

Subject:	Review of the Waste and Minerals Plan – Proposed Submission Revised Policies		
Date of Meeting:	Tourism, Equalities, Communities & Culture Committee 16 September 2021; Council 21 October 2021		
Report of:	Executive Director, Economy, Environment and Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks approval for the publication of the 'Proposed Submission Revised Policies' document relating to the Review of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan, along with supporting and background documents, for an eight-week period of public consultation prior to submission to the Secretary of State for independent examination.
- 1.2 The review is intended to ensure that the planning policy framework for waste and minerals remains up-to-date and compliant with national policy as set out in the National Planning Policy Framework.

2. RECOMMENDATIONS:

That Tourism, Equality, Communities & Culture Committee:

- 2.1 Notes the summary of the issues raised in the consultation on the Waste and Minerals Local Plan – Draft Revised Policies carried out between 11 May and 3 August 2020 (included at Appendix 1).
- 2.2 Recommends that the Waste and Minerals Local Plan - Proposed Submission Revised Policies ("WMRP") included at Appendix 3 is referred to Full Council for consideration;
- 2.3 Approves the following studies as supporting evidence for the WMRP: Safeguarding Mineral Resource Topic Paper, Safeguarding Minerals Infrastructure Topic Paper and an Aggregate Data Technical Paper referred to in paragraph 3.8 of the report.

That Full Council

- 2.4 Notes the summary of the issues raised in the consultation on the Waste and Minerals Local Plan – Proposed Submission Revised Policies (WMRP) carried out between 11 May and 3 August 2020 (set out at Appendix 1).
- 2.5 Approves the WMRP (along with the other proposed submission documents referred to in Appendix 2) for statutory public consultation in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 201
- 2.6 Authorises the subsequent submission of the documents to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012 subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary;
- 2.7 Authorises the Head of Planning to agree any draft ‘main modifications’ to the WMRP necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach the draft modification shall be referred by the Head of Planning to the Tourism Equalities, Communities & Culture Committee for approval.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The City Council, together with its partner authorities East Sussex County Council and the South Downs National Park Authority has adopted a Waste and Minerals Local Plan (WMLP), comprised of two documents – the Waste and Minerals Plan (WMP, adopted 2013), and Waste and Minerals Sites Plan (WMSP, adopted 2017), which contains planning policies used in the determination of planning applications for waste management activities and minerals extraction and infrastructure in the Plan area.
- 3.2 The purpose of the Review is to update a limited number of policies within the WMLP that are considered out-of-date or require amendments to their wording to ensure their effectiveness. The proposed amendments and revisions seek to improve and strengthen the policies, but do not change the overall strategy of the WMLP. Full details of the proposed revisions are contained within the WMRP (Appendix 3), but in summary the revisions relate to:
 - i. the supply and sustainable use of aggregates in the Plan area;
 - ii. the safeguarding of minerals resources and minerals infrastructure;
 - iii. adding a requirement for net-gain in biodiversity to the Environment and Environmental Enhancement policy;
 - iv. updating the protected landscapes policy to include specific references to the High Weald Area of Outstanding Natural Beauty; and
 - v. a site extension to facilitate the continued provision of specialist clay for making handmade tiles at the Aldershaw Tiles site near Hastings;
- 3.3 The need for a review stems from the conclusions of the examining Inspector of the WMSP in 2016, who concluded in his report that a review of the minerals policies within the 2013 WMP would be required as the supply of aggregate from existing permitted extraction sites is likely to be exhausted prior to the end of the

Plan period in 2026. Maintaining a reliable supply of aggregate is important to facilitate construction and economic growth, including house-building. The supply and sustainable use of aggregates is therefore the key issue addressed by the Review.

- 3.4 The existing sharp sand and gravel (i.e. aggregate) site in the Plan area (Lydd Quarry near the East Sussex/Kent border) now has limited permitted reserves that it is anticipated will be exhausted within the next twelve months. The operator of the quarry submitted proposals through responses to the most recent consultation and a previous 'Call for Sites' supporting an extension to the site. However, due to national and international environmental designations which cover, or are adjacent to, all the sand and gravel resource in this part of the Plan area; and consideration of advice from Natural England, further working to extend the quarry is not considered to be feasible or supportable. This is due to the irreversible harm that would be caused to the designated sites.
- 3.5 The Authorities are not proposing to allocate any new extraction sites for aggregates in the Plan area and instead will increasingly rely on sea, rail and road imports from marine and other land-won sources and recycled aggregate. It should be noted that the Plan area has historically been a low producer of land-won aggregate due to the geology and environmental constraints and these alternative sources already supply a significant quantity of aggregate used in the area.
- 3.6 A summary of the policies to be replaced, the ten new or revised policies and their purpose is set out in Appendix 4. The full text of the revised policies is set out in the WMRP (Appendix 3).
- 3.7 The WMRP has been prepared in accordance with the Planning and Compulsory Purchase Act 2004; the Town and Country Planning (Local Planning) (England) Regulations 2012; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2017. Therefore a number of supporting documents including proposed changes to the Policies Map are also required to be published and these are summarised in Appendix 4 and will be made available on the authorities' joint consultation portal webpage.
- 3.8 This report also seeks approval of the following documents that provide background and supporting evidence for the WMRP: Safeguarding Mineral Resource Topic Paper, Safeguarding Minerals Infrastructure Topic Paper and an Aggregate Data Technical Paper. An outline of the purpose of these documents is set out in Appendix 2, and they can be made available to the committee in full on request. Although background studies inform the policy approach, they do not determine policy.
- 3.9 Approval to proceed with the consultation is also required from East Sussex County Council and the South Downs National Park Authority. Following the consultation, the WMRP will be submitted, together with any representations received, to the Secretary of State for public examination by an appointed inspector. Should the inspector conclude the revisions to the policies meet the tests of soundness set out in the National Planning Policy Framework, they can be adopted by the three authorities and will then form part of the development

plan for the Plan area to be used in the determination of planning applications. Approval by TECC and full Council, as well as the partner authorities, is required before adoption can occur.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option is to not proceed with the Review, however, it is important that the authorities have a complete up to date and robust planning policy framework for waste and minerals which is consistent with national planning policy.
- 4.2 The process of preparing the revised policies has involved testing of reasonable alternative policy options. This process includes consultation, a robust evidence base and the Sustainability Appraisal.
- 4.3 Not proceeding with the review would harm the council's long-standing joint working relationships with East Sussex County Council and the South Downs National Park Authority with regard to planning for waste and minerals. Significant resources have been committed by the three authorities in progressing the Review to the current advanced stage.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 An initial stage of consultation took place in late 2017 where the authorities sought comments on the scope of the review and called for potential new minerals sites and relevant evidence to be put forward for consideration.
- 5.2 A further stage of public consultation was undertaken from 11 May to 3 August 2020 and a total of 69 responses and a petition containing 221 names were received. The consultation responses have been considered and, where appropriate, the WMRP has been amended to accommodate the views submitted. The Authorities' responses to the comments received have been set out in Appendix 1.

6. CONCLUSION

- 6.1 A focussed review of the Waste & Minerals Local Plan is being undertaken to ensure that the planning policy framework for waste and minerals remains up-to-date and compliant with national policy as set out in the National Planning Policy Framework.
- 6.2 In accordance with statutory requirements, the WMRP is required to go through the next formal stage of consultation before it can be submitted to the Secretary of State for independent examination.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications resulting from the recommendations of this report. Costs associated with the studies and consultations will be funded

from existing revenue budget within the City Development & Regeneration service.

Finance Officer Consulted: John Lack

Date: 24/08/21

Legal Implications:

- 7.2 Once adopted, the revised policies will form part of the Waste and Minerals Local Plan, which is a Development Plan Document ("DPD") within the meaning of the Planning and Compulsory Purchase Act 2004 and a material consideration in the determination of planning applications. The detail as to the preparation and review of this type of document 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 DPD must be publicised for a period of at least 6 weeks and representations invited. Any representations received by the local planning authority within the timescale set out will be forwarded to the Secretary of State for consideration as part of the examination.

Lawyer Consulted: Hilary Woodward

Date: 19/08/21

Equalities Implications:

- 7.3 An Equalities Impact Assessment (EQIA) has been carried out on the draft policies. This concludes that the proposed strategy does not discriminate against any particular community group or lead to or encourage any conduct which is prohibited under the Equalities Act 2010.

Sustainability Implications:

- 7.4 A Sustainability Appraisal (SA) has been prepared and will be published to support the consultation.
- 7.5 Broadly speaking the SA concludes that the revisions to policies will not result in significant changes to the SA assessments of the policies as originally worded. The exception is WMP27 which now references biodiversity net gain and will likely be more effective at environmental protection.
- 7.6 Although the overall strategy now increases the reliance on marine dredged and imported materials, the impacts are considered to be minimal and controlled by legislation and policy. There may be some localised impacts around wharves and railheads in relation to the transportation of materials but these are likely to be small scale.
- 7.7 New Policy RM0 promotes reductions in the use of materials in construction, and then use of recycled and secondary aggregate. The effect should reduce overall energy and resource use including through a reduced need to transport materials, with a consequent positive effect in addressing climate change.

Brexit Implications:

- 7.8 None identified.

Any Other Significant Implications:

7.9 None identified

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of the issues raised in the consultation on the draft Revised Policies carried out between 11 May and 3 August 2020.
2. Summary of Supporting and Background Evidence Documents
3. Proposed Consultation Document
4. Summary of new and updated policies to be replaced.

Background Documents

1. East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013).
2. East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017).