The option chosen was based on Option E amended to allow transition away from the current approach. The apportionment methodology was also modified to take account of actual available resources and deliverability in areas with small apportionments. East Sussex/Brighton & Hove's sub regional allocation has now been proposed at 0.07m tonnes pa.
- 3.7 The next stage will be for the Planning Inspectorate to arrange an Examination in Public scheduled to commence in October 2009. It is recommended that an officer from East Sussex County Council should participate in the Examination in Public to reflect the views submitted by Brighton & Hove and East Sussex County Councils especially to put forward the special case for the area. Subsequently, both Councils would need to demonstrate that they could jointly meet the sub regional apportionment and that the special circumstances of East Sussex / Brighton & Hove were not constraining the economy as part of the justification for the policies in the forthcoming Waste & Minerals Core Strategy.

4. CONSULTATION

- 4.1 The contents of this report will be submitted to Government by both East Sussex and Brighton & Hove Councils in response to their consultation entitled "Partial Review of the Regional Spatial Strategy for the South East – Review of Policy M3 – Primary land-won aggregates and sub-regional apportionment. *The closing date for comments is 26th June 2009.*

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There is budget provision for 2009/10 for overall work on East Sussex and Brighton & Hove Waste and Minerals Development Framework (WMDF). This should cover any costs involved in preparing the response to Government and attending an Examination in Public by an officer.

Finance Officer Consulted: Patrick Rice

Date: 17/04/09

Legal Implications:

- 5.2 The Planning and Compulsory Purchase Act 2004 introduced a new development plan system. As part of this new system new regional policy documents were introduced, known as Regional Spatial Strategies ("RSS"). These documents set out the Secretary of State's policies in relation to the development and use of land within the relevant region. Under the Act's transitional provisions the then existing Regional Planning Guidance for the South East ("RPG9") became the Regional Spatial Strategy for the South East. The South East Plan is currently awaiting approval by the Government and when approved will become the new Regional Spatial Strategy.

- 5.3 The Council's Local Development Documents to be prepared under the 2004 Act and which will set out the Council's policies relating to development and use of land in the City must have regard, inter alia, to the Regional Spatial Strategy for the area.
- 5.4 Under the provisions of the 2004 Act Regional Planning Bodies ("RPB") are given the responsibility of keeping the relevant Regional Spatial Strategy under review. Initially, the South East England Regional Assembly ("SEERA") was the RPB for the City Council's area. SEERA was dissolved in April 2009 and the South East England Partnership Board has now taken on responsibility for regional planning.
- 5.5 It is as part of a review of the RSS and the requisite consultation that policy M3 now comes before members as set out in this Report. An Examination in Public will be held by the Secretary of State into the draft revision to policy M3 and this is scheduled to commence this October.

Lawyer Consulted:

Hilary Woodward

Date: 27/04/09

Equalities Implications:

- 5.6 No equalities implications directly identified arising from this report.

Sustainability Implications:

- 5.7 The Waste and Minerals Development Framework will set out the sustainable use of natural resources in the area and support the reduction of road transportation of land-won aggregates. Generally the city development industry relies upon marine dredged aggregates imported to the ports at Newhaven and Shoreham. The lengthy road transport of aggregates from the East of the County is considered to be less sustainable.

Crime & Disorder Implications:

- 5.8 None directly arising from this report.

Risk and Opportunity Management Implications:

- 5.9 This allocation is being reported in the evidence base to the Waste & Minerals Development Framework (WMDF) to support the minerals options in the Waste & Minerals Core Strategy. This will identify ways of providing minerals resources in East Sussex/Brighton & Hove and provide a sound planning policy framework.

Corporate / Citywide Implications:

- 5.10 Any higher allocation would cause significant strain on natural land-won resources in the East Sussex County Council area. Brighton & Hove City Council does not have any land-won mineral resources and therefore relies heavily on marine dredged aggregates to contribute towards developments in the City. This will be reflected in the Waste & Minerals Core Strategy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The previously proposed allocation was considered to be undeliverable

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The particular geological characteristics of the administrative area covered by East Sussex/Brighton & Hove results in the area having low production of aggregates and minerals with reserves mainly on the Kent border.
- 7.2 Generally reserves will only serve a limited radius, therefore the Brighton & Hove market largely relies on marine dredged aggregates, It is recommended that Brighton & Hove City Council responds to Government in support of the current sub regional apportionment of 0.07m tonnes pa and would object to any increase in allocation. It would revise the previous clearly undeliverable allocation to the area. However, the Review of the Regional Spatial Strategy should continue to recognise that East Sussex/Brighton & Hove has particular circumstances such that its allocation needs to be related to the feasibility of delivering the aggregates rather than a particular methodology. The City Council would object to a higher allocation for East Sussex/Brighton & Hove if the overall regional total was increased.
- 7.3 The separate split for soft sand is not supported. For East Sussex/Brighton & Hove, the area of soft sand to the north of the South Downs is very narrow and viable extraction may not be possible in much of the area identified. Given the relatively small sub regional allocation to East Sussex/ Brighton & Hove, the separate identification of a soft sand apportionment is not favoured.
- 7.4 It is recommended that an officer from the joint Waste and minerals planning team attend the proposed Examination in Public to represent the Councils response to the joint allocation for East Sussex and Brighton and Hove in order that the Councils joint views are fully considered

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

1. Partial review of the Regional Spatial Strategy for the South East Review of Policy M3 - Primary land-won aggregates and sub-regional apportionment.
Also available on
<http://www.gos.gov.uk/gose/planning/regionalPlanning/798061/?a=42496>

Background Documents

1. Partial Review of RSS for the South East – Review of Policy M3 - Primary land-won aggregates and sub regional apportionment (March 2009).

