

Culture, Heritage, Sport, Tourism & Economic Development Committee

Date: 18 April 2024
Time: 4.00pm
Venue: Council Chamber - BTH
Members: Robins (Chair), McGregor (Deputy Chair), Hill (Opposition Spokesperson), Bagaeen, Cattell, Hewitt, Miller, Stevens, Goddard and Grimshaw

Contact: **Thomas Bald**
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Date of Publication - Wednesday, 10 April 2024

AGENDA

Part One

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PROCEDURAL MATTERS

64 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

65 MINUTES

7 - 12

To consider the minutes of the meeting held on 7 March 2024.

Contact Officer: Thomas Bald

Tel: 01273 295709

66 CHAIRS COMMUNICATIONS

67 CALL OVER

- (a) Items (71 – 75) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

68 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 12 April 2024;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 12 April 2024.

69 ITEMS REFERRED FROM COUNCIL

13 - 16

To consider items referred from the last meeting of Full Council held on 28 March 2024.

Petition - Laura King - Referendum to Keep the King Alfred Leisure Centre on Hove Seafront

70 MEMBER INVOLVEMENT

17 - 18

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions;
- (e) **Written Questions:** To consider any written questions;
- (f) **Letters:** To consider any letters;
- (g) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

71 REVIEW OF THE WASTE AND MINERALS LOCAL PLAN - ADOPTED OF REVISED POLICIES

19 - 178

Contact Officer: Steve Tremlett
Ward Affected: All Wards

Tel: 01273 292108

72 S106 EDUCATIONAL INFRASTRUCTURE UPDATE

179 - 194

Contact Officer: Simon Barrett

Tel: 01273 290000

Ward Affected: All Wards

73 INDIAN MEMORIAL GATE COMMEMORATIONS To Follow

*Contact Officer: Ian Baird
Ward Affected: All Wards*

74 SEASONAL BEACH LIFEGUARD SERVICE - PROPOSED FUTURE ARRANGEMENTS 195 - 202

*Contact Officer: Mark Fisher
Ward Affected: All Wards*

75 BRIGHTON MARINA NEIGHBOURHOOD PLAN – SUBMISSION FOR EXAMINATION 203 - 220

*Contact Officer: Sandra Rogers, Carly Dockerill Tel: 01273 292502,
Tel: 01273 292382
Ward Affected: Whitehawk & Marina*

76 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 11 July 2024 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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Further information

For further details and general enquiries about this meeting contact Thomas Bald, (01273 291354, email thomas.bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and

Do not re-enter the building until told that it is safe to do so

BRIGHTON & HOVE CITY COUNCIL

CULTURE, HERITAGE, SPORT, TOURISM & ECONOMIC DEVELOPMENT COMMITTEE

4.00pm 7 MARCH 2024

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillor Robins (Chair) McGregor (Deputy Chair), Hill (Opposition Spokesperson), Bagaeen, Cattell, Miller, Stevens, Goddard, Grimshaw and Nann

PART ONE

50 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

Councillor Nann in place of Councillor Hewitt.

(b) Declarations of Interest

There were none.

(c) Exclusion of the Press and Public

It was agreed that the press and public not be excluded.

51 MINUTES

The minutes of the meeting held on the 18 January 2024 were agreed as an accurate record.

52 CHAIRS COMMUNICATIONS

The Chair gave the following communications:

VisitBrighton are delighted to announce that after two years of hard work from the VisitBrighton team, the East Sussex, Brighton & Hove and West Sussex Local Visitor Economy Partnership (LVEP) has received accreditation from VisitEngland. Joining 30 other accredited LVEPs across England, the Partnership will play a key role in leading, marketing and managing the visitor economy in the region, augmenting the existing work of VisitBrighton whilst working with VisitEngland to shape national strategy and policy.

Working collaboratively with BHAFc, we are once again dressing the City in blue and white, with banners across North St, Wester Rd and Preston St, supporting the Albion as they progress through the UEFA Europa League.

The conference team has been busy and has just secured a new 300 person, 3 day conference for the city in Sept 2025, for a tourism software supplier, which will give us the chance to showcase our destination to the tourism industry.

Naming of Hove Beach Park

Since launching the consultation on the 17th January, many residents voted for their favourite name for the new park at Kingsway to the Sea. A total of 3,901 residents voted on the 9 shortlisted names with a clear winner – Hove Beach Park.

Volks Railway – Has been awarded “Railway of the Year” at the Heritage Railway Association’s annual awards. The iconic Volk’s Electric Railway is the world’s oldest operating electric railway and a pioneer in sustainable transportation. It was selected for the award in a field of over 200 heritage railways across the UK. The railway celebrated its 140th Anniversary last August. The recognition itself reflects the dedication to providing eco-friendly and efficient transport while also preserving the rich history embedded in its rails. The railway has continually adapted to modern standards while maintaining its vintage charm, making it a standout contender for the award.

New beach chalets

We have our first tenant for the new chalets at Saltdean. The 14 chalets, in seven double units, are located on the Undercliff Walk directly to the west of the Saltdean subway. They are different in design from the existing brick and concrete chalets. The turquoise and white chalets are made from a modern hardwearing composite material, suitable for a marine environment, and will all have access to water and electricity. The new units bring the total number of beach chalets available across Hove, Rottingdean, Maderia Drive, Ovingdean and Saltdean to 119.

53 CALL OVER

The following items were reserved for discussion:

- Item 57 Creative Destination Strategy
- Item 58 Remembrance Planning Committee Funding
- Item 59 Integration of Local Enterprise Partnership Functions
- Item 60 Hangleton & Knoll – Re-Designation of Neighbourhood Forum

54 ITEMS REFERRED FROM COUNCIL

There were none.

55 PUBLIC INVOLVEMENT

There were none.

56 MEMBER INVOLVEMENT

56.1 Councillor Hill asked a rephrased version of the question found on page 15 of the Agenda:

Can I have it confirmed that the report based on my letter will be brought to the next Committee, and will that report contain provisions to our schools about their infrastructure needs?

56.2 The Chair responded 'Yes' to the question.

57 CREATIVE DESTINATION STRATEGY

57.1 The Chair invited Marie Tulley-Rose to introduce the report starting on page 17 of the Agenda.

57.2 Councillors McGregor, Stevens, Bagaeen, Hill, Goddard, and Miller raised queries about future planning, wealth creation, the visitor economy strategy, the outdoor events strategy, consultancy costs, the night time economy, businesses, careers, investment, and a business prospectus for the city.

57.3 A vote was taken on the recommendations and was passed by 9 to 1 abstention from Councillor Hill.

RESOLVED:

That Committee:

1. Agreed to the development of a new Creative Destination Vision & Strategy.
2. Agreed the proposed approach and indicative timescales to develop the new Creative Destination Vision & Strategy and notes that the final draft strategy will be reported to committee for approval.

58 REMEMBRANCE PLANNING COMMITTEE FUNDING

58.1 The Chair invited Ian Baird to introduce the report starting on page 23 of the Agenda.

58.2 Councillors Hill, Goddard, Cattell, Bagaeen, and Grimshaw raised queries regarding deputations, and the benefits of remembrance events.

RESOLVED:

That Committee:

1. Noted the increased costs associated with delivery of the Remembrance activities and;
2. Agreed to consider an increase to the annual Civic Office budget to support Remembrance Day activities at set out at paragraph 3.8.

59 INTEGRATION OF LOCAL ENTERPRISE PARTNERSHIP FUNCTIONS

59.1 The Chair invited Max Woodford to introduce the report starting on page 29 of the Agenda.

59.2 Councillors Robins, Goddard, Miller, Bagaean, McGregor, Stevens, and Hill raised queries about sustained investment, tiers of local government, financial impact, and talking the city up instead of down.

RESOLVED:

That Committee:

1. Noted the impending transfer of LEP functions to UTLAs and that this has the potential to support delivery of the Council's emerging Economic Strategy alongside business support, investment and growth activities.
2. Approved the approach outlined in this report for the integration of LEP functions within the Council's economic development service and within the business & intellectual property centre located at Jubilee Library.
3. Agreed to receive annual reports on integration and subsequent delivery of former LEP functions.
4. Delegated authority to the Executive Director Economy, Environment & Culture, following consultation with the Chair of this Committee, to complete the negotiation and integration process.
5. Delegated authority to the Executive Director Governance People and Resources to make the necessary changes to the Council's Constitution, including the Scheme of Delegations to Officers to reflect the recommendations in this report.

60 HANGLETON & KNOLL – RE-DESIGNATION OF NEIGHBOURHOOD FORUM

60.1 The Chair invited Robert Davidson to introduce the report found on page 39 of the Agenda.

60.2 Councillors Nann raised queries about the number and demographics of people responding to consultations, and was informed by the Legal advisor that a report would be going to the Strategy, Finance and City Regeneration Committee the following week to discuss a new portal for residents to engage with consultations.

60.3 Councillors Bagaean, Miller, Stevens, Grimshaw, Hill, and Goddard raised queries about using Hangleton Community Centre to better engage with residents, locality based working, and better engaging with residents.

RESOLVED:

1. That Committee approved the re-designation of the Hangleton & Knoll Neighbourhood Forum.

61 ITEMS REFERRED FOR FULL COUNCIL

Item 59 (Integration of Local Enterprise Partnership Functions) was referred to the next Full Council meeting.

The meeting concluded at 5.24pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 69

Subject: Petitions referred from Full Council

Date of meeting: 18 April 2024

Report of: Corporate Director of Corporate Services

Contact Officer:

Ward(s) affected: All

1. Purpose of the report and policy context

1.1 To receive petitions presented at the Full Council meeting held on the 28 March 2024.

2. Recommendations

2.1 That the committee responds to the petition either by noting it or where it is considered more appropriate, calls for an officer report on the matter.

3. Context and background information

3.1 To receive the following:

(1) Referendum to keep the King Alfred Leisure Centre on Hove Seafront

We the undersigned petition Brighton & Hove Council to Offer a public referendum on the future of the King Alfred Leisure Centre including the option of restoring the iconic King Alfred leisure centre in its current location to its full Art Deco glory with full indoor sports facilities, community facilities and a re-opening of the roof garden plus underground bowling alley and 450-space underground car park.

It is vital that the popular King Alfred leisure centre is given the chance to continue to serve its local seafront community in its original location without compromise. It is a 3-acre public asset built for the people of Hove 85 years ago, not a private building site. It is also a building of national maritime heritage importance, having provided naval training for 22,500 men and women during WWII. Full restoration would be the cheapest and Greenest option and generations of residents could continue to enjoy it. Residents have so far not been given a fair range of options re the 'redevelopment' of the King Alfred or a fair and unbiased consultation and many do not want a 'King Alfred' leisure centre moved to Hangleton, which is a completely separate community.

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 28 MARCH 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Davis, Evans, Fowler, Grimshaw, Meadows, McNair, Robins, Sankey, C Theobald, West, Wilkinson, Williams, Alexander, Allen, Asaduzzaman, Baghoth, Burden, Cattell, Czolak, Daniel, Earthey, Galvin, Goddard, Goldsmith, Helliwell, Hewitt, Hill, Hogan, Lyons, McGregor, McLeay, Miller, Muten, Nann, Oliveira, Pickett, Pumm, Robinson, Rowkins, Sheard, Simon, Stevens, Taylor, Thomson, Winder and Guilmant

PART ONE

21 TO RECEIVE PETITIONS AND E-PETITIONS.

- 21.1 The Mayor invited the submission of petitions from members of the public. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 21.2 Laura King presented a petition signed by 664 residents concerning the Referendum to keep the King Alfred Leisure Centre on Hove Seafront. She queried whether the current plan to build a King Alfred elsewhere had been subject to analysis of the quoted Green Book Approach or HM Treasury Value for money guidelines or measured against the Council's own pledges to promote health and well-being or stated carbon neutral goals. She stated that in a Facebook group straw poll over 95% of respondents had said they received no council leaflet informing them of the King Alfred Consultation. In another Facebook straw poll, 89% of respondents said they had found it difficult or impossible to sign the petition to keep the King Alfred on home Seafront on the council's own website. She requested the petition be extended on the Council website until the next full Council meeting on the 16 May 2024 due to website glitches and further that, full restoration and retrofit of the King Alfred needed to be an option in a new and meaningful consultation.
- 21.3 The Mayor thanked the lead petitioner and stated that the petition would be referred to the relevant decision making for consideration.

38 CLOSE OF MEETING

The meeting concluded at 10:25PM

Signed

Chair

Dated this

day of

2024

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 70 (b)

Subject: Member Questions

Date of meeting: 18 April 2024

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from Members
This Committee:

1) Councillor Fishleigh - CIL

The timetable for allocating CIL money in Ovingdean and West Saltdean has slipped. When will the process start please?

2) Councillor Fishleigh – 106 Money for Ovingdean, Rottingdean, and West Saltdean

A local consultation with residents and community groups resulted in a list of projects that we wanted the money to be spent on. This was submitted to BHCC who said they would honour it. However, repeated attempts to find out what has happened to this money have failed. Please would you provide an update to the table which was submitted to BHCC with timelines on when the money will be available.

3) Councillor Fishleigh – Black Rock

When will a RFP for Black Rock be issued? There is no need to reference The Temple or The Reading Rooms in your response.

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 71

Subject: Review of the Waste and Minerals Local Plan - Adopted of Revised Policies

Date of meeting: 18 April 2024 - Culture, Heritage, Sport, Tourism & Economic Development Committee

11 July 2024 - Council

Report of: Corporate Director – City Services

Contact Officer: Name: Steve Tremlett
Email: steve.tremlett@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report relates to the partial review of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan. Its primary purpose is to recommend adoption of the policies set out in the Revised Policies Document (RPD) that have been subject to the review. This follows the receipt of the Examination Inspectors' Report in April 2024 which concludes that, subject to modifications, the Revised Policies are sound.
- 1.2 Once adopted, the Revised Policies will supersede some of the policies in the existing adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and become part of the statutory development plan for the city.

2. Recommendations

That Culture, Heritage, Sport, Tourism & Economic Development Committee:

- 2.1 Notes the responses to the RPD Proposed Submission and Main Modifications consultations and the contents of the Inspectors' Report with their conclusion that the revised policies, as modified, are legally compliant and 'sound'.
- 2.2 Recommends to Council that the RPD be approved for adoption, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Interim Head of Planning agreeing any further minor non-material changes to the text with East Sussex County Council and the South Downs National Park Authority;

That Full Council:

- 2.3 Notes the responses to the RPD Proposed Submission and Main Modifications consultations and the contents of the Inspectors' Report with their conclusion that the revised policies, as modified, are legally compliant and 'sound'.
- 2.4 Approves adoption of the Revised Policies, incorporating the main modifications and minor modifications, as part of the Development Plan for the City, subject to the Interim Head of Planning agreeing any further minor non-material changes to the text with East Sussex County Council and the South Downs National Park Authority.

3. Context and background information

- 3.1 The council, together with its partner authorities East Sussex County Council and the South Downs National Park Authority has an adopted Waste and Minerals Local Plan (WMLP). This is comprised of two documents – the Waste and Minerals Plan (WMP, adopted 2013), and Waste and Minerals Sites Plan (WMSP, adopted 2017) which contain 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 need for this partial review stems from the conclusions of the examining Inspector of the Waste and Minerals Sites Plan in his report published in 2016, who concluded that a review of the minerals policies within the 2013 Waste & Minerals Plan 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 essential to facilitate construction and economic growth, including house-building.
- 3.3 A limited number of other policies within the WMLP that are considered out-of-date or require amendments to their wording to ensure their effectiveness have also been revised. The amendments do not change the overall strategy of the WMLP and there are no direct impacts on any sites within Brighton & Hove.
- 3.4 In summary the revisions to the adopted policies in the WMLP relate to:
- The supply and sustainable use of aggregate;
 - the safeguarding of minerals resources and minerals infrastructure;
 - adding a requirement for net-gain in biodiversity to the Environment and Environmental Enhancement policy;
 - updating the protected landscapes policy to include specific references to the High Weald Area of Outstanding Natural Beauty;
 - a site extension to facilitate the continued provision of specialist clay for making handmade tiles at the Aldershaw Tiles site near Hastings.
- 3.5 The Authorities have not allocated any new extraction sites for aggregates and instead will increasingly rely on sea, rail and road imports from marine and other land-won sources mainly received through the Ports of Shoreham,

Newhaven and Rye and at a rail head at North Quay in Newhaven, and sites producing recycled aggregate. 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 In October 2021 Council approved the RPD for publication consultation and subsequent submission to the Secretary of State for formal examination. Authorisation was also given to the Head of Planning to agree for public consultation any draft 'main modifications' to the RPD necessary to make it sound unless they represented a major shift in the policy approach.
- 3.7 Publication consultation took place in winter 2021/22. A summary of the responses received is included in Appendix 1. The RPD was subsequently submitted to the Secretary of State for public examination in May 2022, together with the representations received.
- 3.8 Examining Inspectors were appointed and examination hearings took place in November 2022. Following the hearing sessions, main modifications were agreed with the Inspectors for further consultation. These were not considered to represent a major shift in the policy approach and were therefore consulted on during October – December 2023 under the delegated powers authorised by Council in 2021. Responses received to the consultation on Modifications are included in Appendix 2.
- 3.9 The Inspectors have now considered the responses received to the Modifications Consultation and issued their report. The report concludes that the Revised Policies, as modified, are sound and legally compliant. The schedule of modifications to the Plan required by the Inspectors for it to be found sound are set out in Appendix 3. The Report has been published for public inspection and is available to view on the Council's website. A copy of the Inspector's Report is also included in Appendix 4.
- 3.10 In light of the Inspectors' conclusions the RPD may now be adopted by the three authorities. Approval by CHSTE Committee and full Council, as well as the partner authorities, is required before adoption can occur.
- 3.11 Adoption of the RPD will be considered by East Sussex County Council and the South Downs National Park Authority in due course. If the three Authorities adopt the RPD it will become part of the statutory Development Plan for the plan area and will be used in the determination of planning applications. A six-week period for legal challenge would then begin.

4. Analysis and consideration of alternative options

- 4.1 The RPD has been found to be sound and legally compliant subject to the main modifications required by the Inspectors. As provided by s23(4) of the Planning and Compulsory Purchase Act 2004 the council cannot adopt a Plan that is materially different from that recommended by the Planning Inspectors, and the council cannot choose to accept some of the modifications and not others. The only options available to the council at this

stage are to either adopt the Plan in its entirety, with all the modifications required by the Inspectors, or to not adopt the Plan at all.

5. Community engagement and consultation

5.1 The RPD has evolved through several stages of public consultation, as follows:

- Call for Evidence and Sites (Autumn 2017)
- Draft Revised Policies (Spring 2018)
- Proposed Submission (Winter 2021/22)
- Main Modifications Consultation (October – December 2023)

6. Conclusion

6.1 Progression of the RPD to a stage where it has been found sound, legally compliant and able to be adopted represents a considerable achievement.

6.2 Adoption will incorporate the Revised Policies into the city's development plan and ensure that planning application decisions for waste and minerals development are based on an up-to-date policy framework.

7. Financial implications

7.1 There are no direct financial implications from the recommendations of this report. Costs associated with the Main Modifications Consolutions are contained within existing revenue budgets of the City Development & Regeneration service.

Name of finance officer consulted: John Lack Date consulted: 2/2/24

8. Legal implications

8.1 The RPD has been found to be sound and legally compliant by the appointed Inspector, and in accordance with the terms of the Council's Constitution, the RPD must now go before firstly the CHSTD Committee for recommendation to full Council for adoption; this report achieves that. Once adopted the RPD will form part of the Development Plan for the City.

Name of lawyer consulted: Katie Kam Date consulted: 6/2/24:

9. Equalities implications

9.1 Waste and minerals developments can have impacts on communities, but these impacts generally do not have a disproportionate impact on people sharing any protected characteristic.

9.2 An Equality and Health Assessment has been produced to support the RPD. This concluded that overall the impact of the RPD on people with protected characteristics would be minimal.

10. Sustainability implications

- 10.1 A key requirement of the National Planning Policy Framework is to achieve sustainable development. A Sustainability Appraisal (SA), incorporating the requirements of Strategic Environmental Assessment (SEA) was produced to support the RPD and the proposed modifications. The Inspectors concluded that that the SA has adequately considered alternative options to meeting development needs.
- 10.2 The Revised Policies support a sustainable approach to the use of aggregate. In particular, Policy RM0 supports development proposals that minimise the quantities of aggregates used in construction and prioritise the use of recycled and secondary aggregate over virgin aggregate.

11. Other Implications

- 11.1 None directly relating to this report.

Supporting Documentation

1. Appendices

1. Summary of Responses to the Publication Consultation
2. Summary of Responses to the Main Modifications Consultation
3. Modifications to the Proposed Submission version of the RPD
4. Inspectors' Report

2. 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)

East Sussex, South Downs and Brighton & Hove
Waste and Minerals Plan

Waste and Minerals Local Plan Review
Draft Revised Policies Regulation 19 Consultation
9 October 2021 – 4 January 2022
Summary of Responses

May 2022



Version: 0513.3

Date: 2022-05-13

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Appendix A: List of Representations with links 31

About this Document

This is the Summary of Representations to the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review Revised Policies Proposed Submission Consultation 2021. The consultation ran for 9 weeks and 4 days between 29 October 2021 and 4 January 2022. The consultation was run in accordance with Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended), and with the Statements of Community Involvement of East Sussex County Council, the South Downs National Park Authority and Brighton & Hove City Council.

Further information regarding the consultation, including a list of deposit points used can be found in the Consultation Notice [R-RS03].

This document sets out the Authorities' summary of the representations received. It is broken down by topic, with a table detailing each issue raised. The table contains four columns:

For full details of each representation please see the table in Appendix A. To protect privacy, email addresses and telephone numbers have been redacted. Further information about the consultation can be found in the Consultation Statement. The Authorities response is also detailed in this Schedule.

- Respondent - This is the name of the respondent(s) that raised the issue detailed under the Summary column. The respondent ID is in square brackets after their name e.g. [51].
- Summary - A summary of the issue raised.
- Proposed Alterations - If the respondent(s) submitted any proposed alterations that would overcome the issue raised within their representation.
- Authorities' Comments - The Authorities' initial comments in relation to the issue(s) raised. Where alterations are proposed in response to the issue raised, a note indicating *modifications are proposed* will appear, (the exact text may vary, but will be highlighted in *blue* so that they may be easily identified). The proposed modifications themselves can be found in the "R-PM01 Proposed Modifications" document.

Summary of Consultation

A total of 36 representations were received from 34 respondents. All representations, except for R4-077 (Natural England), were submitted during the consultation period. Natural England notified the Authorities in advance that their representation was likely to be submitted after the 4 January deadline. R4-077 was submitted on 5 January 2022 and is included in this summary. Most of the representations submitted contained names and addresses. Those representations that did not supply an address were all submitted electronically on behalf of organisations, which can be adequately identified from the name of the organisation and publicly known addresses.

List of Respondents

Please note,

1. the representations for this consultation start at representation 37, and end at 85, and are not always consecutive; and
2. In the columns for ‘Legally Compliant?’, ‘Duty to Co-operate Compliant?’, and ‘Sound’, Y = Yes, N = No, - = Did not specify. Only where a representation explicitly stated a view on the legal compliance, compliance with the Duty to Co-operate or Soundness of the Plan, were these recorded as Yes or No. Otherwise it was marked as ‘Did not specify’.

Ordered by Representation ID

ID	Name	Organisation	Legally Compliant?	Duty to Co-operate Compliant?	Sound?
R4-37	James Webster	Wealden District Council	Y	Y	Y
R4-39	Holly Goring	Uckfield Town Council	Y	Y	Y
R4-41	James Webster	Wealden District Council	Y	Y	Y
R4-44	Revai Kinsella	Pevensey and Cuckmere Water Level Management Board	-	-	-
R4-50	Kevin Perkins	Wienerberger Limited	Y	Y	Y
R4-52	David Payne	Mineral Products Association	Y	-	N
R4-56	Spatial Planning	Ashford Borough Council	-	-	-
R4-57	Richard Ford	Brett Group	-	-	N
R4-58	Helen Hudson	CEMEX UK Operations Limited	-	-	-
R4-59	Deb Roberts	The Coal Authority	-	-	-
R4-60	Rob Haigh	Coventry City Council	-	-	-
R4-61	Stephen Hardy	CPRE Sussex	N	-	N
R4-62	Phil Aust.	Day Group Ltd.	-	-	N
R4-63	Marguerite Oxley	Environment Agency	-	-	-
R4-64	Neil Griffin	East Sussex County Council	Y	-	Y
R4-65	Amanda Purdye	Gatwick Airport	-	-	-
R4-66	Lorraine Brooks	Gloucestershire County Council	-	-	-
R4-67	Vanessa Rowell	Greater Manchester Authorities	-	-	-
R4-68	Kevin Kingston	Clerk to Hamsey Parish Council	-	-	-
R4-69	Alan Byrne	Historic England	-	-	-
R4-70	Simon C Ingram	Ibstock Bricks	-	-	N

R4-71	Sharon Thompson	Kent County Council	-	-	-
R4-72	Emily O'Brien	Lewes District Green Party	-	-	N
R4-73	Sidonie Kenward	Marine Management Organisation	-	-	-
R4-74	David Payne	Mineral Products Association	-	-	N
R4-75	Matt Verlander	National Grid Electricity Transmission plc (NGET)	-	-	-
R4-76	Kevin Bown	National Highways	-	-	-
R4-77	Tom Scott- Heagerty	Natural England	N	-	N
R4-78	Ewan Coke	London Borough of Redbridge	-	-	-
R4-79	Jeff Pyrah	Rother District Council	Y	Y	N
R4-80	Charlotte Mayall	Southern Water	-	-	-
R4-81	Ibrahim Mustafa	Surrey County Council	-	-	-
R4-82	Jess Price	Sussex Wildlife Trust	-	-	N
R4-83	Sarah Little	Tandridge District Council	-	-	-
R4-84	Fiona Hensher	Heathfield and Waldron Parish Council	-	-	Y
R4-85	Rupy Sandhu	West Sussex County Council	Y	Y	N

Ordered by Organisation (Alphabetically)

ID	Name	Organisation	Legally Compliant?	Duty to Co-operate Compliant?	Sound?
R4-56	Spatial Planning	Ashford Borough Council	-	-	-
R4-57	Richard Ford	Brett Group	-	-	N
R4-58	Helen Hudson	CEMEX UK Operations Limited	-	-	-
R4-68	Kevin Kingston	Clerk to Hamsey Parish Council	-	-	-
R4-60	Rob Haigh	Coventry City Council	-	-	-
R4-61	Stephen Hardy	CPRE Sussex	N	-	N
R4-62	Phil Aust.	Day Group Ltd.	-	-	N
R4-64	Neil Griffin	East Sussex County Council	Y	-	Y
R4-63	Marguerite Oxley	Environment Agency	-	-	-
R4-65	Amanda Purdye	Gatwick Airport	-	-	-
R4-66	Lorraine Brooks	Gloucestershire County Council	-	-	-
R4-67	Vanessa Rowell	Greater Manchester Authorities	-	-	-
R4-84	Fiona Hensher	Heathfield and Waldron Parish Council	-	-	Y
R4-69	Alan Byrne	Historic England	-	-	-
R4-70	Simon C Ingram	Ibstock Bricks	-	-	N
R4-71	Sharon Thompson	Kent County Council	-	-	-
R4-72	Emily O'Brien	Lewes District Green Party	-	-	N
R4-78	Ewan Coke	London Borough of Redbridge	-	-	-
R4-73	Sidonie Kenward	Marine Management Organisation	-	-	-
R4-52	David Payne	Mineral Products Association	Y	-	N
R4-74	David Payne	Mineral Products Association	-	-	N
R4-75	Matt Verlander	National Grid Electricity Transmission plc (NGET)	-	-	-
R4-76	Kevin Bown	National Highways	-	-	-
R4-77	Tom Scott-Heagerty	Natural England	N	-	N
R4-44	Revai Kinsella	Pevensey and Cuckmere Water Level Management Board	-	-	-
R4-79	Jeff Pyrah	Rother District Council	Y	Y	N
R4-80	Charlotte Mayall	Southern Water	-	-	-

R4-81	Ibrahim Mustafa	Surrey County Council	-	-	-
R4-82	Jess Price	Sussex Wildlife Trust	-	-	N
R4-83	Sarah Little	Tandridge District Council	-	-	-
R4-59	Deb Roberts	The Coal Authority	-	-	-
R4-39	Holly Goring	Uckfield Town Council	Y	Y	Y
R4-37	James Webster	Wealden District Council	Y	Y	Y
R4-41	James Webster	Wealden District Council	Y	Y	Y
R4-85	Rupy Sandhu	West Sussex County Council	Y	Y	N
R4-50	Kevin Perkins	Wienerberger Limited	Y	Y	Y

Summary of Responses

1. Introduction - Plan Period

Respondent	Summary	Proposed Alterations	Authorities' Comments
Kent County Council [71]	Plan Period queried.	N/A	The Plan period as set out in the plan is between 2019-2034 inclusive (15 years). The Authorities did not update the plan period between the Draft and Proposed Submission version of the Plan. The Authorities would consider updating the plan period if the Inspector was so minded. Please refer to the Memorandum of Understanding between the Authorities and Kent County Council for more information.

3. Context - Paragraph 3.4

Respondent	Summary	Proposed Alterations	Authorities' Comments
Sussex Wildlife Trust [82]	Mitigating and adapting to climate change is a core purpose of plan making as set out in paragraph 11a and 20 of the NPPF. We support the Authorities' commitment to review the whole plan in the context of climate change and the Environment Act. Given the urgency of the Government's commitments to net zero and the current requirements of the NPPF, this review must be prioritised.	Section should be amended to include a timeline for the review. Without this, we do not believe the plan is consistent with national policy.	Following adoption of the RPD the Authorities will publish updated Local / Minerals and Waste Development Schemes, which will set out the timeline for review. Planning Authorities are required to ensure that their Local Plans are kept up to date as set out in the NPPF.

3. Context - Paragraph 3.7

Respondent	Summary	Proposed Alterations	Authorities' Comments
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Sussex Wildlife Trust [82]	Factual correction	This section should be amended to reflect that the Environment Act is now enacted.	<i>Alteration to supporting text proposed.</i>
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4. RV1 - Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	It is unclear whether Policy RV1 is consistent with paragraphs 176 and 177 of the NPPF (July 2021) and footnote 60.	N/A	The policy wording is considered to be consistent with national policy and legislation.
Natural England [77]	Natural England supports the updates to policy RV1 and believes the policy is legally compliant, however, we do not consider the policy to be sound	Specific alterations to wording proposed.	The policy wording is considered to be consistent with national policy and legislation.
CPRE Sussex [61]	Policy RV1 provides inadequate protection to the SNDP and High Weald AONB.	Specific alterations to wording proposed.	The policy wording is considered to be consistent with national policy and legislation.
Clerk to Hamsey Parish Council [68]	Welcomes the increased protection of the National Park from the adverse consequences of minerals development	N/A	Noted.

5. RW1 - Sustainable Locations for Waste Development (excluding land disposal)

Respondent	Summary	Proposed Alterations	Authorities' Comments
National Highways [76]	Each application will still need to assess the SRN [Strategic Road Network] impacts.	N/A	Policy WMP26 Traffic Impacts is the adopted development management policy in relation to traffic impacts. This is considered in all relevant applications.

CPRE Sussex [61]	Issue not directly specified, inferred from proposed alterations: respondent wishes a catchment area criteria included and waste management development should not be adjacent to any residential buildings.	Specific alterations to wording proposed.	Catchment area restrictions are considered not to be consistent with current national policy. See appeal decision 12/0008/STMAJW (Javelin Park, Gloucestershire), paragraph 1070 for further information.
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6. RM0 - Sustainable Use of Aggregates

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	Concerned that there is an over reliance on secondary, recycled, and marine aggregates as a suitable substitute to primary land won aggregate.	N/A	Policy RM0 is a positive policy, which seeks that material is used sustainably. It does not place reliance on any single stream. See RM1 for comments re land-won provision.
Mineral Products Association [52]	Recycled aggregates are not always a suitable alternative for primary aggregate; policy not appropriate as strategy relies on imports; policy ineffective owing to lack of negative clause, i.e., "development will not be permitted unless...", and such a statement would not be consistent with national policy.	Deletion of RM0	This is positive policy that sets the direction of travel, whilst also acknowledging the level of uncertainty involved in the implementation of new methods. It is anticipated stronger policies will be developed in partnership with D&Bs and through the review of the Brighton & Hove City Plan in respect of the circular economy of which the policy supports.
Sussex Wildlife Trust [82]	Support for Policy	N/A	Noted
Lewes District Green Party [72]	Welcome the introduction of a new focus on recycling and reuse of aggregates, and on circular economy	N/A	Noted.
Clerk to Hamsey Parish Council [68]	Welcomes encouragement for sustainable use of aggregates. This should be enforced at the point of use, and not left as warm words.	N/A	The selection of materials to be used in any given construction project is a complex topic. Policy RM0 states that the MWPA will work with the district and borough councils in East Sussex to help them develop circular economy

			policies. This should help ensure the most sustainable use of all materials.
Clerk to Hamsey Parish Council [68]	Welcomes the proposed emphasis on prioritising recycled and secondary aggregates over primary materials where possible. The Parish Council would expect support for enforceable policies in Lewes DC and SDNPA Local Plans that all new development should be required to evidence maximum recycled/secondary minerals use for all construction projects.	N/A	The Plan promotes a reduction in the use of aggregates followed by the use of recycled aggregates ahead of primary aggregates. Proposals will need to show how they have met this requirement.

6. RM1 - Provision of Aggregates

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	Arguments for special case need to be updated.	Update the arguments and justification to the "Special Case" and to assess the environmental impacts of the strategy proposed.	The Plan area has a land-won aggregate situation which has long been recognised as a "special case". Lydd quarry is the only active sharp sand and gravel site in the Plan Area and previous extraction has taken place in the adjoining county. The only other land-won soft sand site has been inactive for a number of years. It has therefore not been possible to use past sales data and a corresponding landbank as indicators, and it is consequently not appropriate to base future provision on the NPPF criteria in this case. The Authorities have taken the advice of Natural England regarding the potential impact of extracting aggregates from the extension site (promoted by the operators) and considered the proposal in the context of the NPPF. The Authorities consider that mineral working at this site could not be supported due to the irreversible

			significant harm it would cause to the interests of the designated areas. As alternative sources of material exist which can supply the Plan Area, and as these have lesser environmental effects, the Authorities are satisfied that there are no overriding reasons why an allocation for aggregate working at this site should be included in the Plan. <i>Additional wording added to supporting text clarifying the position.</i>
West Sussex County Council [85]	Concerns regarding: the implications of double counting demand and capacity; how the Policy will be monitored; and the impacts that Policy RM1 may have on the West Sussex LAA and Plan Area in future.	WSSC would like to ensure that any implications of Policy RM1 are clear for the WSSC Plan area and JMLP, possibly through additional supporting text to the Policy or through the deletion of specific numbers in the Policy itself.	Noted. <i>Supporting text to be amended</i> to explain the position regarding capacity at Shoreham Port.
CEMEX UK Operations Limited [58]	Demand is 0.15mtpa. However, this demand is the annual supply limited by, unallocated aggregate resources, a dormant soft sand site, and Lydd quarry which could potentially expand and which exports 50% of its material.	N/A	The Authorities consider that the environmental constraints in the Lydd area are overriding and there are no options for land won in the Plan Area.
Kent County Council [71]	Impact on neighbouring Mineral Planning Authorities	N/A	Agreements on cross boundary movements are set out in Statements of Common Ground with proximate Authorities.
Brett Group [57]	Include previously identified resources at Lydd quarry	Include previously identified resources at Lydd quarry	The Authorities have taken the advice of Natural England regarding the potential impact of extracting aggregates from the extension site (promoted by the operators) and considered the proposal in the context of the NPPF. The Authorities consider that mineral working at this site could not be supported due to the significant harm it would cause to the interests of the designated areas. As alternative

			sources of material exist which can supply the Plan area, and as these have lesser environmental effects, the Authorities are satisfied that there are no overriding reasons why an allocation for aggregate working at this site should be included in the Plan.
CEMEX UK Operations Limited [58]	Increased supply of marine won material will require change to land area and operations.	N/A	Unused permitted import infrastructure capacity exists. Existing/potential wharves are safeguarded and RM1 supports new wharf import infrastructure.
Kent County Council [71]	Querying whether Kent importation capacity is relied upon. Queries which infrastructure is being referred to in supplying the east of the Plan area.	N/A	Mineral import levels at Rye Port are currently below the maximum capacity existing at the wharf. Some aggregate material is imported to the Plan Area from Kent, and it is anticipated that this will continue. Agreements on cross boundary movements and associated infrastructure is set out in a Statement of Common ground with proximate Authorities. In relation to importation, please also refer to the Memorandum of Understanding between the Authorities and Kent County Council for more information.
CEMEX UK Operations Limited [58]	Not clear that this plan review can meet the requirements of the NPPF paragraphs 210 and 213 in terms of a steady and adequate supply of aggregates and a minimum seven-year land bank.	N/A	The Authorities are unable to use past sales figures to estimate demand and have therefore used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which is a "special case" due to its unique set of circumstances.
Clerk to Hamsey Parish Council [68]	Notes that no new minerals resources have been identified in the Review, and that consequently more material will	N/A	Noted.

	<p>need to be transported into and across the County to meet demand. The parish suffers from significant adverse impacts (noise, pollution/air quality, congestion, accident risk) from the A275, which is also at capacity in Lewes at the prison crossroads and would be concerned if more minerals are transported by road along this route. The parish, and Cooksbridge in particular, also suffer from significant disruption (noise at anti-social hours, vibration affecting property structures) from heavy freight traffic by rail on the Lewes-Haywards Heath Line and would be strongly opposed to any exacerbation of this disturbance.</p>		
Mineral Products Association [52]	<p>Plan does not include land-won provision for sand and gravel in the Plan Area. Does not accurately estimate demand. Relying on large increase in MDA and failing to provide land-won is unsound.</p>	N/A	<p>The Plan area has a land-won aggregate situation which has long been recognised as a "special case". Lydd quarry is the only active sharp sand and gravel site in the Plan Area and previous extraction has taken place in the adjoining county. The only other land-won soft sand site has been inactive for a number of years. It has therefore not been possible to use past sales data and a corresponding landbank as indicators, and it is consequently not appropriate to base future provision on the NPPF criteria in this case.</p>
Mineral Products Association [52]	<p>Lydd Quarry Extension should be allocated.</p>	<p>Lydd Quarry Extension should be allocated.</p>	<p>The Authorities have taken the advice of Natural England regarding the potential impact of extracting aggregates from the extension site (promoted by the operators) and considered the proposal in the context of the NPPF. The Authorities consider that mineral working at this site could not be supported due to the significant</p>

			harm it would cause to the interests of the designated areas. As alternative sources of material exist which can supply the Plan Area, and as these have lesser environmental effects, the Authorities are satisfied that there are no overriding reasons why an allocation for aggregate working at this site should be included in the Plan.
Mineral Products Association [52]	RM1 terminology confusing - should make provision for steady and adequate supply of aggregates and not infer that these are for consumption in the Plan area.	RM1 terminology confusing - should make provision for steady and adequate supply of aggregates and not infer that these are for consumption in the Plan area.	<i>Modification proposed</i> to policy text of RM1.
Mineral Products Association [52]	Disagree with treatment of sales from Lydd quarry being 50% exports to Kent and impact on the LAA rate. Not providing 7-year landbank.	N/A	Lydd quarry sales position is set out in the LAA.
Mineral Products Association [52]	Further imports at Rye Harbour does not take account of constraints at Rye.	N/A	Unused permitted import infrastructure capacity exists at Rye Port.
Wienerberger Limited [50]	Respondent's brickmaking business sources materials from Lydd Quarry. Without an extension at Lydd Quarry material would have to be sourced from further afield.	Lydd Quarry Extension should be allocated.	It is considered that alternative sands can perform the same technical tasks as Lydd sands. An extension of Lydd quarry for this purpose is therefore not required.
Brett Group [57]	There is a shortfall in supply / demand inaccurately calculated: (a) ESCC's calculations shows that proposed housing alone takes up the full mineral allocation in the Plan.	N/A	The accepted method of calculating aggregates provision and identifying supply is set out in the NPPF (para. 213) and is implemented via the preparation of a LAA and Minerals Local Plan which includes a monitoring regime. The Authorities are unable to use past sales figures to estimate demand and have therefore used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand

			for the Plan area which is considered a "special case" due to its unique set of circumstances.
Brett Group [57]	There is a shortfall in supply / demand inaccurately calculated: (b) East Sussex cannot rely on neighbouring counties.	N/A	The Authorities have using local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which is a "special case" due to its unique set of circumstances. The Authorities have agreed statements of common ground with their proximate neighbours to ensure there are no known barriers to supply.
Brett Group [57]	There is a shortfall in supply / demand inaccurately calculated: Consequences being material sourced from elsewhere and associated environmental impacts.	N/A	Demand has been estimated used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which given its "special case" has a unique set of circumstances. Alternative sources of material exist which can supply the Plan Area with lesser environmental effects. In terms of continuing supply to the existing market areas, the Fishers wharf development at Newhaven could provide for the western side of the Plan Area, and any market variations to the east could be compensated for by, for example, further imports using existing capacity at Rye Harbour as well as from Kent. The exact effect on haulage distances as a result of such changes is unknown. However, the new Fishers Wharf facility at Newhaven will be using a low emissions HGV fleet. In addition, the Plan strategy prioritises the use of recycled aggregates which has the

			potential to further offset CO2 emissions.
Day Group Ltd. [62]	Under provision of aggregates. BGS Consumption figure not considered. Demand is above calculated provision.	N/A	The accepted method of calculating aggregates provision and identifying supply is set out in the NPPF (para. 213) and is implemented via the preparation of a LAA and Minerals Local Plan which includes a monitoring regime. The Authorities are unable to use past sales figures to estimate demand and have therefore used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which is a "special case" due to its unique set of circumstances. Consumption figures are not an appropriate indicator of demand for aggregates.

6. RM2 - Provision for an additional extraction area at Aldershaw Farm

Respondent	Summary	Proposed Alterations	Authorities' Comments
National Highways [76]	Emphasise the importance that any development of this site should not impact on the operation of the services, or safe operation of the [Strategic Road Network] SRN.	RM2 should be amended to include a requirement for a Transport Assessment and Site Management Plan to be prepared as part of any Planning Application for the proposed extension, and for National Highways to be consulted prior to the application being submitted	Transport Assessments and other related documents are included on the local validation list and submission would be required at application stage. With specific reference to the Aldershaw Tiles site <i>a modification is proposed</i> to include reference to the documents in supporting text.
Natural England [77]	Natural England supports the updates to policy RM2; however, we do not consider the policy to be sound or legally compliant in its current form.	Specific alterations to wording proposed.	The Authorities accept that suggested alteration to ensure Natural England are consulted on details submitted. <i>Modification proposed</i> : alteration accepted.

Sussex Wildlife Trust [82]	The new policy wording is not sound as it is not consistent with the NPPF or Natural England Standing Advice on Ancient Woodland. The wording is too passive, only requiring assessments, not making clear that the assessments should demonstrate that impacts on biodiversity have been avoided and that the Local Wildlife Site is safeguarded.	Specific alterations to wording proposed.	<i>Modifications to the wording are proposed.</i>
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6. RM3 - Safeguarding Mineral Resources

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	General support.	N/A	Noted.
Natural England [77]	Natural England strongly supports the updates to policy RM3 and considers the policy to be legally compliant and sound in its current form.	N/A	Noted.
Mineral Products Association [52]	Policy RM3 does not provide safeguarding, or identify comprehensive MSAs, for sharp sand and gravel resources.	Mineral Safeguarding Area for sharp sand and gravel resources should be delineated in the Policies Map.	The Safeguarding Resource Topic Paper sets out the viability of sharp sand and gravel resources in the Plan Area. Most of the sharp sand and gravel resource in the Plan Area is overlain by stringent environmental constraints which effectively reduce the potential for surface development. The remaining unconstrained resources are very small and being located along river corridors are unlikely to be on land suitable for future development. Therefore, sharp sand and gravel resources are not safeguarded.
Kent County Council [71]	Safeguarding of sharp sand and gravel.	N/A	The Safeguarding Resource Topic Paper sets out the viability of sharp sand and gravel resources in the Plan Area. Most of the sharp sand and gravel resource in the Plan Area is overlain by stringent

			environmental constraints which effectively reduce the potential for surface development. The remaining unconstrained resources are very small and being located along river corridors are unlikely to be on land suitable for future development. Therefore, sharp sand and gravel resources are not safeguarded.
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6. RM5 - Safeguarding Minerals Infrastructure

Respondent	Summary	Proposed Alterations	Authorities' Comments
Lewes District Green Party [72]	Object to the fourth paragraph of RM5	Whilst Newhaven is a port, this is not the same as an industrial estate and the confusion between the two has already caused untold harm to our community's confidence in the planning system. The difference should be clarified in this document not further blurred.	Newhaven Port is strategically important for meeting the local and regional supply for aggregates. The capacity for landing, processing, handling, and storage of minerals at the wharves is safeguarded and protected from incompatible development. This approach is set out within the RPD.
Lewes District Green Party [72]	Object to the third paragraph of policy RM5 in relation to Newhaven - this should be taken out. [...]. Newhaven has a wharf and railhead which is understandably protected for minerals use. However, that wharf and railhead are surrounded by an area which is an enterprise zone, earmarked for regeneration and the focus for renewable for this deprived coastal community. This policy seeks to extend minerals safeguarding in an unacceptable - and unclear - way. The 3rd paragraph of this policy concerns an unspecified and unclear area around the safeguarded area and could be used as a means to thwart plans which are key to the area's regeneration.	Removal of third paragraph of Policy RM5. For ease of reference, the third paragraph reads: "Proposals for non-minerals related uses within the vicinity of an infrastructure site should be designed to minimise the potential for conflicts of use and disturbance in accordance with the Agent of Change principle. Proposals for incompatible non-minerals development should not be permitted."	Newhaven has key strategic minerals infrastructure sites many of which have long leases. The Enterprise Zone has recognised that there may be a need for policy changes.

Lewes District Green Party [72]	Responses [referring to R-SoRD20] also fails to acknowledge that there were approx. 350 additional public responses to the consultation which supported the deletion or amendment of policy RM5.	N/A	The petition is included as 'Shuster et al' in the R-SoRD-20 document.
Lewes District Green Party [72]	RM5 does not adequately balance the needs of environment, economy and community as required by national policy. The waste and aggregates uses in Newhaven are in close proximity to residential and even hotel developments and form part of a regeneration area which is likely to lead to further mixed-use developments. It would not be sound to put a blanket ban, as proposed by this policy, on these alternative uses for an unspecified area around.	N/A	RM5 requires Minerals Infrastructure Assessments to be submitted to demonstrate how any proposed non-minerals development could co-exist without detriment to the safeguarded minerals sites. The Policy does not propose a blanket ban.
Lewes District Green Party [72]	Summary of consultation responses to the previous consultation has not included any reference at all to our detailed objection to RM5, which we repeat below for convenience, although other responses to RM5 are quoted.	N/A	The Authorities apologise for this unintended omission.
Lewes District Green Party [72]	The wording is unclear using terms like 'in the vicinity of' - it is not clear how this will be applied in practice	N/A	The impacts of non-minerals development which could be incompatible with safeguarded minerals infrastructure sites would be assessed on a case-by-case basis.
West Sussex County Council [85]	WSSCC considers that the Policies Map is not sound, as it is not effective. NPPF (paragraph 210e) and Draft Policy RM5 set out that existing, planned, and potential wharf capacity should be safeguarded. Paragraph 6.51 of the Revised Policies Consultation document sets out that the sites to be safeguarded are listed in the Policies	The Policies Maps should include Halls Wharf, Shoreham, to ensure that the site is safeguarded by both the East Sussex Plan and West Sussex Plan.	Wharf capacity within the part of Shoreham Port falling within Brighton & Hove is safeguarded in its entirety. <i>However, amendment to policies map will be made to clarify the situation.</i>

	Maps. The Policies Maps exclude Halls Wharf.		
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6. RM6 - Safeguarding facilities for concrete batching (etc.)

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Clay products manufacture should be included in infrastructure policies.	Specific alterations to wording proposed.	RM3 covers minerals operations. <i>Modification proposed</i> to the wording of RM6 and supporting text to cover instances where quarrying is not occurring.

6. RM7 - Minerals Consultation Areas

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Clarification to policy required.	Specific alterations to wording proposed.	<i>Alteration proposed</i> to clarify 'small scale infill development'.
Ibstock Bricks [70]	General support.	N/A	Noted.

7. RD1 - Environment and Environmental Enhancement - Paragraph 7.6

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Natural England support the use of the latest biodiversity net-gain best practice. We recommend that the latest Biodiversity Metric Tool publish by Natural England is also utilised for any proposals	N/A	Noted.

7. RD1 - Environment and Environmental Enhancement - Paragraph 7.7

Respondent	Summary	Proposed Alterations	Authorities' Comments
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Natural England [77]	Natural England supports the updates to policy RD1 and supporting text however, we do not consider paragraph 7.7 to be sound.	Specific alterations to wording proposed.	Proposed alterations noted and incorporated into <i>proposed modifications</i> .
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7. RD1 - Environment and Environmental Enhancement - Paragraph 7.10

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Supporting comment - Natural England supports the alteration of supporting text in relation to Habitats Regulation Assessments	N/A	Noted.

7. RD1 - Environment and Environmental Enhancement

Respondent	Summary	Proposed Alterations	Authorities' Comments
CPRE Sussex [61]	"Designated sites" as used in RD1 appears to be an undefined term (it is not used in the NPPF).	Please define or change.	Designated sites area listed in Appendix 2, as indicated in the same sentence.
Sussex Wildlife Trust [82]	Concerned that it does not include a general requirement to protect and enhance biodiversity as required by Chapter 15 of the NPPF. Concerned that the policy is ambiguous in terms of the mitigation hierarchy and feel it should be more clearly written in line with paragraph 16 of the NPPF.	Specific alterations to wording proposed.	Paragraph 7.6 sets out that Applicants are expected to follow the latest biodiversity net-gain best practice, which includes reference to the mitigation hierarchy. Paragraph 7.9 refers back to the NPPF. The first part of the policy is statement of the outcomes desired, whilst the second half sets out when development would be unacceptable, the mitigation hierarchy is implicit in both.
Sussex Wildlife Trust [82]	Given that the Environment Act is now in place, we believe the policy should also be more prescriptive in requiring a minimum of 10% net gain as required by	Specific alterations to wording proposed.	Schedule 14 of the Environment Act (which contains the 10% requirement) is yet to be commenced and is currently not in effect. Once commenced it will be a legal requirement and will be

	the Act. We believe criterion b) should be amended.		required, <i>additional supporting text proposed</i> to highlight status of Environment Act. Policy RD1 is written to comply with current and future policy in that respect. The policy is worded so that in the event of an update to the NPPF or best practice it remains effective. Paragraph 16 f) of the NPPF states that plans should avoid unnecessary duplication of policies that apply to a particular area (including policies in this Framework).
Natural England [77]	Natural England supports the updates to policy RD1; however, we do not consider the policy to be sound or legally compliant in its current form: Natural England note that the policy does not appear to fully reflect the requirements of Paragraph 180 of the NPPF in relation to nationally designated sites. The policy should better reflect the full requirements of the NPPF in relation to SSSIs.	Specific alterations to wording proposed.	NE proposes that text should be altered to mirror the NPPF. RD1 as written is designed to be more flexible and accommodate future updates to the NPPF. The test of "significant adverse impacts" is elaborated on in paragraph 7.9, which loops back to the NPPF. In the event the NPPF is updated, the policy will remain sound and effective. Paragraph 16 f) of the NPPF states that plans should avoid unnecessary duplication of policies that apply to a particular area (including policies in this Framework).
Natural England [77]	Natural England supports the updates to policy RD1; however, we do not consider the policy to be sound or legally compliant in its current form: We note that the Environment Act will now require proposals to achieve a minimum of 10% net gain in biodiversity and enhancements. We recommend that this minimum requirement is included within Policy RD1 or within its footnotes as this will make the plan sound by ensuring that it complies with national requirements.	Specific alterations to wording proposed.	Schedule 14 of the Environment Act (which contains the 10% requirement) is yet to be commenced and is currently not in effect. Once commenced it will be a legal requirement and will be required, <i>additional supporting text proposed</i> to highlight status of Environment Act. Policy RD1 is written to comply with current and future policy in that respect. The policy is worded so that in the event of an update to the NPPF or best practice it remains effective. Paragraph 16 f) of the NPPF states that plans should avoid

			unnecessary duplication of policies that apply to a particular area (including policies in this Framework).
CPRE Sussex [61]	Policy RD1 should be expanded in the light of the climate emergency.	Specific alterations to wording proposed.	Climate change to be subject of future review. Proposed alteration extends scope of RD1 beyond original scope of policy. No alterations proposed.
Pevensey and Cuckmere Water Level Management Board [44]	Recognition of Pevensey Levels SSSI and current associated drainage issues.	Supporting text should be altered to ensure that development managers consider the SSSI Impact Risk Zones and the impact of discharge into the drainage features that are hydrologically linked to the Pevensey Levels SSSI.	Correspondence has been exchanged with the Pevensey and Cuckmere Water Level Management Board. <i>Additional supporting text proposed.</i>
Clerk to Hamsey Parish Council [68]	Sceptical about the concept of biodiversity net gain but supports the maximum delivery of compensatory biodiversity were development causes biodiversity loss. Such gain should be positively enforced via legal agreements, rather than through planning conditions, which the Parish Council considers to be weak and ineffective.	N/A	Noted.
Historic England [69]	Support for historic designation protections.	N/A	Noted.
East Sussex County Council - County Archaeology [64]	Support for Policy	N/A	Noted.
Sussex Wildlife Trust [82]	SWT is concerned that the requirement to safeguard locally designated sites in paragraph 179 of the NPPF is not sufficiently reflected in section 7. Paragraph 013 of the Natural Environment Planning Practice Guidance (Ref 8-013-20190721) makes clear that in order to safeguard locally	Specific alterations to wording proposed.	Paragraph 7.4 highlights that there is a hierarchy of environmental designations, the protection afforded to the different designations is summarised in the NPPF. For clarity, the alteration submitted is being proposed for inclusion within the <i>Proposed Modifications</i> document.

	designated sites plans should include policies that protect them from harm and loss. As it stands, section 7 does not do this. In particular, paragraph 7.4 appears to downgrade the importance of locally designated sites.		
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8. Implementation and monitoring

Respondent	Summary	Proposed Alterations	Authorities' Comments
Sussex Wildlife Trust [82]	The Delivery Targets for Policy RD1 have not been updated to reflect the new requirements of the policy	Specific monitoring measures proposed.	Based on representations, the Authorities <i>propose modification to incorporate additional monitoring measures.</i>

Additional Policy

Respondent	Summary	Proposed Alterations	Authorities' Comments
Gatwick Airport [65]	Plan does not include safeguarding policy relating to Gatwick Airport.	Additional policy proposed.	Given the likely quantum, location and nature of minerals and waste development within the WMLP, aerodrome safeguarding is unlikely to be a relevant consideration in future planning applications. For the limited cases where aerodrome safeguarding is a consideration, it would be a material consideration and considered in line with the NPPF Para 204 & 205 and NPPW Appendix B. The NPPF states Plans should not unnecessarily repeat the content of the NPPF / NPPW. The Authorities, therefore, do not propose to include a specific policy in relation to aerodrome safeguarding, but will include the extents of the safeguarded area with references to the relevant NPPF paragraphs on the policy map.

WMP24

Respondent	Summary	Proposed Alterations	Authorities' Comments
CPRE Sussex [61]	Policy WMP24 is no longer fit for purpose and needs to be updated as part of your current joint Plan review in order to ensure that Plan remains sound.	Introduce specific greenhouse gas emissions reduction targets into your joint Plan's climate change policy,	Policy WMP24 will be the subject of review as part of a forthcoming full review of the Plan.

Map: BEX (EAST) - Bexhill-on-Sea (East)

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Safeguarded mineral resource should be extended.	Proposed clay mineral safeguarding area proposed.	Permitted clay reserves are abundant and there are no overriding reasons to extend the safeguarded resource. Safeguarded sites will be reviewed as part of a subsequent Full Review.

Map: NEW - Newhaven

Respondent	Summary	Proposed Alterations	Authorities' Comments
Lewes District Green Party [72]	Disagree with the safeguarding of the new areas designated in the policy map for Newhaven.	N/A	Safeguarded extents reflect existing sites and of port areas in relation to wharfs. This is in line with national policy.

Map: NIN - Ninfield

Respondent	Summary	Proposed Alterations	Authorities' Comments
National Grid Electricity Transmission plc (NGET) [75]	National Grid Infrastructure in area, please be aware.	N/A	Noted. This map depicts the safeguarding of an existing permitted minerals site.

Map: RYE - Rye

Respondent	Summary	Proposed Alterations	Authorities' Comments
Rother District Council [79]	Rother District Council has concern with the extent of the proposed Minerals Consultation Area (MCA) at Rye Harbour. It is unclear why the MCA has been enlarged so significantly compared to the Consultation Areas shown in the adopted Plan (Map 74 SP-RSA/C Rye (Port of), safeguarded wharves). The Safeguarding Minerals Infrastructure Topic Paper (August 2021) is noted, but we do not consider the implications of enlarging the area have been fully appreciated, nor the extension of the new MCA justified.	The District Council considers that the MCA at Rye Harbour should not be enlarged or otherwise changed from that shown in the adopted Waste and Minerals Sites Plan (2017).	The wider MCA at Rye Harbour is to ensure the MWPA is consulted on development proposals which could be incompatible with operations at wharf sites and may compromise capacity at the wharf even if they are not actually on the wharf site itself.

Map: SCH - South Chailey

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Map does not display site as a safeguarded mineral site.	N/A	The Policies Map document only shows amendments to safeguarded sites and resources. Chailey Brickworks remains safeguarded in the Waste and Minerals Sites Plan.
Ibstock Bricks [70]	Safeguarded mineral resource should be extended.	Proposed clay mineral safeguarding area proposed.	Permitted clay reserves are abundant and there are no overriding reasons to extend the safeguarded resource. Safeguarded sites will be reviewed as part of a subsequent Full Review.

Climate Change

Respondent	Summary	Proposed Alterations	Authorities' Comments
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Clerk to Hamsey Parish Council [68]	Disappointed that Climate Change issues are being deferred to a future full plan review	N/A	Noted.
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Duty to Co-operate

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	Lack of clarity/information on Statements of Common Ground and therefore it is not possible to judge whether this strategy review is sound;	N/A	The Duty to Co-operate applies to specific bodies. SoCG and DTC statement will be published at the submission stage.

Habitats Regulation Assessment

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Natural England supports the Habitats Regulation Assessment screening report and considers it to be legally compliant and sound in its current form.	N/A	Noted.

Site Assessment Document

Respondent	Summary	Proposed Alterations	Authorities' Comments
Sussex Wildlife Trust [82]	SWT supports the exclusion of Lydd and Aldershaw Farm as allocations within the plan. If during the examination, the Inspector considers that these omission sites should be discussed, then SWT would like to be involved due to the potentially significant impacts on biodiversity.	N/A	Noted.

Strategic Flood Risk Assessment

Respondent	Summary	Proposed Alterations	Authorities' Comments
Environment Agency [63]	Level 1 and Level 2 Strategic Flood Risk Assessments (SFRAs) do not appear to have taken account of latest Climate Change Allowances both for Sea Level Rise (updated 17 December 2019) and Peak River Flows (updated 20 July 2021).	N/A	<i>An update to the SFRA is being prepared.</i>

Sustainability Appraisal

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Natural England supports the Sustainability Appraisal report and considers it to be legally compliant and sound in its current form.	N/A	Noted.

General Support of Plan

Respondent	Summary	Proposed Alterations	Authorities' Comments
Heathfield and Waldron Parish Council [84] Uckfield Town Council [39] Wealden District Council [37]	Support for Plan.	N/A	Noted.

No Comments

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ashford Borough Council [56] Coventry City Council [60] Gloucestershire County Council [66] Greater Manchester Authorities [67]	No Comments.	N/A	Noted.

London Borough of Redbridge [78] Marine Management Organisation [73] Southern Water [80] Surrey County Council [81] Tandridge District Council [83] The Coal Authority [59]			
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Appendix A: List of Representations with links

The links below are to documents containing representations submitted, with sensitive personal information redacted, as set out in the privacy notice. As these files have been submitted by third parties, these documents may not be completely accessible. If you require the representations in another format, please contact us.

Download All (Zip File): [WMLPR-R4 Representations.zip \(Size: 21,364.89K\)](#)

(<https://eastsussex.objective.co.uk/file/5993088>)

ID	Name	Organisation	Link
R4-56	Spatial Planning	Ashford Borough Council	https://eastsussex.objective.co.uk/file/5993048
R4-57	Richard Ford	Brett Group	https://eastsussex.objective.co.uk/file/5993077
R4-58	Helen Hudson	CEMEX UK Operations Limited	https://eastsussex.objective.co.uk/file/5993044
R4-60	Rob Haigh	Coventry City Council	https://eastsussex.objective.co.uk/file/5993040
R4-61	Stephen Hardy	CPRE Sussex	https://eastsussex.objective.co.uk/file/5993049
R4-62	Phil Aust.	Day Group Ltd.	https://eastsussex.objective.co.uk/file/5993038
R4-64	Neil Griffin	East Sussex County Council	https://eastsussex.objective.co.uk/file/5993037
R4-63	Marguerite Oxley	Environment Agency	https://eastsussex.objective.co.uk/file/5993039
R4-65	Amanda Purdye	Gatwick Airport	https://eastsussex.objective.co.uk/file/5993050
R4-66	Lorraine Brooks	Gloucestershire County Council	https://eastsussex.objective.co.uk/file/5993047
R4-67	Vanessa Rowell	Greater Manchester Authorities	https://eastsussex.objective.co.uk/file/5993056
R4-68	Kevin Kingston	Hamsey Parish Council	https://eastsussex.objective.co.uk/file/5993052
R4-84	Fiona Hensher	Heathfield and Waldron Parish Council	https://eastsussex.objective.co.uk/file/5993054
R4-69	Alan Byrne	Historic England	https://eastsussex.objective.co.uk/file/5993055
R4-70	Simon C Ingram	Ibstock Bricks	https://eastsussex.objective.co.uk/file/5993059
R4-71	Sharon Thompson	Kent County Council	https://eastsussex.objective.co.uk/file/5993053
R4-72	Emily O'Brien	Lewes District Green Party	https://eastsussex.objective.co.uk/file/5993057
R4-78	Ewan Coke	London Borough of Redbridge	https://eastsussex.objective.co.uk/file/5993066
R4-73	Sidonie Kenward	Marine Management Organisation	https://eastsussex.objective.co.uk/file/5993071
R4-52	David Payne	Mineral Products Association	https://eastsussex.objective.co.uk/file/5993073

R4-74	David Payne	Mineral Products Association	https://eastsussex.objective.co.uk/file/5993058
R4-75	Matt Verlander	National Grid Electricity Transmission plc (NGET)	https://eastsussex.objective.co.uk/file/5993072
R4-76	Kevin Bown	National Highways	https://eastsussex.objective.co.uk/file/5993082
R4-77	Tom Scott-Heagerty	Natural England	https://eastsussex.objective.co.uk/file/5993069
R4-44	Revai Kinsella	Pevensey and Cuckmere Water Level Management Board	https://eastsussex.objective.co.uk/file/5993074
R4-79	Jeff Pyrah	Rother District Council	https://eastsussex.objective.co.uk/file/5993081
R4-80	Charlotte Mayall	Southern Water	https://eastsussex.objective.co.uk/file/5993067
R4-81	Ibrahim Mustafa	Surrey County Council	https://eastsussex.objective.co.uk/file/5993068
R4-82	Jess Price	Sussex Wildlife Trust	https://eastsussex.objective.co.uk/file/5993080
R4-83	Sarah Little	Tandridge District Council	https://eastsussex.objective.co.uk/file/5993043
R4-59	Deb Roberts	The Coal Authority	https://eastsussex.objective.co.uk/file/5993070
R4-39	Holly Goring	Uckfield Town Council	https://eastsussex.objective.co.uk/file/5993079
R4-37	James Webster	Wealden District Council	https://eastsussex.objective.co.uk/file/5993075
R4-41	James Webster	Wealden District Council	https://eastsussex.objective.co.uk/file/5993076
R4-85	Rupy Sandhu	West Sussex County Council	https://eastsussex.objective.co.uk/file/5993085
R4-50	Kevin Perkins	Wienerberger Limited	https://eastsussex.objective.co.uk/file/5993084

Planning Policy & Development Management

Planning & Environment Service
Communities, Economy & Transport
East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE

01273 481 846

Planning Directorate

South Downs National Park Authority
South Downs Centre
North Street
Midhurst
GU29 9DH

0300 303 1053

Planning Policy

Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 2BQ

01273 292505

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

Revised Policies - Main Modifications

Authorities' Comments on Responses Received (MM-R02)

26 January 2024

A Public Consultation on the proposed Main Modifications to the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan - Revised Policies was held between Friday 22 October 2023 and Friday 22 December 2023. A total of 20 responses were received. The Inspectors have requested the Authorities to submit a response to the responses received.

Respondent	Authorities Comments
Brett Group	<p>Brett Group reiterates their position as set out during the Examination to date; it is understood that their position is that Lydd should be allocated, and in their view, Broomhill North be safeguarded.</p> <p>The Authorities refer the Inspectors to their previous submissions made during and after the Hearings in respect of Lydd and have no additional comments at this time.</p>
Central Bedfordshire Council	<p>Central Bedfordshire Council suggest the words: 'where consideration against other policies in the Development Plan indicate there would be no unacceptable adverse impact' should be deleted from Policy RM1, on the grounds it is not necessary.</p> <p>The Authorities are of the view that this proposed modification arose because of the Hearings and is therefore necessary.</p>
Day Group	<p>The Day Group response focuses on the content of the Aggregates Technical Data Paper Addendum and set out their position that they believe that the 2019 British Geological Aggregates Survey is the best and available data and there is a shortage of materials in the Plan Area and the balance of imports and exports.</p> <p>The Authorities have presented all the information available to them in the documents presented to the Examination and are of the view the Plan makes adequate provision for the steady and adequate supply of minerals based on sites promoted and facts in front of them.</p>
Eastbourne Borough Council	<p>Eastbourne Borough Council noted several elements of the Revised Policies relating to the location of waste management, and the updated Minerals and Waste Development Scheme.</p> <p>The Authorities welcome the response.</p>

MM-R02

Environment Agency	<p>The Environment Agency are pleased to see that requirements for Biodiversity Net Gain have been included within the proposed modifications and no further comments to make.</p> <p>The Authorities welcome the response.</p>
Kent County Council	<p>Kent County Council’s response summarises their understanding of the situation with regards to minerals providing and safeguarding. They in particular support the safeguarding provisions.</p> <p>The Authorities welcome the response.</p>
Lewes District Council	<p>Lewes District Council notes that policy WMP3d is being retained but are disappointed by the lack of increased emphasis on a ‘circular’ economy approach to the reuse and recycling of construction waste. The Council also notes the new safeguarding extents in relation to Newhaven and Policy RM5 (safeguarding), noting the presence of the Enterprise Zone, and hopes the County Council will continue to work with them particularly with regard to development sites within the Enterprise Zone. They consider that the emerging Lewes District Local Plan is compatible with the revised Policy RM5. Lewes District Council also welcome the modifications proposed to Policy RD1 alongside the positive wording in the supporting text to ensure that biodiversity gains are commensurate with requirements under the Environment Act.</p> <p>The Authorities welcome the response and look forward to continuing to work with the District Council.</p>
Marine Management Organisation	<p>The Marine Management Organisation supports the references to the South Marine Plan Policies S-AGG-3 and S-AGG-4 referenced within the plan and suggests that these policies could be further expanded on. South Marine Plan’s Policy S-INF-1 is also highly relevant to RM5. The organisation suggests that a minor adjustment could also be made to section 3.9 which describes the Marine Management Organisation’s responsibilities and the South Marine Plan’s remit. The representation makes reference to the Marine Management Organisations remit as described in the agreed Statement of Common Ground.</p> <p>The Authorities welcome the response; the proposed alterations have been noted, and we will consider them as part of the future review of the Plan, but given their minor nature, and the late stage of the examination, it is not proposed to incorporate them at this time.</p>
Minerals Products Association	<p>The Minerals Products Association is of the view that: by reducing the plan period to 2030, that it will be out date by the time it is adopted as it will have a relatively short end date; in relation to Footnotes 2 and 4 that the term small-scale waste management facilities should relate to the physical or throughput scale rather than localised need; Footnote 8 should be deleted to remove reference to the area being a ”special case”; the estimated demand for aggregates remains underestimated; supports the MCAs at Rye</p>

	<p>and Newhaven. Various comments on the detail of the Aggregates Technical Data Paper Addendum.</p> <p>The Authorities refer the Inspectors to their previous submissions made during and after the Hearings in respect of plan lifespan, footnotes 2 and 4 (definition of small-scale waste management facilities), footnote 8 (“special case”).</p> <p>The Authorities and the MPA are of a differing view as to the level of demand that will exist during the plan period. In relation to demand, the Authorities have presented all the information available to them in the documents presented to the Examination and are of the view the Plan makes adequate provision for the steady and adequate supply of minerals based on sites promoted and facts in front of them.</p> <p>The Authorities welcome the Mineral Product Associations support for the extent of the Rye and the Newhaven MCA.</p>
<p>Natural England</p>	<p>Natural England makes several comments in relation to MM02, MM06, MM08 and MM12 all either supporting or strongly supporting elements of the proposed modifications. Of note, Natural England strongly supports the removal of the listed sites from the list of mineral safeguarded areas given the significant direct and indirect impacts to both nationally and internationally designated sites. Natural England reiterates that reference should be made to RD1 within the Policy wording of RV1.</p> <p>The Authorities welcome the response. The suggested cross referencing is not considered necessary.</p>
<p>Rother District Council</p>	<p>Rother District Council reiterate their previously raise concerns regarding the extent of the Rye Consultation Areas, the vagueness of word “affecting”, and that minerals infrastructure assessments will be too onerous for applicants.</p> <p>The Authorities refer the Inspectors to their previous submissions made during and after the Hearings in respect of Rye and have no additional comments at this time.</p>

The following nine respondents submitted a response indicating that they had no comments: Ashford Borough Council; Capita; Gloucestershire; Herefordshire; Historic England; National Highways; Southern Water; Surrey County Council; Wolverhampton Council.

Schedule of Main Modifications (2 April 2024)

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

Text in bold and light blue is a hyperlink and can be clicked on to access the document or website to which the link points. For example, this is a link to the [East Sussex County Council website](#).

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text. As set out in the Additional Modifications, new paragraphs are marked using the # placeholder symbol. Paragraph and footnote numbering will be updated to be consecutive prior to the adoption of the Plan. References using page numbers will also be updated as required.

Ref	Page	Policy/ Paragraph	Main Modification
MM01	1-5	Section 1 and Section 2	<p>1. Introduction</p> <p>1.1 East Sussex County Council, Brighton & Hove City Council and the South Downs National Park Authority (the Authorities) have responsibility for planning the future management of waste and production of minerals. To guide those decisions the Authorities are required to prepare Minerals and Waste Local Plans which contain policies that guide where minerals and waste developments should go. These policies are then used to make decisions on planning applications for waste management and minerals activities.</p> <p>1.2 The Waste and Minerals Local Plan (WMLP) is currently comprised of the:</p> <ul style="list-style-type: none"> • Waste and Minerals Plan 2013 (WMP), and

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • Waste and Minerals Sites Plan 2017 (WMSPP). <p>1.3 The purpose of the review principally focuses on minerals provision, as well as updating and clarifying certain other policies, it is not a complete review of the WMLP Waste and Minerals Local Plan. This document therefore sets out proposed revisions to specific policies within the WMLP Waste and Minerals Local Plan. The Plan Area for this and the other WMLP Waste and Minerals Local Plan documents is the administrative areas of East Sussex and Brighton & Hove, including part of the South Downs National Park and the Plan period for the policies within this document is 2019-2034 inclusive (15 years). This period differs from the period covered by the existing WMLP. However, at the completion of this review, a full plan review of the entire WMLP will be undertaken which will provide an opportunity to align the Plan period. The revised policies include two key changes:</p> <ul style="list-style-type: none"> • East Sussex and Brighton & Hove to become more reliant on aggregates from the marine sources and other sources outside of the Plan Area. • Providing increased protection for minerals and minerals related infrastructure against inappropriate development being located nearby. <p><u>1.# This partial review of the Waste and Minerals Local Plan is being undertaken due to the findings of the Inspector at the Examination into the Waste and Minerals Sites Plan adopted in 2017. The Inspector at this Examination considered this Plan to be sound but concluded that the current rate of land-won aggregates in the Waste and Minerals Plan could not be maintained with the current allocated sites, and therefore indicated that a review of the minerals policies within this Plan would be required prior to the end of the Plan period. For this reason,</u></p>

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>the Revised Policies Document has primarily focussed on minerals, and more specifically, aggregates provision in the Plan Area. The proposed strategy is one based on importation and the sustainable use of aggregates. Where a clear and obvious need for updates and clarity have been required to other policy areas, these have also been undertaken. However, what is not in scope as part of this review is the waste management provision policies.</u></p> <p>1.4 A number of updates to clarify and consolidate existing policies are also proposed, along with an additional policy for the provision of an additional area of clay extraction at Aldershaw Farm. No other alterations to the existing strategy are being proposed at this time.</p> <p>1.5 This document, if adopted, will join <u>joins</u> the other <u>WMLP Waste and Minerals Local Plan</u> documents in forming part of the Development Plan for the administrative areas set out in Paragraph 1.3. This means that relevant policies within the <u>WMLP Waste and Minerals Local Plan</u> documents apply to all development within this area, not just proposals for waste and minerals development, and that other local authorities within this area will need to consider relevant <u>WMLP Waste and Minerals Local Plan</u> policies when determining planning applications. Similarly, other relevant Development Plan documents besides the <u>WMLP Waste and Minerals Local Plan</u> will need to be considered when determining applications for waste and minerals development.</p> <p>1.6 Once this review has been completed, a composite version of the Waste and Minerals Local Plan comprising of the Waste and Minerals Plan and the Waste and Minerals Sites Plan, incorporating the changes proposed in this document will be published. <u>This will result in a single document containing all the Waste and Minerals Local Plan</u></p>

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Policies in one place rather than three individual documents. The policies within this review will be in accordance with the ‘Vision for the Plan Area to 2030’ timeframe of the original Waste and Mineral Local Plan policies. The plan period for the Waste and Minerals Local Plan will then allow for all of the adopted plan policies (original and revised) to align until 2030. The synchronising of the timeframes for all the Waste and Mineral Local Plan policies will result in a joined up coherent Plan that should provide clarity for all users. Although Paragraph 22 of the National Planning Policy Framework states that “strategic policies should look ahead over a period of 15 years” it is considered that as this review is only a partial plan review it would be simpler for users if the new policies shared the same time frame as the original Waste and Minerals Plan policies. This will also avoid inconsistency between policies and ensure they are justified by the evidence base. Consequently, new policies within this document share the same plan period of the original Waste and Minerals Plan.</u></p> <p><u>1.# Upon completion of this partial review it is proposed to swiftly undertake a full review of all of the policies within the Waste and Minerals Local Plan in order that a fully updated Waste and Minerals Local Plan can be produced. This review will enable expected forthcoming national policy changes, as well as matters such as secondary legislation and guidance published in relation to the Environment Act, to be taken into consideration. This will then inform the creation of long-term strategic policies beyond the current 2030 Plan period. This review will commence immediately on adoption of this Plan and is anticipated to be completed by 2027.</u></p>

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>For the avoidance of doubt the Plan period for the Revised Policies Document (this document) is 2019 - 2030 (11 Years).</u></p> <p>How to read this document</p> <p>1.7 As the Authorities are proposing to make amendments to specific parts of the <u>WMP Waste and Minerals Plan</u> and <u>WMSP Waste and Minerals Sites Plan</u> this document is written in the style of an amendment document. On the following pages there is a table which lists all the policies in the <u>WMLP Waste and Minerals Local Plan</u> and their status.</p> <p>1.8 Over the remainder of the document, to help show and explain the amendments, the following special notations are used:</p> <div data-bbox="618 927 2033 1166" style="background-color: #f0f0f0; padding: 5px;"> <p>Explanation</p> <p>Commentary text explaining the proposed changes can be found in these grey bordered boxes. <u>For reference, these boxes will be retained in the adopted Revised Policies Document but will not appear in the consolidated Waste and Minerals Local Plan document. This does not form part of the revised policies and will not be included in the final Plan.</u></p> </div> <p><u>How the Waste and Minerals Local Plan is amended.</u></p>

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			<p>Text in bold explains what alterations are being proposed, for example if sections are proposed to be deleted or added.</p> <p><i>Text in italics is proposed text on which comments are being sought.</i></p> <p>The Authorities intend to publish a document that consolidates all three documents in due course.</p> <p>2. Summary of <u>Minerals and Waste Local Plan</u> Policy Review</p> <p>2.1 Below is a complete list of adopted and draft policies of the Waste and Minerals Local Plan from the WMP <u>Waste and Minerals Plan</u>, WASP <u>Waste and Minerals Sites Plan</u> and this document, the Revised Policies Document (RPD). Policies proposed for deletion are struck out with a red background, whilst proposed policies are shown <u>underlined</u> with a green background. All relevant policies should be applied in the determination of planning applications.</p> <table border="1"> <thead> <tr> <th>Policy Number</th> <th>Policy Title</th> <th>Document</th> <th>Page</th> <th>Status</th> <th><u>Impact on other policies</u></th> </tr> </thead> <tbody> <tr> <td></td> <td>Overarching Strategy</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>WMP1</td> <td>Presumption in Favour of Sustainable Development</td> <td>WMP</td> <td>33</td> <td>Adopted</td> <td><u>None.</u></td> </tr> <tr> <td>WMP2</td> <td>Minerals and Waste Development affecting the South Downs National Park</td> <td>WMP</td> <td>36</td> <td>Adopted</td> <td>Replaced by RV1.</td> </tr> <tr> <td><u>RV1</u></td> <td><u>Minerals and Waste Development affecting the South Downs National</u></td> <td><u>RPD</u></td> <td><u>18</u></td> <td><u>Draft</u></td> <td><u>Direct replacement for WMP2. Refers to new policy RD1 and existing WMP8b.</u></td> </tr> </tbody> </table>	Policy Number	Policy Title	Document	Page	Status	<u>Impact on other policies</u>		Overarching Strategy					WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted	<u>None.</u>	WMP2	Minerals and Waste Development affecting the South Downs National Park	WMP	36	Adopted	Replaced by RV1.	<u>RV1</u>	<u>Minerals and Waste Development affecting the South Downs National</u>	<u>RPD</u>	<u>18</u>	<u>Draft</u>	<u>Direct replacement for WMP2. Refers to new policy RD1 and existing WMP8b.</u>
Policy Number	Policy Title	Document	Page	Status	<u>Impact on other policies</u>																												
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WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted	<u>None.</u>																												
WMP2	Minerals and Waste Development affecting the South Downs National Park	WMP	36	Adopted	Replaced by RV1.																												
<u>RV1</u>	<u>Minerals and Waste Development affecting the South Downs National</u>	<u>RPD</u>	<u>18</u>	<u>Draft</u>	<u>Direct replacement for WMP2. Refers to new policy RD1 and existing WMP8b.</u>																												

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				<u>Park and High Weald Area of Outstanding Natural Beauty</u>				
			WMP3a	Promoting Waste Prevention, Re-use and Waste Awareness	WMP	40	Adopted	<u>None.</u>
			WMP3b	Turning Waste into a Resource	WMP	42	Adopted	<u>None.</u>
			WMP3c	Production of Energy from Waste (EfW)	WMP	45	Adopted	<u>None.</u>
			WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation	WMP	46	Adopted	<u>None.</u>
			WMP3e	Waste Management In New Development in the Plan Area	WMP	48	Adopted	<u>None.</u>
			WMP4	Sustainable Provision and Use of Minerals Providing for Waste	WMP	50	Adopted	<u>No change to policy but amendments to monitoring and implementation.</u>
				Providing for Waste				
			WMP5	Provision of Built Waste Facilities	WMP	53	Adopted	<u>None.</u>
			WMP7a	Sustainable Locations for Waste Development (Excluding Land Disposal)	WMP	64	Adopted	Replaced by RW1, no other policies affected.
			WMP7b	More Detailed Criteria for Waste Development	WMP	62	Adopted	Replaced by RW1, no other policies affected.
			RW1	Sustainable Locations for Waste Development (Excluding Land Disposal)	RPD	22	Draft	<u>Direct replacement for WMP7a & b. Explanatory text refers to policy WMP8 & WMP22.</u>
			SP1	Waste Site Allocations	WMSP	14	Adopted	<u>None.</u>
			SP2	Areas of Opportunity on Previously Developed Land	WMSP	15	Adopted	<u>Makes reference to WMP25.</u>
			SP3	Areas of Search	WMSP	16	Adopted	<u>Makes reference to WMP25.</u>
			SP4	Physical Extension of Existing Waste Site	WMSP	17	Adopted	<u>None.</u>

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			SP5	Existing Industrial Estates	WMSP	19	Adopted	Makes reference to deleted WMP7a and deleted WMP27, which are replaced by RW1 and RD1. Refers to retained policies WMP25, WMP26, WMP 28a, WMP24a.
			WMP8a	Land Disposal of Non-Inert Waste	WMP	67	Adopted	None.
			WMP8b	Deposit of Inert Waste on Land for Beneficial Uses	WMP	69	Adopted	None.
			WMP8c	Management of Landfill Gas	WMP	70	Adopted	None.
			WMP9a	Hazardous Waste	WMP	72	Adopted	None.
			WMP9b	Low Level Radioactive Waste	WMP	75	Adopted	None.
			WMP10	Management of Waste Water and Sewage Sludge	WMP	77	Adopted	None.
			WMP6	Safeguarding Waste Sites	WMP	58	Adopted	None.
			SP6	Safeguarding Waste Sites	WMSP	22	Adopted	None.
			SP7	Waste Consultation Areas Providing for Minerals of	WMSP	23	Adopted	Refers to retained policies WMP6, SP4.
				Providing for Minerals				
			WMP11	Provision of Aggregates	WMP	81	Adopted	Replaced by RM1.
			RM0	Sustainable Use of Aggregates	RPD	24	Draft	Stand alone new policy.
			RM1	Provision of Aggregates	RPD	31	Draft	Direct replacement for WMP11, no other policies affected.
			WMP12	Provision of Gypsum	WMP	83	Adopted	None.
			WMP13	Provision of Clay	WMP	85	Adopted	References retained policy WMP4.
			RM2	Provision for an additional extraction area at Aldershaw Farm	RPD	34	Draft	Stand alone new policy.
			WMP14	Safeguarding Mineral Resources	WMP	88	Adopted	Replaced by RM3 also references replaced WMP2.
			SP8	Mineral Safeguarding Areas for land won minerals resources within the Plan Area	WMSP	25	Adopted	Replaced by RM3.

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			RM3	Safeguarding Mineral Resources	RPD	38	Draft	Combined replacement policy for WMP14 & SP8.
			RM4	Prior Extraction of Minerals	RPD	40	Draft	
			WMP15	Safeguarding Wharves and Railheads	WMP	90	Adopted	Direct replacement by RM5.
			SP9	Safeguarding wharves and railheads within the Plan Area	WMSP	27	Adopted	Direct replacement by RM5.
			RM5	Safeguarding Minerals Infrastructure	RPD	43	Draft	Combined replacement for WMP15 & SP9. Also references retained policy WMP18.
			SP10	Safeguarding facilities for concrete batching, coated materials...	WMSP	28	Adopted	Replaced by RM6.
			RM6	Safeguarding facilities for concrete batching (etc)	RPD	45	Draft	Direct replacement for SP10.
			SP11	Minerals Consultation Areas	WMSP	29	Adopted	Replaced by RM7. References SP8, 9 & 10.
			RM7	Minerals Consultation Areas	RPD	46	Draft	Direct standalone replacement for SP11.
			WMP16	Exploration for Oil and Gas	WMP	92	Adopted	None.
				Overarching Policies				
			WMP17	Restoration	WMP	94	Adopted	Supporting text references deleted policy WMP27 which is being replaced by RD1. Supporting text references retained policies WMP 28 a & b, WMP 24 & WMP 25.
			WMP18	Transport - Road, Rail and Water	WMP	97	Adopted	Supporting text references deleted policy WMP15. Supporting text references retained policy WMP26.
			WMP19	Co-location of Complementary Facilities	WMP	98	Adopted	None.
			WMP20	Community Involvement and Benefits	WMP	100	Adopted	None.
			WMP21	Opportunities for Sustainable Waste Management and Minerals Production in Other Development	WMP	102	Adopted	None.
			WMP22	Expansion and Alterations Within Existing Waste Facilities	WMP	103	Adopted	None.

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			Development Management Policies			
WMP23a		Design Principles for Built Waste Facilities	WMP	106	Adopted	<u>Supporting text references retained policies WMP20, WMP 24 & 24b.</u>
WMP23b		Operation of Sites	WMP	107	Adopted	<u>Supporting text references retained policies WMP20, WMP 24 & 24b.</u>
WMP24a		Climate Change	WMP	109	Adopted	<u>None.</u>
WMP24b		Resource and Energy Use	WMP	109	Adopted	<u>None.</u>
WMP25		General Amenity	WMP	110	Adopted	<u>None.</u>
WMP26		Traffic Impacts	WMP	112	Adopted	<u>Supporting text references retained policy WMP18.</u>
WMP27		Environment and Environmental Enhancement	WMP	113	Adopted	<u>Replaced by RD1. References policy WMP 2.</u>
RD1		Environment and Environmental Enhancement	RPD	51	Draft	<u>Replaces WMP27. No other policies referenced in text.</u>
WMP28a		Flood risk	WMP	117	Adopted	<u>Supporting text mentions policy WMP7 which is to be deleted and replaced by policy RW1.</u>
WMP28b		Water Resources and Water Quality	WMP	118	Adopted	<u>Supporting text mentions policy WMP7 which is to be deleted and replaced by policy RW1.</u>
		Diagrams				
		Waste Key Diagram	WMP	156		<u>None.</u>
		Minerals Key Diagram	WMP	157		<u>None.</u>
Notes						
1. All policies within the <u>WMLP Waste and Minerals Local Plan</u> are considered to be strategic policies. See paragraphs 20-23 of the <u>National Planning Policy Framework NPPF</u> for further information.						
2. Some policies appear out of document order above so that they appear correctly grouped in the table.						

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			<p>3. <u>In this table WMP means the Waste and Minerals Local Plan, WMSP means Waste and Minerals Sites Plan and RPD is the Revised Policies document (this document).</u></p>
MM02	17	4.12 & Policy RV1	<p>4.12 Quarries and quarrying operations have the potential to impact heavily upon the landscape and surrounding environment, therefore the setting of any proposed development within the context of the National Park or AONB <u>Area of Outstanding Natural Beauty</u> is also an important consideration. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p><u>4.## As appropriate to their scale, nature and location, development which falls within the South Downs National Park or High Weald Area of Outstanding Natural Beauty should clearly demonstrate how it will contribute to the outcomes, objectives and priorities of the relevant Management Plan. Applications should clearly reference the specific outcome, objective or priority and provide further information as to how the planning proposal will contribute to the objectives of the Management Plan.</u></p> <p>4.13 Minerals and waste development not considered to be major should be carefully assessed. Weight should be given towards conservation of the landscape’s natural beauty, the conservation of wildlife and cultural heritage and the need to avoid adverse impact upon recreational opportunities within these areas.</p> <p>Policy RV1: Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty</p>

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			<p>a) Minerals and waste development in the South Downs National Park and the High Weald AONB Area of Outstanding Natural Beauty will have regard to the relevant Management Plan.</p> <p>b) Major minerals and waste development¹ in the South Downs National Park or High Weald AONB Area of Outstanding Natural Beauty will be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest. In this respect, consideration will be given to relevant information, including:</p> <ul style="list-style-type: none"> i. the need for the development, including in terms of any national considerations; and ii. the impact of permitting or refusing the development upon the local economy; and

~~¹ In the case of minerals and waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, the potential for significant impacts on the National Park and AONB will be dependent on the individual characteristics of each case. When assessing what constitutes "major development" within a protected landscape the guidance set out in Footnote 60 to the NPPF will be applied.~~ ¹ When assessing what constitutes "major development" within a protected landscape the guidance set out in Footnote 64 to the National Planning Policy Framework will be applied, this states that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

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			<p>iii. the cost of and scope for developing outside the designated area <u>South Downs National Park or High Weald Area of Outstanding Natural Beauty</u> or meeting the need in another way; and</p> <p>iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be moderated.</p> <p>c) Small-scale waste management facilities² for local needs are not precluded from the National Park or <u>AONB Area of Outstanding Natural Beauty</u> where they meet the requirements of <u>Policy Policies RD1 and RW1</u>.</p> <p>d) Proposals for the backfilling of redundant quarries within the National Park or <u>AONB Area of Outstanding Natural Beauty</u> need to conform with (b) above and additionally demonstrate net long term benefits to the National Park or <u>AONB Area of Outstanding Natural Beauty</u> and that they meet Policy WMP 8b criteria (a) to (e).</p>

² Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at larger-scale facilities. Smaller scale facilities are defined as those seeking to meet a localised need generally of a particular settlement area, in contrast to larger scale facilities that provide benefits to the whole Plan Area.

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			<p><u>The South Downs National Park and High Weald Area of Outstanding Natural Beauty are identified on the Policies Map.</u></p>
MM03	20-22	Purpose of Policy RW1 – End of Policy RW1	<p>Purpose of Policy RW1</p> <p>To identify broad areas (Areas of Focus) within the Plan Area within which more sustainable opportunities for locating waste recycling and recovery facilities are more likely to be found.</p> <p><u>Introduction</u></p> <p>5.# <u>This policy relates to waste treatment facilities, i.e. facilities involved in processes in the waste hierarchy excluding land disposal. Transfer facilities are included because they play a fundamental part in moving waste to and from the facilities referred to in this policy, and increasingly waste transfer is being integrated with waste processing (such as that which takes place at Materials Recovery Facilities) at the same site and so there is less distinction between them. Land disposal is covered separately in Policy WMP8.</u></p> <p>5.2 National policy requires local planning policy to give a clear indication to industry about the areas where development might be acceptable and to provide flexibility to allow for responses to changes in circumstances. <u>Paragraph 4 of the National Planning Policy for Waste sets out that when considering suitable locations for waste management development Local Plans should consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities, giving</u></p>

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			<p><u>priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. Paragraph 5 continues to explain that existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport should also be a consideration when identifying suitable locations. Additionally, paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.</u></p> <p>5.3 — This policy relates to waste treatment facilities, i.e. facilities involved in processes in the waste hierarchy excluding land disposal. Transfer facilities are included because they play a fundamental part in moving waste to and from the facilities referred to in this policy, and increasingly waste transfer is being integrated with waste processing (such as that which takes place at Materials Recovery Facilities) at the same site and so there is less distinction between them. Land disposal is covered separately in Policy WMP8.</p> <p><u>5.# The Authorities are all signatories to the South-East England Waste Planning Advisory Group (SEWPAG) Statement of Common Ground, which is an agreement between all Waste Planning Authorities within the South-East England Region. In this Statement, the signatories agree that their plans will provide for the development of facilities that will manage waste produced within, and beyond, their areas based on net self-sufficiency and in accordance with the waste hierarchy. In seeking to meet this agreement, this policy steers waste management development</u></p>

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			<p><u>towards those areas with better transport links, and more urban areas, which should assist in minimising the distance which waste travels to be managed.</u></p> <p><u>5.# All policies within the Waste and Minerals Local Plan must support the Strategic Objectives set out in the Waste and Minerals Plan (pages 23 and 24). This Policy supports Strategic Objectives SO1, SO4 and SO8, and should be read in the context of other policies within the overarching and development management sections of the Waste and Minerals Local Plan documents.</u></p> <p>5.4 <u>Policy WMP5 sets out the estimated additional waste management capacity that is required during the Plan period to achieve net self-sufficiency.</u> This policy (RW1) identifies areas hereon called 'Areas of Focus' where the best opportunities for the development of waste recycling and recovery facilities are most likely to be found. Areas of Focus indicate broadly the areas where the greatest sustainability benefits are likely to be achievable based on the application of national policy. However, this policy recognises that there may be sites which are acceptable in principle but are beyond the Areas of Focus. For example, there may be sites just outside of the Areas of Focus where there may be overriding sustainability reasons for permitting development, such as supporting movement up the waste hierarchy or being well-related to the strategic road network. The policy therefore does not precisely define boundaries, and the overall sustainability benefits of proposals will be considered on their merits. Consideration of locations within the Areas of Focus also needs to be balanced with ensuring the Plan is deliverable, and as such the Plan considers economic viability which is often influenced by economies of scale.</p>

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			<p>5.5 The Areas of Focus are those where the greatest sustainability benefits are likely to be achieved regarding new waste development or extensions to existing sites as they are more likely to be close to:</p> <ul style="list-style-type: none"> • waste arisings, • better transport network, • complementary industries and waste development for potential co-location benefits,³ • existing facilities where there is scope for physical site extension (for detail about alterations within the site boundary of existing facilities See Policy WMP 22). <p>5.6 The Areas of Focus reflect the fact that the majority of the population and businesses in the Plan Area are located along the coastal strip so this is where the main proportion of the largest waste streams (C&I, CDEW, and LACW wastes) is either currently generated or likely to be in the future according to predicted growth areas in Local Plans. The Areas also reflect the road, rail and water transport connections within the Plan Area, <u>the limited opportunity to transport waste via railheads, and the lack of abandoned agricultural and forestry buildings. This is in</u></p>

³ See Policy WMP 19.

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			<p><u>accordance with the proximity principle and seeks to minimise the distance over which waste must be transported before it can be managed</u>. Areas outside the Areas of Focus are generally more rural and less densely populated and therefore it is likely that less waste is generated and there are fewer opportunities for maximising sustainability. Much of these areas are also covered by landscape designations of the <u>AONB Area of Outstanding Natural Beauty</u> and the <u>SDNP South Downs National Park</u>. <u>The topic of sustainable transport via road, rail and water is further addressed under Policy WMP18 Transport - Road, Rail and Water, and the topic of co-location is addressed through Policy WMP19 Co-location of Complementary Facilities.</u></p> <p>5.7 The policy also recognises that with modern design and operational techniques, waste management facilities can increasingly be accommodated in general industrial areas as a B2 use class, and even more so with the revised waste hierarchy which includes ‘preparation for reuse’. Detailed criteria to manage the potential impacts of development is covered in the development management policies later in the Plan Document. Proposals will also be subject to the relevant statutory pollution control regulatory frameworks.</p> <p>5.8 Applicants are expected to make reasonable efforts when seeking to demonstrate that there are no suitable sites within the preferred locations under criteria A2 and B2. The level of detail should be appropriate to the scale and type of facility being proposed.</p>

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			<p>5.9 Sites identified within the Waste and Minerals Sites Plan and Schedule of Suitable Industrial Estates are all considered to be within the Area of Focus and located on one or more of the types of land specified under criteria B1; as such these sites are considered in accordance with this Policy.</p> <p>Policy RW1: Sustainable Locations for Waste Development (excluding land disposal)</p> <p>The principle of the development will be supported where:</p> <p>A1 The site is located within a broad Area of Focus indicated on the Key Diagram and described in paragraph 5.5, or</p>

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			<p>A2 It has been demonstrated there are no suitable sites available within the Areas of Focus to meet identified needs, or the proposed development is a small-scale facility / extension to existing facility predominantly to meet smaller, more localised needs only⁴.</p> <p>In addition to criteria A1 or A2 the proposed development must also demonstrate:</p> <p>B1 The proposed development is located on: general industrial land including general industrial estates, employment land (B2/B8 uses), previously-developed land, or land already in waste management uses; or</p> <p>B2 There are no suitable sites available within the locations listed under criteria B1; or</p>

⁴ Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at ~~more strategic~~ larger-scale facilities. Smaller scale facilities are defined as those seeking to meet a localised need generally of a particular settlement area, in contrast to larger scale facilities that provide benefits to the whole plan area. See Policy RV1 for additional requirements in relation to waste management development within the South Downs National Park and High Weald Area of Outstanding Natural Beauty.

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			B3 The proposal is located at a minerals working or landfill site and the development's lifespan will be limited to the lifespan of the minerals operation or landfill site ⁵ , unless there are overriding reasons why the lifespan should be extended.
MM04	24	Policy RM0, paragraphs 6.6 and 6.7.	<p>Policy RM0: Sustainable use of aggregates</p> <p>Innovative p-1. <u>To maximise the sustainable use of aggregates, proposals that:</u></p> <ul style="list-style-type: none"> a) minimise the quantities of aggregates used in construction, and b) prioritise the use of recycled and secondary aggregate over virgin aggregate, <p>are encouraged and will be supported.</p> <p><u>2. Applicants should demonstrate the sustainable use of aggregates as part of their wider consideration of resources used when designing their developments. These design choices should be documented and presented through Design</u></p>

⁵ The lifespan of a site may, but does not necessarily, include restoration phases.

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			<p><u>and Access, Sustainability or Circular Economy statements. Applicants should engage with any design panels to explain their approach, where possible.</u></p> <p><u>3.</u> East Sussex County Council will <u>work with stakeholders and delivery partners and</u> support <u>will be given to</u> Local Plan policies that promote sustainable aggregate use as part of design or Circular Economy policies within Local Plans being prepared by the District and Borough Councils within East Sussex.</p> <p>6.6 Policy RM0 is a starting point, for setting a clear direction in relation to ensuring the sustainable use of aggregates. As knowledge and experience develops into good practice it will inform future reviews of the plan, under which this policy may be refined.</p> <p>6.7 Applicants should address the use of aggregates as part of their wider consideration of resources used when designing their developments. These design choices should be documented and presented through Design and Access, Sustainability or Circular Economy statements as applicable. Applicants are also encouraged to engage in any design panels, where available.</p>
MM05	25-32	Explanation of Policy RM1 – End of Policy RM1	<p>Provision of Aggregates <u>for the Plan Area</u> (RM1)</p> <p>Explanation</p>

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			<p>The current adopted WMLP Waste and Minerals Local Plan makes provision for 0.1 million tonnes per annum (mtpa) of land-won aggregate during the Plan plan period, and commits the Authorities to providing a land bank of 7 years permitted aggregate reserves. The permitted sites identified to contribute to this provision in the WMLP Waste and Minerals Local Plan are Lydd Quarry (area in East Sussex), and Novington sandpit located within the SDNP South Downs National Park. This provision rate is therefore a combined rate including both sharp sand and gravel and soft sand.</p> <p>In coming to the 0.1 mtpa provision rate the Authorities maintained that the Plan Area was a "special case" recognising the particular circumstances of:</p> <ul style="list-style-type: none"> • low production; • remote reserves; • high dependence on marine landings; and • large area affected by environmental constraints/designations <p>Following the Public Examination into the Waste and Minerals Sites Plan in 2016, the Inspector concluded in his report that "[...] the Plan cannot maintain provision for the production of land-won aggregates at a rate of 0.10 mtpa throughout the Plan period. There will be no permitted reserves at that date because either mineral working under the planning permissions will cease in accordance with a condition of the permission or the workable reserves will be depleted at current rates of production. For that reason alone it will not be possible to maintain a land-bank</p>

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			<p>of at least 7 years”. The Authorities accepted the Inspector’s conclusions and recognise that the WMLP Waste and Minerals Local Plan aggregate provision levels need to be reassessed.</p> <p>Soft Sand</p> <p>The main source of soft sand in the South East (the Lower Greensand Formation) runs through Kent, Surrey, Hampshire, West Sussex and peters out just over the border of East Sussex. There has been limited working of this material in the Plan Area in recent times. Novington Sandpit is the only permitted soft sand site and lies within the South Downs National Park in the East Sussex Plan Area. It is understood that there is a reserve of around 250,000 tonnes still to be worked as part of the extant planning permission.</p> <p>However, the site has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential. On that basis it is not possible to calculate an LAA rate and it assumed that the need for soft sand in the Plan Area has entirely been met through imports for at least six years.</p> <p>The Authorities have worked with the other South East Mineral Planning Authorities to agree a Position Statement on Soft Sand. This sets out the context for soft sand provision at a regional level. Following on from that work, the Authorities have entered into a Statement of Common Ground with Kent County Council and West Sussex County Council which acknowledges the current reliance on imported materials to meet the needs of the Plan Area and</p>

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			<p>explains the process each Mineral Planning Authority will go through to meet the 'steady and adequate supply of minerals' required by the NPPF⁶.</p> <p>Future Provision</p> <p>The NPPF <u>National Planning Policy Framework</u> states that mineral planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual <u>Local Aggregate Assessment (LAA)</u> to forecast demand, based on a rolling average of 10 years sales data and other relevant local information. The LAA should include an assessment of all supply options including land won, marine dredged, secondary and recycled sources. The Authorities have carried out a review of aggregate provision, and further details and calculations are set out in the latest <u>LAA Local Aggregates Assessment</u>.</p> <p>During the Call for Evidence and Sites (CfES) the operator of Lydd quarry submitted proposed extension areas for the site. These were considered for inclusion in the draft Plan but were not considered acceptable as allocations due to</p>

⁶~~Paragraph 213.~~

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			<p>the significant harm mineral working would cause to the interests of designated sites located within the vicinity of the proposals. In addition, the Authorities consider that there are adequate and suitable alternative supplies of material to the proposals which would result in lesser environmental effects. No other aggregate sites were submitted at the CfES Call for Evidence and Sites stage.</p> <p>Following consultation on the draft Revised Policies in 2020 some representations were received relating to aggregates and the provision of material to the Plan Area. These include comments and queries concerning marine dredged aggregate (MDA), recycled aggregates and the calculation and methodology of provision levels. The operator of Lydd quarry also submitted a revised proposal for a quarry extension with more clarified extraction proposals. The Authorities have reassessed the proposed allocations but consider that the issues of harm to designated sites remain and alternatives exist. The proposed allocations are therefore not included in the draft Plan.</p> <p>New aggregate data has been collected and published since 2020, mainly as a result of the annual aggregate monitoring surveys. Revised housing projections figures are also now available which indicate that forecasts of demand for aggregates over the Plan period may now be higher since the publication of the consultation document in 2020. Data is set out in the latest LAA Local Aggregates Assessment and the supporting documents including the Aggregate Data Technical Paper.</p> <p>Following the consultation on the draft Revised policies in 2020, Policy policy RM1 and supporting text have been revised to reflect the matters above. In summary, the following chapter now includes further explanation of how</p>

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			<p>provision will be secured for the Plan Area together with updated information and data. Policy wording has been clarified to confirm that new rail and wharf infrastructure would be supported and where relevant minor corrections have also been made. Some issues are covered further in the Aggregates Data Technical Paper, which also includes detailed workings of the methodology of assessing supply and demand in the Plan Area.</p> <p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>It is proposed that this <u>This</u> section replaces Provision of aggregates WMP11 (pages 78-81) in the WMP <u>Waste and Minerals Plan</u>, and Section 4 Providing for Minerals paragraphs 4.1 to 4.6 (page 24) in the WASP <u>Waste and Minerals Sites Plan</u>.</p> <p>Purpose of Policy RM1</p> <p>To ensure sustainable provision for an appropriate level of aggregates for consumption in the Plan area over the duration of the Plan period.</p> <p>Introduction</p> <p>6.8 Historically there have been low levels of extraction of 'land-won' aggregates in East Sussex, and imports of marine dredged aggregate (MDA), crushed rock and other aggregates have been important in meeting local construction needs. These have been imported via a mixture of rail, road and wharf. Within the Plan Area two types of aggregate resource are to be found: sharp sand and gravel, and soft sand, which have different uses. Sharp sand</p>

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			<p>and gravel uses include concreting applications and soft sand, also known as building sand, uses <u>the</u> include production of mortar.</p> <p>6.9 There is currently one working sharp sand and gravel extraction site in the east of the Plan area at Lydd. Lydd quarry straddles the East Sussex/Kent border and extraction is currently taking place within East Sussex. Approximately 50% of the production is exported to Kent and extraction at this site is due to cease in January 2027 it is estimated that less than a year of reserves remain. If this site were to contribute to future aggregate provision in the Plan Area, further reserves at the quarry would need to be identified. The area around Lydd Quarry is constrained by both nNational and iInternational environmental designations including SSSI <u>Site of Special Scientific Interest</u>, Special Protection Area and Ramsar site. The designations cover or are adjacent to all the sand and gravel resource in this part of the County.</p> <p>6.10 The majority of land-won sharp sand and gravel deposits in East Sussex are found in the coastal areas and river valleys. Having assessed these resources, the Authorities have concluded that identification of feasible extensions or new land - won sites in the Plan area is not possible due to the environmental constraints which are considered overriding.</p> <p>6.11 Apart from production at Lydd quarry and road imports from outside the Plan Area, aggregate supply is currently received through the Ports of Shoreham, Newhaven and Rye, and at a railhead at North Quay in Newhaven. Marine imported material is also exported by rail from a different rail head at East Quay, Newhaven. There are also</p>

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			<p>permitted CDEW construction, demolition and excavation waste sites producing recycled aggregates which can in some cases substitute for sharp sand and gravel end-uses, and secondary aggregates, such as brick waste, are also produced and imported into East Sussex.</p> <p>6.12 A new aggregate processing plant, aggregate bagging plant, concrete batching, and rail siding extension has recently been constructed at Fishers Wharf, Newhaven Port. The operation involves the import of marine dredged aggregate (MDA). The plant has now commenced operation with both marine imports being received and rail exports taking place. Once fully implemented the <u>The</u> development will provides up to 0.42 <u>0.586</u> million tonnes per annum (mtpa) of new import capacity. The majority of the material will be <u>is</u> sold and used within the Plan area <u>including for concrete batching.</u> and a <u>A</u> proportion <u>of the imported marine dredged aggregate is</u> will be exported <u>from the site</u> by rail <u>currently to the London area.</u></p> <p>6.## <u>The main source of soft sand in the South East (the Lower Greensand Formation) runs through Kent, Surrey, Hampshire, West Sussex and peters out just over the border of East Sussex. There has been limited working of this material in the Plan Area in recent times. Novington Sandpit is the only permitted soft sand site and lies within the South Downs National Park in the East Sussex Plan Area. It is understood that there is a reserve of around 250,000 tonnes still to be worked as part of the extant planning permission. However, the site has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential.</u></p>

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			<p>6.13 The Plan Area appears to have been reliant on soft sand imports for a number of years. The Authorities have undertaken a number of surveys to confirm this assumption, and to understand where the material is imported from and how the need for soft sand is currently being met. As a partner Authority for waste and minerals plans in Hampshire, West Sussex, East Sussex and Brighton and <u>to</u> Hove, the SDNPA <u>South Downs National Park Authority</u> is working on a unified position across the South Downs National Park relating to the provision of soft sand that is consistent with national policy within a designated landscape.</p> <p><u>6.## The Authorities have worked with the other South East Mineral Planning Authorities to agree a Position Statement on Soft Sand. This sets out the context for soft sand provision at a regional level. Following on from that work, the Authorities have entered into a Statement of Common Ground with Kent County Council, Maidstone Borough Council, Surrey County Council and West Sussex County Council, which is specifically related to making provision for soft sand within Local Plans, in line with national planning policy requirements to ensure that a steady and adequate supply can be maintained in the administrative areas of the Parties. The Statement of Common Ground commits all the Parties to various actions including safeguarding of resources and an agreement that the soft sand resource within their areas may contribute to the needs of other areas. In particular it is recognised that any apparent soft sand surplus in Kent is acknowledged as having potential to meet a wider need in the South East. As the East Sussex Plan Area relies on imports from both West Sussex and Kent (and other areas), additional reserves in the market could help meet a steady and adequate supply for the three Authorities in the future.</u></p> <p>Future Provision</p>

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			<p>6.14 — Government policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates and so in undertaking the WMLP Review the Authorities have assessed how provision can be continued in the Plan Area. Much of the supporting evidence for the WMLP review is set out in the Authorities' LAA. The most recent LAA Dashboard indicates that at current demand levels the rate for land-won material is 0.15 mtpa. This figure has been calculated on the basis of sales figures for sharp sand and gravel only as the only permitted soft sand site in the Plan area has not produced any mineral for some years. It is acknowledged that less than a years reserve exist at the only active sharp sand and gravel site in the Plan Area. The LAA also identifies rates for other types of aggregate provision including marine and rail imports. It is a particular characteristic of this Plan area that over 80% of aggregates consumed are imported (based on 2014 figures). Indeed, the Plan area has a long-standing unique and particular land-won aggregate situation which has been recognised as a "special case".⁷</p>

⁷-During the review process for the Secretary of State's Proposed Changes to the Review of Policy M3 of the South East Plan the Councils requested to be treated as a special case. This recognised the particular circumstances of low production; remote reserves; and high dependence on marine landings; in an area largely affected by environmental constraints/designations.

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			<p><u>6.## It is a particular characteristic of this Plan Area that about 90% of aggregates consumed are imported (based on 2019 figures). Indeed, the Plan Area has a long-standing unique and particular land-won aggregate situation which has been recognised as a "special case".⁸ Consequently, the Plan Area has not been self-sufficient in land-won sand and gravel in the past and has had to rely on imports of aggregates for supply for many years. Mineral planning authorities which export aggregates to the Plan Area also need to prepare their own Plans and Local Aggregates Assessment to comply with national policy. The Authorities are therefore continuing to work with proximate authorities as part of the Duty to Cooperate to ensure that infrastructure facilities are safeguarded.</u></p> <p><u>6.## Government policy requires mineral planning authorities to plan for a steady and adequate supply of aggregates by preparing Minerals Local Plans and Local Aggregates Assessments and to forecast aggregates demand based on sales data in their Local Aggregates Assessments. However, authorities must also consider other relevant local information in addition to the 10-year rolling supply, which seeks to look ahead at possible future demand,</u></p>

⁸ During the review process for the Secretary of State's Proposed Changes to the Review of Policy M3 of the South East Plan the Councils successfully requested to be treated as a special case. This recognised the particular circumstances of low production; remote reserves; and high dependence on marine landings; in an area largely affected by environmental constraints/designations.

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			<p><u>rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. In undertaking the Waste and Minerals Local Plan Review the Authorities have therefore assessed how provision can be continued in the Plan Area.</u></p> <p><u>6.## The Authorities have been unable to apply Government guidance in using aggregate land won sales figures, owing to the small number of sites and limited data. Consequently, the estimate for future likely sales demand has focused on “other relevant local information”, and in particular the demand for aggregates generated from local planned housing construction.</u></p> <p><u>6.## The Authorities have reviewed their methodology and have taken into account new and updated data. Details of the reassessment are set out in the updated Aggregates Data Technical Paper. The Authorities have established that their methodology of using housing as a proxy for construction also ensures adequate aggregates will be provided for both residential and non-residential construction. The Authorities have concluded that their methodology remains the most robust and appropriate available.</u></p> <p><u>6.## The Authorities have also reapplied their methodology with more recent housing forecasts to calculate revised provision figures as follows. There has been a slight increase to the provision figures compared to those in the Submission Revised Policies Document due to the revised housing data. Taking into account the shortened Plan period ending in 2030, for the 11-year plan period there will be a total sales demand of between 17.2 million tonnes and 18.4 million tonnes of aggregates which averages at between 1.57 and 1.67 million tonnes per annum. Note,</u></p>

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			<p>these averages are based on the total for the Plan period, and the annual demand will vary from year to year depending on the exact demand at that time.</p> <p>6.## The Authorities consider that this provision can be met with existing permitted capacity. Further details on capacity are detailed below.</p> <p>6.15 — If demand for aggregates in the Plan Area were to remain constant then the total rate of aggregates for provision over the Plan period would be around 0.7 mtpa. The Authorities are also required to assess the effect of demand changes on provision. To do this the Authorities have used projections of homes and infrastructure over the next decade. Calculations carried out for the Review (see Aggregates Data Technical Paper) indicate that aggregate demand requirements could double, meaning that the total provision for the 15 year Plan Period (15 years from 2019, therefore to 2034) could be in the region of about 1.48 mtpa.</p> <p>6.16 — Unused permitted capacity remains at all infrastructure and processing facilities which could be utilised in the future with the minimum of constraints. A significant amount of aggregates imported into Shoreham Port on the West Sussex side are consumed in the Plan Area and it is understood that additional unrestrained capacity remains at the Port. There is also further capacity available for the production of recycled and secondary material (see Aggregates Data Technical Paper).</p> <p>6.17 In terms of quantity, the supply of <u>MDA marine dredged aggregate</u>, from Fisher's wharf, once fully operational, would effectively provide an equivalent amount of aggregate to substitute for land-won sharp sand and</p>

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			<p>gravel from Lydd where resources are near exhaustion. It is also necessary to ensure that the end uses of these materials and their markets are comparable, and that sufficient reserves of MDA <u>marine dredged aggregate</u> are available. In terms of continuing supply to the existing market area, the Fishers Wharf development at Newhaven Port could provide for the western side of the Plan Area, and the Authorities consider that any market variations to the east could be compensated for by, for example, further imports using existing capacity at Rye Harbour as well as from Kent. The Crown Estate advises that marine aggregate is wholly interchangeable with land based sand and gravel, and can perform the same technical tasks. Reserves off the south coast of Sussex and Hampshire are circa 80 million tonnes with a life of 24 years at 10 year average levels of extraction. New capacity is also expected to come on stream in the very near future. The environmental impact of dredging is considered at the application stage of the Marine Licencing system which is determined by the Marine Management Organisation.</p> <p><u>6.## The British Geological Survey Local Aggregates Survey (2019) indicates that a significant amount of aggregates imported into Shoreham Port are consumed within the Plan Area and it is understood that additional capacity remains at the Port. Shoreham Port straddles the boundary between Brighton & Hove and West Sussex minerals planning authority areas. The majority of the minerals wharves are located in West Sussex; West Sussex County Council, as minerals planning authority, report the Port sales figures in their Local Aggregates Assessment, and this underpins the West Sussex Joint Minerals Local Plan which safeguards the wharves to ensure a continued steady and adequate supply of aggregates. The Authorities recognise that the supply from Shoreham Port is accounted for in the West Sussex Local Aggregates Assessment and that it would not be appropriate for the</u></p>

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			<p><u>Authorities to attribute capacity from Shoreham for potential supply to the Plan Area. It is however important to understand the contribution that Shoreham wharves do make to the Plan Area, therefore a proxy figure derived from Crown Estate marine dredged aggregate landing statistics has been used to represent a minimum annual supply to the Plan Area. Further details are set out in the Aggregates Data Technical Paper. The Authorities continue to work with West Sussex County Council as part of the Duty to Cooperate to ensure steady and adequate supplies continue.</u></p> <p><u>6.## Unused permitted capacity remains at all infrastructure and processing facilities, including for the production of recycled and secondary material, which could be utilised in the future with the minimum of planning constraints. In particular further capacity could be available via the Permitted Development rights which exist for some wharves and may not have been included in the permitted capacity figures, and also if non-operational wharves were to be re-established. There may also be opportunities to increase capacity by improving the operation and efficiency of existing sites.</u></p> <p>6.18 An assessment of the existing capacity at permitted import and processing facilities in the Plan Area indicates that adequate capacity exists to accommodate <u>the proposed level of aggregate provision set out in policy RM1. at least double the current levels of demand. Recent revised housing projections (2020 data) however point to a possible higher level of demand, (although this assumes current building methods endure). All</u> <u>In addition, the Authorities have identified that more capacity is and will be imminently available. Further</u> details are set out in the <u>Local Aggregates Assessment</u> and the updated <u>Aggregate Data Technical paper</u>.</p>

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			<p>6.19 It is acknowledged that if demand were to exceed these levels, there could potentially be shortfalls in supply during the Plan period. However, the Authorities consider that the market is likely to respond in such circumstances to enable additional provision by, for example, diverting exports. In the past regardless of the aggregate demand at that time, supply has occurred and construction has taken place in the Plan Area. In addition, if demand is high enough it could be that market conditions are favourable for new import and recycling infrastructure and/or sites which, where appropriate, would be supported by RM1 and other policies in this Plan. Furthermore, the amount of aggregates needed in new buildings may reduce over time as construction methods change in response to net zero carbon requirements. The sustainable use of aggregate is supported in policy RM0.</p> <p>6.20 With regards to soft sand it is considered that the most appropriate approach is to safeguard the soft sand resource and not allocate any further sites in the Plan Area. It is not appropriate to designate Areas of Search in a</p>

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			<p>protected landscape and no aggregate sites have been put forward during the consultation process in either the National Park or the AONB Area of Outstanding Natural Beauty.^{9,10,11}</p> <p>6.21 The Authorities consider that based on current evidence there are no acceptable or feasible further land-won sites resources available, and that in the context of the Plan Area's long established "special case", future provision in the Plan Area has to be supplied from a combination of recycled and secondary material, and rail, wharf and other</p>

~~⁹ Any future applications for soft sand extraction in the National Park will need to address paragraph 177 of the NPPF and Policy SD3 of the South Downs Local Plan.~~

¹⁰ Mineral extraction is considered to be 'major development' as defined in the Glossary of the [NPPF National Planning Policy Framework](#) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Paragraph 177 of the [NPPF National Planning Policy Framework](#) states that planning permission should be refused for major development in National Parks other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote ~~60~~ [64](#) of the [NPPF National Planning Policy Framework](#) states that the question of whether a development proposal is 'major' in a National Park is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

¹¹ Paragraph ~~477~~ [183](#) of the [NPPF National Planning Policy Framework](#) relates primarily to the determination of planning applications in protected landscapes. However, to ensure that all local plan allocations are deliverable, it is also necessary to consider the issue of major development at the plan making stage.

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			<p>aggregate imports. This provision strategy does not therefore include land-won material from within the Plan Area and does not require the allocation of sites or setting of a specific "landbank" for aggregates.</p> <p>6.22 The Plan strategy for meeting the sand and gravel needs of the Plan Area is therefore through supporting and encouraging imports through existing permitted facilities, as well as utilising permitted recycled and secondary aggregate capacity, and encouraging sustainable usage of aggregates. Proposals for new rail and wharf import infrastructure will <u>also</u> be supported, where appropriate. To ensure that that supply is secured and maintained through import facilities it is important that minerals infrastructure, including wharf and rail heads, are adequately safeguarded. This is covered in policy RM5. In addition, any extensions or improvements to existing safeguarded sites which improve the operation and/or efficiency of the landing, processing, handling and storage of minerals will normally be supported. The reuse of existing infrastructure will be supported where appropriate.</p> <p>6.23 The strategy aims to protect and support every mechanism for enabling supply. This will allow provision for at least a doubling of current demand which <u>for the 11-year plan period which</u> equates to <u>a total sales demand of between 17.2 million tonnes and 18.4 million tonnes of aggregates, averaging at between 1.57 and 1.67 million tonnes per annum (mtpa) peaking at just over 2mtpa in 2027/28. just over 22 million tonnes (mt) of aggregates over 15 years at an average of approximately 1.48 mtpa, peaking at 2.02 mtpa in 2025/26. Of the 22mt 17.2 to 18.4 mtpa, between 14.43 mt & 16.56 mt 11.5 and 14.3 mtpa</u> will be sourced from imports, using existing permitted facilities <u>in the Plan Area and beyond</u>.</p>

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			<p>6.## Aggregate supply and demand in the Plan area <u>Area</u>, including the annual provision figure, will be continually monitored via the Authorities' Monitoring Report and the Local Aggregate Assessment, and will be reviewed when required. by national legislation.</p> <p>6.## <u>The Authorities will commit to reviewing the methodology used to predict demand and establish aggregates provision for the forthcoming full Review of the Waste and Minerals Local Plan. In doing this the Authorities will collaborate with industry, proximate Mineral Planning Authorities, and district and borough Councils in the Plan Area to ensure all relevant information is considered. The Authorities will continue to work closely with proximate Mineral Planning Authorities that supply the Plan Area, to ensure that they continue to protect, maintain and enhance existing infrastructure and capacity.</u></p> <p>6.24 In the event that <u>Where proposals for</u> land-won aggregate proposals are received they will be <u>supported, in principle, subject to</u> consideration against existing the Development Plan policies as a whole. Of particular relevance are the overarching principles set out in Policy WMP4, Policy RD1 (Environment and Environmental Enhancement) and other development management policies. All Plans should be read as a whole and criteria based policies within the WMLP ensure that there is complete policy coverage for any future proposal.</p> <p>6.25 Proposals for new sites and additional capacity for aggregate importation infrastructure and recycled and secondary aggregate production will <u>be supported and encouraged through the pre-application advice process</u> also be subject to the environmental protection requirements set out in other plan policies.</p>

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			<p>6.26 Proposals which may involve marine operations should also consider Policies S-AGG-3 and S-AGG-4 from the MMO South Marine Plan. These policies refer to proposals in areas where high potential aggregate resource occurs, and local sourcing of aggregates respectively.</p> <p>Policy RM1: Provision of aggregates for consumption in the Plan Area</p> <p><u>1.</u> The Authorities will enable support the provision of at least 22 <u>17.2</u> million tonnes and <u>18.4 million tonnes</u> (averaging 1.48 mtpa <u>between 1.57 and 1.67 million tonnes annum</u>) of aggregate material over the the <u>11-year</u> Plan period by seeking to protect, maintain and enhance existing:</p> <p>a) aggregate importation infrastructure and capacity; and</p> <p>b) recycled and secondary aggregate production.</p> <p><u>2.</u> Proposals for new rail and wharf import infrastructure, and additional capacity for a) and b) (including increased operational capacity within the site boundary of existing infrastructure) will be supported. In particular, support will be given to proposals which further enable sustainable provision of aggregates by sea and/or rail.</p> <p><u>3.</u> <u>Proposals for land-won aggregate extraction, including extensions of time and physical extensions to existing sites, will be supported where consideration against other policies in the Development Plan indicates there would be no unacceptable adverse impacts.</u></p>

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MM06	34-35	Policy RM2 – 6.30	<p>Policy RM2: <u>Provision for an additional extraction area at Aldershaw Farm</u></p> <p>For an An area of additional clay extraction, may be proposed in connection with the specialist tile manufacturing facility at Aldershaw Farm as identified on Map 10.2 [Minerals Sites and Infrastructure Map]. /// To to be acceptable in principle, proposals for an additional extraction area must demonstrate that the following criteria are met:</p> <ul style="list-style-type: none"> i. An assessment of the impact on the Ancient Woodland (Screen Wood and Lane Wood) must be carried out. An Ecological Impact Assessment must be carried out to demonstrate how impacts on biodiversity features, including Ancient Woodland (Screen Wood and Lane Wood) and Beauport Park Local Wildlife Site, have been avoided in line with the mitigation hierarchy. Where necessary and in accordance with Natural England and the Forestry Commission’s standing advice, appropriate buffers should be incorporated, and mitigation provided, to the satisfaction of both bodies. ii. The impact on the High Weald Area of Outstanding Natural Beauty must be assessed and appropriate mitigation should be included, if required, in consultation with the High Weald AONB <u>Area of Outstanding Natural Beauty</u> Unit and Natural England. iii. An assessment of the impact on the Beauport Park Local Wildlife Site must be carried out; and where necessary appropriate mitigation provided, in consultation with and to the satisfaction of the County Ecologist. Beauport Park Local Wildlife Site should be safeguarded, and where necessary, appropriate mitigation provided, in

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			<p><u>consultation with and to the satisfaction of Natural England or a suitably qualified ecological advisor of the Council's choosing.</u></p> <p>iv. Access to the site is through the existing brickworks.</p> <p>An appropriate mitigation and environmental enhancement scheme for the operations and restoration of the entire extraction site would be required as part of any permission.</p> <p>Proposals must demonstrate how they have considered relevant Policies in the <u>Waste and Minerals Plan WMP</u>, <u>Waste and Minerals Sites Plan WMSPP</u> and the Development Plan (relevant Local Plan). Any application will be assessed in accordance with relevant development plan policies taking into account any material considerations.</p> <p><u>Further Guidance</u></p> <p>6.29 Protected and notable species may be present within or in the vicinity of any future additional area of extraction. Appropriate assessments and surveys should be carried out in accordance with standing advice and development management policies within this Plan.</p> <p>6.30 Any restoration plan should be supported by a landscape and ecological management plan.</p> <p><u>6.## A Transport Assessment and Site Management Plan for the management of impacts arising from vehicle movements including dust reduction measures and wheel washing facilities should be prepared and submitted with</u></p>

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			<p><u>any planning application. It is advised that the applicant engages in pre-application discussions with National Highways prior to the submission of any application.</u></p>
MM07	35	Inserted after 6.30	<p><u>Introduction to Minerals Safeguarding</u></p> <p><u>The following section sets out the Policies on Mineral Resources and Infrastructure safeguarding including a policy on minerals consultation areas. These policies (RM3 - RM7) are designed to be read concurrently.</u></p> <p><u>Purpose of Safeguarding</u></p> <ul style="list-style-type: none"> • <u>Safeguarding aims to avoid the unnecessary sterilisation of mineral resources, where non-mineral development effectively prevents and/or unduly affects the ability to extract the underlying mineral.</u> • <u>Safeguarding also aims to prevent the loss of key minerals infrastructure and avoid unreasonable constraints on their operation (including workings at active and proposed extraction sites) that may result from the introduction of proximate sensitive development. For example, there may be conflicts of use and disturbance where a residential development is developed in close proximity to a minerals wharf facility from the impact of noise or light pollution, dust, traffic movements or impact on visual amenity.</u> <p><u>The Agent of Change Principle</u></p>

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			<p><u>The National Planning Policy Framework (2023) requires that where the operation of an existing business could have a significant adverse effect on new development in the locality, the applicant of the new development (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed, this is known as the ‘agent of change principle’. The ‘Agent of Change’ (Paragraph 193 of the National Planning Policy Framework (December 2023)) principle and the term ‘incompatible development’ are closely linked; incompatible development refers to development which places unreasonable constraints on the workings of existing businesses/facilities. Both concepts are applied within the safeguarding policies.</u></p> <p><u>For some types of non-mineral development the impact upon safeguarded sites may be negligible. Accordingly, the Authorities consider that the following categories of development/application type would be unlikely to pose a threat to safeguarded areas and are therefore exempt from the Policy requirements of RM3, RM5, RM6 and RM7. The exemptions are referred to as excluded development. They would apply to sites located in Mineral Safeguarding Areas and Mineral Consultation Areas; to the requirements for prior extraction; and for consultations relating to both mineral resources sites and minerals infrastructure sites. Those listed would also be exempt from the requirements of Mineral Resource and Infrastructure Assessments.</u></p> <p><u>Excluded Development</u></p> <ul style="list-style-type: none"> • <u>Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse;</u>

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			<ul style="list-style-type: none"> • Applications for Advertisement Consent; • Applications for Listed Building Consent; • Lawful Development Certificate for existing use, proposed use, or operation or activity in breach of a planning condition; • Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas); • Application for non-material amendments; • Developments within a conservation area within existing urban areas. <p>Overview of safeguarding policies</p> <table border="1" data-bbox="622 847 2029 1270"> <thead> <tr> <th data-bbox="622 847 976 895">Policy</th> <th data-bbox="976 847 2029 895">Overview of Policies</th> </tr> </thead> <tbody> <tr> <td data-bbox="622 895 976 1129">RM3</td> <td data-bbox="976 895 2029 1129">This policy safeguards locally important feasible land-won mineral resources and permitted extraction sites from sterilisation and incompatible development. In cases where sterilisation may occur, prior extraction is required unless it can be demonstrated that this is not feasible. The Mineral Safeguarding Areas are identified on the Policies Map.</td> </tr> <tr> <td data-bbox="622 1129 976 1270">RM5</td> <td data-bbox="976 1129 2029 1270">This policy safeguards minerals infrastructure (wharves and railheads) and associated capacity. Wharves and railheads are the key bulk transport routes in the Plan Area. Using the ‘Agent of Change’ principle the policy protects the safeguarded facilities</td> </tr> </tbody> </table>	Policy	Overview of Policies	RM3	This policy safeguards locally important feasible land-won mineral resources and permitted extraction sites from sterilisation and incompatible development. In cases where sterilisation may occur, prior extraction is required unless it can be demonstrated that this is not feasible. The Mineral Safeguarding Areas are identified on the Policies Map.	RM5	This policy safeguards minerals infrastructure (wharves and railheads) and associated capacity. Wharves and railheads are the key bulk transport routes in the Plan Area. Using the ‘Agent of Change’ principle the policy protects the safeguarded facilities
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			<p data-bbox="987 408 2042 504"><u>from negative impacts resulting from non-minerals development which may not be compatible with the operation of minerals infrastructure sites.</u></p> <p data-bbox="607 504 2042 695"><u>RM6</u> This policy safeguards other types of minerals plant and infrastructure, for example for concrete batching, coated materials manufacture, and other concrete products, facilities for plasterboard and clay manufacture, from encroachment from incompatible development.</p> <p data-bbox="607 695 2042 1117"><u>RM7</u> This policy identifies Minerals Consultation Areas. <u>In cases where the Local Planning Authority considers that a non-minerals development affects or could potentially affect an existing minerals site or facility, consultation with the Minerals Planning Authority is required.</u> <u>Proposals within Minerals Consultation Areas, unless identified on the excluded development list, require consultation with the Mineral Planning Authority.</u> <u>Outside Mineral Consultation Areas, Local Planning Authorities may come to a judgement of the potential impact on an existing minerals site or facility and should therefore consult with the Minerals Planning Authority.</u></p> <p data-bbox="607 1117 2042 1279"><u>Paragraph 216e of the National Planning Policy Framework (December 2023) states that planning policies should safeguard existing, planned and potential sites for: bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled</u></p>

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			<p><u>and secondary aggregate material. Sites falling within these categories are safeguarded by various policies¹² within the Waste and Minerals Local Plan.</u></p> <p><u>The Role of District and Borough Councils in Minerals Safeguarding</u></p> <p><u>In two-tier authority areas, such as much of the Plan Area, the District and Borough Councils play a key role in the implementation of the Waste and Minerals Local Plan. The role of District and Borough Councils in Minerals Safeguarding is to:</u></p> <ul style="list-style-type: none"> ▪ <u>Have regard to the Waste and Minerals Local Plan when identifying areas for development in Local Plans and determining planning applications; and,</u>

¹² RM5 safeguards bulk transport sites (wharves and railheads) and the handling and processing of minerals at these sites. RM6 safeguards sites for manufacture (including concrete and concrete products) and associated handling and processing. Recycled and secondary aggregates are safeguarded by Policies WMP6 and SP6 of the Waste and Minerals Local Plan.

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			<ul style="list-style-type: none"> ▪ <u>Consult with the relevant Mineral Planning Authority on development proposals in accordance with the Plan policies and take into account their views; and</u> ▪ <u>Identify Minerals Safeguarding Areas on their Policies Maps.</u> <p><u>The responsibilities set out above have been agreed in direct cooperation with the District and Borough Councils and continual work on the delivery of these will be achieved through the Duty to Cooperate.</u></p>
MM08	36-40	Purpose of Policy RM3 – End of Policy RM4	<p>Purpose of Policy RM3</p> <p>To ensure known mineral resources of local <u>and national</u> importance are safeguarded <u>and that safeguarded mineral resources are not sterilised by development by encouraging their extraction prior to development.</u></p> <p><u>Introduction</u></p> <p>6.31 The National Planning Policy Framework requires <u>MPAs Mineral Planning Authorities</u> to prevent mineral resources from being unnecessarily sterilised. Sterilisation of known or potential resources would reduce the ability and flexibility to supply future demand. However, it is also important to find a balance between protecting mineral resources for the future and allowing for necessary development of some of those areas.</p>

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			<p>6.32 Government advice contained in the NPPF National Planning Policy Framework and other guidance¹³ requires mineral planning authorities to define Mineral Safeguarding Areas (MSAs) which should contain resources that are of local and national importance to warrant protection for future generations. Mineral safeguarding allows for potential resources to be examined; however, there is no presumption that resources defined in Mineral Safeguarding Areas MSAs will be worked. To ensure safeguarding is effective and provides a meaningful function, the Plan seeks to safeguard resources.</p> <p>6.33 In addition to Mineral Safeguarding Areas, Minerals Consultation Areas have also been defined by the Authorities. These are areas where Local Planning Authorities (District & Borough Councils) will consult with the Authorities on alternative development proposals, not including excluded development. They have been identified using information on known minerals resources, existing permitted extraction and transport infrastructure sites. The Mineral Consultation Areas in the Plan Area cover the same areas as the Mineral Safeguarding Areas plus a 100-metre buffer. Further bespoke Mineral Consultation Areas based on site specific circumstances, other than those included</p>

¹³ British Geological Survey ~~(BGS)~~ guidance for Mineral Safeguarding published in 2011.

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			<p><u>within Policy RM7, may be considered through future reviews of the Plan. Policy RM7 sets out consultation requirements for developments within or proximate to Minerals Consultation Areas.</u></p> <p><u>6.## There might be specific circumstances when the Local Planning Authority may wish to consult the Mineral Planning Authority for proposals which do not fall within a Minerals Consultation Area but are near to a minerals site. This will be down to the judgement of the Local Planning Authority but could include, for example, a proposed development that potentially would be affected by Heavy Goods Vehicle movements from an existing minerals site.</u></p> <p><u>6.## Where an application is made for non-mineral development within a Minerals Safeguarding Area identified in this Plan, then the determining authority will consult the Minerals Planning Authority for its views on the application and take them into account in its determination. For non-minerals development determined by the Authorities e.g. schools and waste management, the safeguarding policies will equally apply.</u></p> <p><u>Review of Mineral Safeguarding Areas</u></p> <p><u>6.## The Authorities have not received any evidence or intelligence to support the inclusion of any new or amended Minerals Safeguarding Areas, therefore other than the Mineral Safeguarding Areas included on the Policies Map, no other Mineral Safeguarding Areas are confirmed within the Plan.</u></p>

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			<p><u>6.## The Mineral Safeguarding Areas will be reviewed under future reviews of the Plan. Any intelligence provided, such as geological data and workability of the resource, by the industry or site operators will be taken into consideration in the review process. Other matters to be taken into account in these reviews include:</u></p> <ul style="list-style-type: none"> • <u>Proposed urban extensions and site allocations for non-minerals uses in adopted local plans;</u> • <u>Consultation with stakeholders including landowners and local district/borough councils;</u> • <u>The accessibility of the minerals resource i.e. whether it can be practicably and feasibly worked.</u> <p><u>6.## Furthermore, as part of future reviews of the Plan the need to safeguard infrastructure (safeguarded by Policy RM5), and production and manufacture sites (safeguarded by Policy RM6) will also be reviewed.</u></p> <p><u>Minerals Resource Assessments and Prior Extraction</u></p> <p><u>6.## The National Planning Policy Framework requires that Mineral Planning Authorities should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place.</u></p> <p>6.34 Where non-mineral development is proposed which could potentially sterilise minerals resource, developers will be required to carry out investigation work to ascertain whether economically feasible mineral resources are present and whether prior extraction is practicable. <u>It is for the developer or site proposer to demonstrate whether prior extraction is not feasible.</u> The results of this work should be reported in a ‘Minerals Resource Assessment’ which should be proportionate to the nature and scale of the proposal (for more detail see separate guidance on</p>

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			<p><u>safeguarding). The developer will be expected to have regard to <i>The Minerals Products Association and the Planning Officers' Society Minerals Safeguarding Practice Guidance (April 2019)</i> in preparing a Mineral Resource Assessment.</u></p> <p><u>6.## For the Authorities to raise no objection to the non-mineral development, they will need to be satisfied that either minerals sterilisation will not occur (either because the mineral resources are not economically feasible or that an appropriate and practicable level of prior extraction can take place) or because there is an overriding need for the development.</u></p> <p><u>6.## In forming its view on the proposed development the Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, and provide advice to the Local Planning Authority.</u></p> <p><u>6.## Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.</u></p> <p><u>Sharp Sand & Gravel</u></p>

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			<p><u>6.## Storm beach deposits have been worked in the past in the Plan Area. However, these deposits have now either been sterilised, exhausted or are constrained by both national and international environmental designations. Consequently, no provision is made in the Plan for the working of storm beach deposits.</u></p> <p><u>6.## Permitted extraction sites (Scotney Court Farm, Scotney Court extension and Wall Farm) are currently being worked and near exhaustion at Lydd Quarry. The continued safeguarding of these sites is therefore not considered necessary. Furthermore, the area around Lydd Quarry, including Broomhill, is constrained by both national and international environmental designations and further working is not feasible due to the irreversible harm this would cause to the interests of designated sites which are considered overriding. Therefore, Broomhill is no longer safeguarded.</u></p> <p><u>6.## Within the Plan Area, river terrace deposits are located within very narrow seams and several of these sites are located within the High Weald Area of Outstanding Natural Beauty and South Downs National Park. There has been no historical interest to extract these resources. Furthermore, surface development on river terrace deposits is unlikely due to the limitations of building on riverbeds and on floodplains.</u></p> <p><u>6.## Given these limitations, the Authorities consider it highly improbable that any sharp sand and gravel resource in the Plan Area would be workable in the future and that safeguarding this resource would not therefore be appropriate.</u></p>

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			<p data-bbox="618 411 1995 533">6.35 — Clay sites and permitted Gypsum reserves and soft sand are safeguarded. No strategic need for chalk extraction was identified in the WMP, and there is no evidence to suggests that the situation has altered. No areas have therefore been identified to safeguard chalk resource within the review.</p> <p data-bbox="618 571 741 596">Soft Sand</p> <p data-bbox="618 624 2018 887">6.36 When considering proposals for mineral extraction, national policy¹⁴ requires planning authorities to ‘provide the provision of non-energy minerals outside of National Parks, the Broads, Areas of Outstanding Natural beauty and World Heritage Sites, scheduled monuments and conversation areas’ where practicable. <u>In considering proposals for mineral extraction, minerals planning authorities should as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas</u>¹⁵. However, the soft sand resource within East</p>

¹⁴ ~~NPPF 2021 paragraph 211.~~

¹⁵ National Planning Policy Framework (December 2023) paragraph 217.

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			<p>Sussex lies entirely within the boundary of the South Downs National Park. This soft sand resource then extends through the SDNP South Downs National Park and its boundary in West Sussex and Hampshire.</p> <p>6.37 As soft sand resource Soft sand resource in the south-east is a regionally important mineral that, for certain end uses, cannot be easily substituted. It is relatively limited and constrained by a number of designated landscapes¹⁶. The Authorities have entered into a Statement of Common Ground with Kent County Council, West Sussex County Council, Surrey County Council and Maidstone Borough Council in which the agreed position is to safeguard any soft sand resource in the respective plan areas. Moreover, the South East England Mineral Planning Authorities have agreed a Joint Position Statement on Soft Sand that sets out the overall supply position within the South East and is designed to underpin statements of common ground. Therefore, the Plan safeguards the extent of the soft sand resource in East Sussex.</p> <p>Other Minerals</p>

¹⁶ South East Soft Sand Position Statement.

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			<p>6.## Clay sites and permitted Gypsum reserves are safeguarded. No strategic need for chalk extraction was identified in the Waste and Minerals Plan, and there is no evidence to suggests that the situation has altered. No areas have therefore been identified to safeguard chalk resource within the Review.</p> <p>6.38—The Authorities consider that the following categories of development/application type are exempt from the Policy requirements of RM3, RM4, RM5 and RM7. The exemptions would apply to sites located in MSAs and MCAs; to the requirements for prior extraction; and for consultations relating to both mineral resources sites and minerals infrastructure sites. Those listed would also be exempt from the requirements of Mineral Resource and Infrastructure Assessments.</p> <p>Excluded Development</p> <ul style="list-style-type: none"> ● Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse ● Applications for Advertisement Consent ● Applications for Listed Building Consent ● Lawful Development Certificate (LDC) for existing use, proposed use, or operation or activity in breach of a planning condition ● Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)

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			<ul style="list-style-type: none"> ● Application for non-material amendments ● Applications for small-scale urban infill development within existing built-up areas i.e. the development of a small gap between existing buildings/enclosed by other types of development ● Developments within a conservation area within existing urban areas <p>Policy RM3: Minerals Safeguarding Areas</p> <p>Mineral Safeguarding Areas (MSAs), as shown on the Policies Map, identify potentially <u>feasible viable</u> land-won mineral resources and <u>permitted</u> sites <u>which remain feasible viable</u>.</p> <p>Proposals for non-minerals development on or near the <u>Mineral Safeguarding Areas MSA</u> that would sterilise or prejudice the extraction of the mineral resource, or result in incompatible development, should not be permitted <u>unless it can be demonstrated, within a Mineral Resource Assessment, that:</u></p> <ul style="list-style-type: none"> <u>a) the development is not incompatible with any permitted minerals operations; and</u> <u>b) mineral extraction in advance of surface development (prior extraction) would not be practical and feasible.</u> <p>Development proposals within areas shown as Mineral Safeguarding Areas on the Policies Map or that may affect a mineral operation or resource, must demonstrate that mineral resources will not be sterilised and the development is not incompatible with any permitted minerals operations.</p> <p>The Authorities will periodically review and update MSAs as required.</p>

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			<p>Prior Extraction of Mineral Resources (RM4)</p> <p>Explanation</p> <p>Prior extraction of minerals resources is required by the NPPF (2021) to be promoted and considered for development proposals which would sterilise resources. Following an assessment of viability of sand and gravel resource within the Plan Area, it is proposed that no additional sharp sand and gravel resource will be safeguarded. A prior extraction policy is required to ensure that soft sand resource (all of which is to be safeguarded), clay and gypsum reserves are appropriately safeguarded and does not become sterilised. A separate policy requiring prior extraction where feasible and practicable has been included.</p> <p>No changes to the direction of this Policy have been made since the 2020 consultation. For clarity, some minor updates to the supporting text have been made.</p> <p>Purpose of Policy RM4</p> <p>To ensure the best and most sustainable use of minerals by seeking their extraction prior to development.</p> <p>6.39— The NPPF requires that MPAs should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. Where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether there are economically viable mineral resources present and whether prior extraction is practicable. The results of this work should be presented within a Minerals Resource Assessment (MRA) which should be proportionate to the</p>

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			<p>nature and scale of the proposal. Guidance on preparing a MRA can be found within the separate guidance document on safeguarding. The Minerals Resource Assessment may conclude that prior extraction is not practicable due to constraints and location, delay to construction timetable, and effect on landform thereby making the site not viable for the proposed development.</p> <p>6.40—The Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, in forming its view on the proposed development and provide advice to the Local Planning Authority.</p> <p>6.41—Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.</p> <p>6.42—Policy RM4 must be read in conjunction with the Excluded Development list, please refer to paragraph 6.38 for further details.</p> <p>Policy RM4: Prior Extraction of Mineral Resources</p> <p>All developments permitted within or near Mineral Safeguarding Areas should undertake prior extraction unless it can be demonstrated to the satisfaction of the MPA that:</p> <p>a) — The mineral resource would not be sterilised by the proposed development, and/or</p>

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			b) — The mineral cannot be practically or feasibly extracted.
MM09	42 - 43	Paragraph 6.47 – End of Policy RM5: Safeguarding Minerals Infrastructure	<p>6.47 Proposals affecting safeguarded mineral infrastructure sites or the associated <u>Mineral Consultation Areas</u> MCAs including rail depots, wharves, concrete batching and asphalt plants, and aggregate recycling sites should be supported by a Mineral Infrastructure Assessment (MIA). This should provide sufficient evidence which is proportionate to the nature and type of development, to enable the <u>Minerals Planning Authority</u> MPA to assess whether the proposed development is likely to have an adverse effect on the facility including its capacity. Further guidance on preparing the <u>Minerals Infrastructure Assessment</u> MIA can be found within the <u>separate guidance document on safeguarding</u>. <u>Proposals will be expected to have regard to The Minerals Products Association and the Planning Officers' Society Minerals Safeguarding Practice Guidance (April 2019) in preparing a Minerals Infrastructure Assessment.</u></p> <p>6.48 The <u>NPPF National Planning Policy Framework</u> requires that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Development proposals in the vicinity of safeguarded wharves (including vacant wharves) and railheads should be designed to minimise the potential for conflicts of use and disturbance (e.g. light disturbance, noise pollution, dust, odour, other emissions, impact on visual amenity of potential occupiers and impacts arising from traffic movements</p>

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			<p>associated with Minerals Infrastructure sites), in line with the Agent of Change principle as set out within the National Planning Policy Framework NPPF¹⁷.</p> <p>6.49 The Joint Area Action Plan (JAAP) for Shoreham Harbour which was adopted in October 2019 sets out the future vision and planning policies for the Shoreham Harbour regeneration area. The intention is to consolidate port related uses in the eastern harbour arm. It is important that wharf safeguarding policies are applied to ensure capacity is maintained whilst regeneration proposals come forward.</p> <p>6.50 Shoreham Port is partly within West Sussex, so landings at wharves in the West Sussex part may also help meet demand in the western part of the Plan Area. On that basis, provision of equivalent capacity (tonnage) of minerals wharfage within either part of Shoreham Port may be acceptable subject to similar safeguarding by West Sussex County Council as Minerals Planning Authority. Future joint working by authorities on the Joint Area Action</p>

¹⁷ Paragraph [487 193](#) of the National Planning Policy Framework NPPF ([2024-December 2023](#)).

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			<p><u>Plan JAAP</u> has been addressed through a Statement of Common Ground which has been agreed between the Shoreham Harbour Planning Authorities and the Shoreham Port Authority.</p> <p>6.51 The wharves and railheads safeguarded for the purposes of minerals transportation are listed on the Policies Map. A list of the permitted mineral infrastructure sites is published alongside the Annual Monitoring Report (AMR) on the County Council’s website. It is updated periodically outside the Annual Monitoring Report process. Updated GIS layers are re-issued accordingly.</p> <p>6.52 Policy RM5 must be read in conjunction with the Excluded Development List, please refer to paragraph 6.## for further details.</p> <p>Policy RM5: Safeguarding Minerals Infrastructure</p> <p>Existing, planned and potential minerals wharf and railhead facilities (including rail sidings) and their consequential capacity are safeguarded in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The need for railheads and minerals wharves will be monitored.</p> <p>Capacity for landing, processing and handling and associated storage of minerals at wharves in Shoreham, Newhaven and Rye Ports is safeguarded. Alternative use proposals should demonstrate that there is no net loss of capacity for handling minerals within a port.</p>

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			<p>Proposals for non-minerals related uses within the vicinity of an infrastructure site should be designed to minimise the potential for conflicts of use and disturbance in accordance with the Agent of Change principle. Proposals for incompatible non-minerals development should not be permitted.</p> <p>The Authorities will support the co-location of railheads and minerals wharves with processing capacity subject to it being demonstrated that this does not adversely affect space requirements for operational use.</p> <p>The Authorities will periodically review and update Mineral Infrastructure Safeguarded Areas as required.</p>
MM10	44-46	Section Safeguarding facilities for concrete batching (etc.) (RM6) – From Title to end of Policy	<p>Safeguarding other minerals plant and infrastructure facilities for concrete batching (etc.) (RM6)</p> <p>Explanation</p> <p>To ensure the plan remains relevant throughout the Plan Period, it is proposed that the list of safeguarded facilities is removed from the policy wording and is moved to the Policies Map. The Policies Map would be periodically reviewed and updated as necessary.</p> <p>Since the 2020 consultation, the direction of the Policy remains the same. The Policy wording has been amended to strengthen the wording and emphasise the limited circumstances in which permission may be granted. Reference to the agent of change principle has been added to supporting text to ensure consistency with other policies.</p>

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			<p data-bbox="618 411 1272 440"><u>How the Waste and Minerals Local Plan is amended</u></p> <p data-bbox="618 459 1921 539">It is proposed that This section replaces pages 27-28 of the Waste and Minerals Sites Plan. Policy SP10 is proposed to be superseded by RM6, as drafted below.</p> <p data-bbox="618 576 909 604">Purpose of Policy RM6</p> <p data-bbox="618 628 1984 708">To ensure adequate provision of minerals of the plan area by protecting infrastructure facilities from encroaching development.</p> <p data-bbox="618 743 1980 868">6.53— Whilst the development management of concrete batching and similar facilities are generally district and borough council planning matters, in order to provide a comprehensive safeguarding mechanism for minerals infrastructure in the Plan Area it is considered appropriate to safeguard such sites in the WMLP.</p> <p data-bbox="618 903 2029 1219">6.54 The NPPF requires that planning policies safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; <u>National policy requires other types of mineral infrastructure to be safeguarded.</u> This includes existing, planned and potential sites for the handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material. No such sites were received in response to the Call for Evidence and Sites consultation, and a need for additional facilities has not been identified. <u>However, existing and potential sites are safeguarded. Safeguarded facilities will be reviewed through future reviews of the Plan.</u></p>

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			<p data-bbox="618 411 1995 580">6.## Whilst the development management of concrete batching and similar facilities are generally district and borough council planning matters, in order to provide a comprehensive safeguarding mechanism for minerals infrastructure in the Plan Area it is considered appropriate to safeguard such sites in the Waste and Minerals Local Plan.</p> <p data-bbox="618 619 1995 740">6.## Facilities for the production of clay products are usually safeguarded by RM3. However, in instances where facilities exist but no quarrying is taking place and where the facility is not time-limited they are safeguarded by RM6.</p> <p data-bbox="618 778 2029 900">6.55 Development proposals within the vicinity of safeguarded <u>minerals plant and infrastructure facilities</u> concrete batching, coated materials manufacture and other concrete products must be compatible with the operations at the safeguarded concrete and concrete products sites in accordance with the Agent of Change Principle and national</p>

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			<p>policy¹⁸. <u>Where the operation of an existing facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) is required to provide suitable mitigation before the development has been completed.</u> Proposals should be accompanied by a proportionate Minerals Infrastructure Assessment (MIA) comprising a compatibility assessment. Further guidance on preparing the MIA Minerals Infrastructure Assessment can be found within the <u>separate guidance document on safeguarding. Proposals will be expected to have regard to The Minerals Products Association and the Planning Officers’ Society Minerals Safeguarding Practice Guidance (April 2019) in preparing a Minerals Infrastructure Assessment.</u></p> <p>6.56 Safeguarded concrete batching facilities are listed <u>identified</u> on the Policies Map.</p> <p>Policy RM6: Safeguarding other minerals infrastructure facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area</p>

¹⁸ Paragraph ~~487~~ 193 of the ~~NPPF~~ National Planning Policy Framework (December 2023) states that proposals must ensure that the new development can be integrated effectively with existing businesses and existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

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			<p>Facilities for production and manufacture, including concrete batching, plasterboard production and brick manufacture etc. concrete batching, coated materials manufacture and other concrete products are safeguarded against development that would unnecessarily sterilise the facility or prejudice its use. <u>Where these facilities are situated within a host quarry, wharf or rail depot facility they are safeguarded for the life of the host site.</u> The safeguarded facilities are identified in the Policies Map.</p> <p>Development proposals that do not comply with the Agent of Change requirements for non-minerals development on or near the site and that would prejudice the use of the facility, or result in incompatible development, should not be permitted. Planning permission will only be granted where it is demonstrated that:</p> <ul style="list-style-type: none"> • the proposed development is in accordance with a site allocation in an adopted local plan or neighbourhood plan; • the site is no longer needed; • the proposal is of a temporary nature; or • the capacity of the site can be relocated elsewhere. <p>The Authorities will periodically review and update safeguarded facilities as required.</p>
MM11	45-47	Minerals Consultation Areas (RM7) –	Minerals Consultation Areas (RM7)

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Ref	Page	Policy/ Paragraph	Main Modification
		Paragraph 6.58	<p>Explanation</p> <p>Based on local constraints and changes to the surroundings of safeguarded sites, it is proposed that the extents of <u>some</u> Mineral Consultation Areas are altered dependent on the constraints of each site. These can be found in <u>on</u> the Policies Map.</p> <p>The proposed wording of this policy would allow the <u>Minerals Planning Authority MPA</u> discretion to raise concern in cases where the minerals sites and facilities may be adversely affected by non-minerals development.</p> <p>In response to representations received during the 2020 consultation, to avoid confusion, reference to <u>Mineral Safeguarding Areas MSAs</u> has been removed from the supporting text and the exemptions list has been moved earlier in the document.</p> <p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>It is proposed that This section replaces Minerals Consultation Areas (SP11) on pages 28 & 29 of the <u>Waste and Minerals Sites Plan WMSP</u>.</p> <p>Purpose of Policy RM7</p> <p>To ensure appropriate consultation is undertaken by Local Planning Authorities on alternative development proposals.</p>

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.57 Policies RM3, and RM5 and RM6 seek to safeguard land-won minerals resources and minerals infrastructure from sterilisation and incompatible development. Minerals Consultation Areas (MCAs) are required to be defined by National Policy (<u>National Planning Policy Framework 2023 NPPF 2024</u>). They are a means to ensure that, in determining non-minerals development by another local planning authority within the Plan Area, account is taken of the need to safeguard such assets. Brighton & Hove City Council and the South Downs National Park Authority can achieve this consideration within their own decision taking. In the County of East Sussex outside the South Downs National Park, local planning authorities need to consult the Minerals Planning Authority on relevant applications. To ensure a manageable process, Policy RM7 below sets out how the consultation process will be implemented.</p> <p><u>6.## Minerals Consultation Areas are drawn up based on the safeguarded site boundaries and extended to include a buffer zone of 100 metres. In cases where the Mineral Planning Authority has observed that the effect upon a safeguarded area or site is potentially greater in a particular locality, bespoke Minerals Consultation Areas have been included. These areas are Rye Harbour and East Quay, Newhaven. Future bespoke Mineral Consultation Areas may be considered through future reviews of the Plan.</u></p> <p><u>6.## At Rye Harbour, the Minerals Consultation Area extends to include the two safeguarded wharf sites (Rastrums Wharf and the “Old ARC” Wharf) and a wider area around the harbour to ensure the Minerals Planning Authority is consulted on proposals for residential or other types of sensitive development. Similarly, at East Quay, Newhaven, a wider buffer is applied to reflect the urban surroundings.</u></p>

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Policy RM7: Minerals Consultation Areas</p> <p>Within the County of East Sussex outside the South Downs National Park, the local planning authority will consult the Minerals Planning Authority on non-minerals development affecting, or potentially affecting, existing minerals sites and facilities identified in the Policies Map. Neighbourhood planning groups will also need to consult the relevant MPA where allocating land affecting MSAs in their Neighbourhood Plan.</p> <p>Types of planning applications not included within the excluded development list which fall into a Mineral Consultation Areas (MCA) will require the consultation of the Minerals Planning Authority. MCAs will be updated when necessary and included in Annual Monitoring Reports, and the local planning authorities informed accordingly.</p> <p><u>Within the County of East Sussex outside the South Downs National Park:</u></p> <ul style="list-style-type: none"> <u>Types of planning applications not included within the excluded development list which fall into a Mineral Consultation Areas will require the consultation of the Minerals Planning Authority.</u> <u>The local planning authority will consult the Minerals Planning Authority on non-minerals development that affects or may affect, existing minerals sites and facilities identified on the Policies Map.</u> <u>Neighbourhood planning groups will also need to consult the relevant Minerals Planning Authority where allocating land affecting Mineral Safeguarding Areas in their Neighbourhood Plan.</u>

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Ref	Page	Policy/ Paragraph	Main Modification
			<p>6.58 Minerals Consultation Areas do not apply to development considered unlikely to affect Mineral Safeguarding Areas MSAs. Please see Excluded Development (page ##) paragraph 6.## for further details.</p>
MM12	50-52	Purpose of Policy (RD1) - Paragraph 7.11	<p>Purpose of Policy</p> <p>To conserve and enhance the built and natural environment including: natural assets; biodiversity and geodiversity; landscapes; historic environment; geology and geomorphology; Heritage assets; and landscape character.</p> <p>7.4 The Plan Area has a range of natural and built features which are recognised for their environmental and / or historic qualities, a number of which are formally recognised via international, national, or local level designations. Within the existing policy hierarchy, sites or features designated at a national or international level receive statutory protection via legislation. Others designated at a more local level carry less policy weight in decision-making, although the Authorities recognise that such features are an important part of the local environment and should be safeguarded.</p> <p>7.5 Policy RD1 sets out the Plan's policy in respect to of proposed minerals and waste development and the natural and historic environment. This policy is based on the principles set out in the NPPF National Planning Policy Framework. The NPPF National Planning Policy Framework also details information which applicants are expected to provide and contains guidance on how planning applications that affect environmental and historic sites should be determined in certain circumstances. Applicants are expected to provide the information as set out in the NPPF</p>

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Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>National Planning Policy Framework</u> and the Minerals and Waste Planning Minerals and Waste Planning Authority <u>Authorities</u> will follow the policy set out when determining planning applications.</p> <p>Policy RD1: Environment and Environmental Enhancement</p> <p>To conserve and enhance the built and natural environment development should:</p> <ul style="list-style-type: none"> a) protect and enhance designated sites, areas and features of environmental, landscape and historic importance, as listed in Appendix 2; b) provide measurable net gain in biodiversity and enhancement of natural capital, as guided by the Sussex Nature Recovery Network and any future Local Nature Recovery Strategy, following the mitigation hierarchy with gain provided on site where possible, or at the best strategic location for nature's recovery; and c) maximise opportunities for functional habitat creation including inter-connectivity between habitats within and outside the site. <p>Permission will not be granted where:</p> <p>x) a site or area of national or international importance is adversely affected, or an appropriate assessment has concluded that the plan or project may adversely affect the integrity of the site or area, unless there are no alternative solutions and there is an imperative overriding public interest for the development, or</p>

Schedule of Main Modifications (2 April 2024)

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>x) a site or area of national importance (such as a Site of Special Scientific Interest) is adversely affected (either individually or in combination with other developments). The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</u></p> <p><u>y) a site or area of international importance is adversely affected, or an appropriate assessment has concluded that the plan or project may adversely affect the integrity of the site or area, unless there are no alternative solutions and there are is an imperative reasons of overriding public interest for the development; or</u></p> <p><u>y-z) the development would have a significant adverse impact on such a site, area or feature as referred to in a) above.</u></p> <p>7.6 Proposals are expected to assess the topics raised under this Policy within an Environmental Statement, particularly if there are known features in the vicinity of the application site. <u>The level of biodiversity net-gain to be provided using the Department for Environment, Food & Rural Affairs metric is set at a minimum of 10% in Schedule 14 of the Environment Act 2021, which came into effect during 2023. Net gain is interpreted as per the National Planning Policy Framework and Planning Practice Guidance. Applicants should seek to secure a minimum of 10% net gain in biodiversity wherever possible, while maximising opportunities for functional habitat creation including inter-connectivity between habitats within and outside the site.</u> Any proposals for net gain in biodiversity to be achieved</p>

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			<p>should be proportionate to the proposed development and its location in relation to the Nature Recovery Network. Applicants are expected to follow the latest biodiversity net-gain best practice when addressing this policy.</p> <p>7.7 The importance placed on the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra Department for Environment, Food & Rural Affairs publication ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’, and the Institute of Quarrying’s Good Practice Guide for Handling Soils in Mineral Workings. Natural England currently recommends the adoption of the “Bed/Strip by Strip” methods (as described by Sheets A-D of the Guide), to minimise damage to soil structure and achieve high standards of restoration.</p> <p>7.8 A list of different types of designated sites, priority, legally protected and notable species & habitats, (including irreplaceable habitats) are included in Appendix 2. To assist in identifying where there may be potential impacts on Sites of Special Scientific Interest and Special Areas of Conservation, Natural England have published Impact Risk Zones on the magic.defra.gov.uk website. Applicants are advised to review the Impact Risk Zones and may wish to consider pre-application advice from Natural England. Where there is evidence that identifies an un-designated environmental or historic site, area or feature as important, these are considered in the same way as designated sites of similar characteristics, following best practice guidance in relation to species.</p>

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			<p><u>7.## A functional habitat is defined as habitat which is capable of supporting the relevant species and populations, biodiversity, and ecosystem processes over time, including its role in the wider landscape and habitat network. Considerations include, but are not limited to, scale, connectivity, physical characteristics such as soils, geology and hydrology, and pressures or barriers such as disturbance. For example, a development could propose the creation of a wildlife corridor to connect two existing habitats, providing a commuting corridor for bats. To demonstrate the habitat will be functional for this purpose, proposals should include details on links with the wider habitat network, scale and structure of the wildlife corridor, appropriate species planting, adequate distances from disturbance such as noise and light pollution and demonstrate how the habitat will serve certain functions for a specific species.</u></p> <p>7.9 When assessing significance, the appropriate tests as set out in the <u>NPPF National Planning Policy Framework (December 2023)</u>, where relevant, should be applied. At the time of publication, this is paragraphs 476 <u>182</u>, 480 <u>186</u>, 484 <u>187</u> (natural environment), 494 <u>200</u> and 497-205 <u>203-211</u> (heritage assets) of the <u>NPPF National Planning Policy Framework (December 2023)</u>(Feb-2024).</p> <p>7.10 In the cases where proposed development may affect the integrity of sites or areas that are subject to the Habitat Regulations and Appropriate Assessment, the presumption is that development should not be permitted. This follows the broad approach set out in the <u>NPPF National Planning Policy Framework 2023</u> and the Habitats Directive and will be appropriate for the vast majority of proposed developments. The Habitats Regulations do make an exception in instances where, subject to a number of strict requirements, there are clear imperative reasons of</p>

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			<p>overriding public interest for the development. When considering the proposal due weight will be given to the approach the applicant has taken to follow the Habitats Regulations, and the reasons of overriding public interest that are put forward.</p> <p>7.11 Where appropriate, the Authorities will include planning conditions that provide for notification, evaluation and (if confirmed) recording of important natural or archaeological features that may be encountered and, where relevant, the retrieval of finds and placing in recognised national collections. Agreements for restoration, after-care and after-use will be flexible to allow for active conservation of any interest, as they are discovered, throughout the life of the planning permission.</p>
MM13	53-57	Section 8. Implementation and Monitoring	<p>8. Implementation and Monitoring</p> <p><u>How the Waste and Minerals Local Plan is amended</u></p> <p>8.1 It is proposed that the <u>The</u> implementation and monitoring table in section 7 of the Waste and Minerals Plan (pages 120-137) is updated. Entries for policies WMP4, WMP7a, WMP7b, WMP11, WMP14, WMP15 and WMP27 would be deleted and replaced with the table below.</p> <p><u>Introduction</u></p> <p>8.2 Monitoring and reporting on the implementation of the policies in the Plan is important to establish whether they are being successful in achieving their aims. Monitoring also allows corrective action to be taken if the aims of</p>

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			<p>the Plan are not being met. Performance of the policies is currently and will continue to be evaluated yearly and reported via the Local Aggregates Assessment and Annual Monitoring Report.</p> <p><u>8.# In this table ESCC means East Sussex County Council, BHCC means Brighton & Hove City Council, and SDNPA means South Downs National Park Authority.</u></p> <table border="1"> <thead> <tr> <th>Policy</th> <th>Delivery Body/Mechanism</th> <th>Key Delivery Partners</th> <th>Delivery Target (how much, when, where)</th> <th>Delivery Indicator</th> <th>Trigger</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>RW1 - Sustainable Locations for Waste Development</td> <td>ESCC, BHCC, SDNPA Strategic waste facilities developed in the most sustainable locations.</td> <td>Waste industry Minerals industry</td> <td>Strategic facilities located consistent with the approach identified in the Plan.</td> <td>Locations of waste facilities consistent with policy.</td> <td><u>Pattern of regular approval of developments not in conformity with Policy RW1.</u></td> <td><u>Review of policy approach to locating new waste facilities as part of the review of the Plan.</u></td> </tr> <tr> <td>WMP4</td> <td>ESCC, BHCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.</td> <td>Minerals industry Environment Agency Landowners Port Authorities</td> <td>A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period.</td> <td>Data about minerals produced in the Plan Area or imported into the Plan Area. Data about <u>construction and demolition C&D</u> waste being recycled at permitted waste sites.</td> <td><u>A sustained decrease in the proportion of secondary and recycled aggregates used in the Plan Area. Duty to Cooperate discussions and/or survey data</u></td> <td><u>Review of evidence to consider why the use of secondary and recycled aggregates is declining to inform the review of the Plan. Review strategic policy</u></td> </tr> </tbody> </table>					Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator	Trigger	Action	RW1 - Sustainable Locations for Waste Development	ESCC, BHCC, SDNPA Strategic waste facilities developed in the most sustainable locations.	Waste industry Minerals industry	Strategic facilities located consistent with the approach identified in the Plan.	Locations of waste facilities consistent with policy.	<u>Pattern of regular approval of developments not in conformity with Policy RW1.</u>	<u>Review of policy approach to locating new waste facilities as part of the review of the Plan.</u>	WMP4	ESCC, BHCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.	Minerals industry Environment Agency Landowners Port Authorities	A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period.	Data about minerals produced in the Plan Area or imported into the Plan Area. Data about <u>construction and demolition C&D</u> waste being recycled at permitted waste sites.	<u>A sustained decrease in the proportion of secondary and recycled aggregates used in the Plan Area. Duty to Cooperate discussions and/or survey data</u>	<u>Review of evidence to consider why the use of secondary and recycled aggregates is declining to inform the review of the Plan. Review strategic policy</u>
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WMP4	ESCC, BHCC, SDNPA Identification of locations for mineral infrastructure, processing of secondary minerals, and for recycling of mineral resources.	Minerals industry Environment Agency Landowners Port Authorities	A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period.	Data about minerals produced in the Plan Area or imported into the Plan Area. Data about <u>construction and demolition C&D</u> waste being recycled at permitted waste sites.	<u>A sustained decrease in the proportion of secondary and recycled aggregates used in the Plan Area. Duty to Cooperate discussions and/or survey data</u>	<u>Review of evidence to consider why the use of secondary and recycled aggregates is declining to inform the review of the Plan. Review strategic policy</u>																						

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								<p><u>indicating a decline in available supply from outside the Plan Area</u></p> <p><u>approach to minerals provision as part of the review of the Plan to take into account reduced available supply of secondary and recycled aggregates.</u></p>		
			<p>RM0 Sustainable Use of Aggregates</p>	<p>ESCC, SDNPA, Change in construction practices</p>	<p>BHCC, in</p>	<p>District/Borough Councils Development Industry</p>	<p>Sustainable use of aggregates being a considered as a design consideration in the design of all developments.</p>	<p>Policy Citation Consideration of aggregate usage in design in random sample review of Design and Access Statement / Planning Statements. <u>Demonstrable reduction in aggregate use.</u></p>	<p><u>Sustainable use of aggregates not being a design consideration in the majority of developments sampled.</u></p>	<p><u>Review development management approach to policy implementation.</u></p>
			<p>RM1 Provision of Aggregates</p>	<p>ESCC, SDNPA Importation of aggregates by sea, rail, and road.</p>	<p>BHCC, of</p>	<p>Minerals industry CDEW industry Environment Agency</p>	<p>Sufficient primary and recycled/secondary aggregates provided to the</p>	<p>Data on imports of aggregates to the Plan Area</p>	<p><u>See WMP4 above</u></p>	<p><u>See WMP4 above</u></p>

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				Provision of recycled and secondary aggregates for use in the Plan Area	Landowners Port Authorities MMO Crown Estate <u>Mineral Planning Authorities</u>	Plan Area over plan period.	<u>Sales Consumption</u> of aggregates in the Plan area. Data about C&D waste being recycled at permitted waste sites. <u>Aggregate monitoring survey data.</u>		
			RM2 - Provision for an additional extraction area at Aldershaw Farm	Policy RM2 is monitored under the arrangements for WMP13 Provision of Clay.	N/A	N/A	N/A	<u>N/A</u>	<u>N/A</u>
			RM3 - Safeguarding Mineral Resources & <u>Prior Extraction of Minerals Resources</u> RM4 - Prior Extraction of Minerals Resources	ESCC, BHCC, SDNPA Safeguarding of land-won resources and identifying consultation areas. Development industry to undertake prior extraction of	District/Borough councils. Minerals industry Environment Agency Natural England Development industry <u>Mineral Planning Authorities</u>	No viable resources sterilised	Number of applications for built development on safeguarded or consultation areas. Tonnage figures of prior extracted resources.	<u>Viable resources sterilised by alternative development.</u>	<u>Review reasons for viable resources not being extracted to inform an assessment of the need to review the policy approach.</u>

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				minerals where feasible. Review Minerals Resource Assessments.			Review of Minerals Resource Assessments and number of applications for prior extraction proposals		
			RM5 - Safeguarding Minerals Infrastructure	ESCC & BHCC Identify and safeguard sites and capacities at wharves and railheads. Review Minerals Infrastructure Assessments.	District/Borough councils and regeneration area partners Port Authorities Minerals industry Waste industry Network Rail Mineral Planning Authorities	No net loss of wharf/rail capacity in the Plan Area.	Annual monitoring of wharf status (active or redundant) and existing rail sidings/tracks. Number of applications for built development on safeguarded wharves/rail sidings. Review of Minerals Resource Assessments and number of applications for prior extraction proposals	Net loss of minerals wharf/rail capacity in the Plan Area	Consider options for increasing wharf/rail capacity in the Plan Area through a review of the plan.
			RM6 - Safeguarding	ESCC, BHCC, SDNPA	Waste/minerals industry	No net loss of concrete batching	Ongoing monitoring of	Net loss of concrete	Review policy approach to

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			Facilities for Concrete Batching	Industry address environmental protection proposals.	to in	Environment Agency Natural England <u>Mineral Planning Authorities</u>	facilities. Proposals should be compatible with batching plants.	conditions on waste developments.	<u>batching facilities</u>	<u>safeguarding concrete batching facilities as part of the review of the Plan.</u>
			RD1 - Environment and Environmental Enhancement	ESCC, SDNPA, BHCC, Industry address environmental protection proposals.	to in	Waste/minerals industry Environment Agency Natural England <u>Sussex Local Nature Partnership</u>	Proposals should <u>avoid and</u> minimise environmental impacts where possible and mitigate where necessary. Overall maintenance, and where possible enhancement, of environmental assets in the Plan Area. <u>A net gain in biodiversity is delivered across the Plan Area.</u>	Ongoing monitoring of conditions on waste developments. Enforcement cases or complaints about environmental assets related to waste/minerals developments. <u>Percentage of relevant proposals resulting in biodiversity net gain. Percentage of biodiversity net gain secured. Number and type of</u>	<u>Target not met in consecutive years.</u>	<u>Review development management approach to policy implementation.</u>

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							<u>biodiversity units lost or gained.</u>	<u>Location of secured biodiversity net gain (on-site or off-site).</u>	<u>Number of proposals considered to have an adverse impact on designated sites (see policy for definition of designated sites).</u>

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Report to East Sussex County Council, South Downs National Park Authority and Brighton & Hove City Council

**by Stephen Normington B.Sc. Dip TP MRICS MRTPI FIQ FIHE and
Luke Fleming B.Sc. (Hons) Dip URP MRTPI IHBC**

Inspectors appointed by the Secretary of State

Date: 3 April 2024

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Revised Policies Proposed Submission Consultation Document September 2021

The Plan was submitted for examination on 13 May 2022

The examination hearings were held on 8 and 9 November 2022

File Ref: PINS/G1440/429/7

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Abbreviations Used in this Report

ADTP	Aggregates Data Technical Paper
AONB	Area of Outstanding Natural Beauty
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
HWAONB	High Weald Area of Outstanding Natural Beauty
NPPF	National Planning Policy Framework September 2023
NPPW	National Planning Policy for Waste
MCAs	Mineral Consultation Areas
MPA	Minerals Planning Authority
mtpa	Million tonnes per annum
MSAs	Mineral Safeguarding Areas
MSPG	Mineral Safeguarding Practice Guidance
PPG	Planning Practice Guidance
SAC	Special Area of Conservation
SDNP	South Downs National Park
SEEAWP	South-East England Aggregates Working Party
SEWPAG	South-East England Waste Planning Advisory Group
SOCG	Statement of Common Ground
SPA	Special Protection Area
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
WMP	Waste and Minerals Plan 2013
WMSP	Waste and Mineral Sites Plan 2017
WMLP	Waste and Minerals Local Plan
WPA	Waste Planning Authority

Non-Technical Summary

This report concludes that the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Revised Policies Proposed Submission Consultation Document September 2021 (the Plan) provides an appropriate basis for the planning of waste and minerals in the County of East Sussex, part of the South Downs National Park and Brighton & Hove provided that a number of main modifications (MMs) are made to it. East Sussex County Council, the South Downs National Park Authority and Brighton & Hove City Council (the Authorities), as joint Mineral Planning Authorities (MPAs) and joint Waste Planning Authorities (WPAs), have specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Authorities prepared schedules of the proposed modifications and, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) on them. The MMs were subject to public consultation over an eight-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- A number of modifications to ensure the Plan period of the policies in the Plan is aligned with that of the vision, objectives and strategic policies.
- Modifications to Minerals Safeguarding Area and Mineral Consultation Area Policies to ensure they are justified and effective.
- Modifications to ensure the development management Policy is clearly written without ambiguity so that decision makers and developers can understand how to react to it.
- A range of modifications to the monitoring framework to clearly specify triggers and associated action necessary if the Plan is not delivering outcomes as expected.
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound.
2. On the 19 December 2023 the Secretary of State for Levelling Up, Housing and Communities published its revised National Planning Policy Framework (NPPF) alongside other revisions to national policy. Paragraph 230 of that document indicates that the Plan should be examined against the version of the NPPF published on 5 September 2023. Therefore, when we refer to the NPPF in our report, we are referring to that published on the 5 September 2023. However, the Plan cross references specific paragraphs of the NPPF in places. Some of the MMs¹ consulted upon have therefore been adjusted to ensure they reference the correct paragraph numbers and the version of the NPPF published on 19 December 2023. We have had regard to all relevant national policies and statements in preparing this report.
3. The NPPF (paragraph 35) explains that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The starting point for the examination is the assumption that the Authorities have submitted what they consider to be a sound Plan. The Plan, submitted in May 2022 (R-RP02) is the basis for our examination. It is the same document as was published for consultation in September 2021.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Authorities have requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Authorities prepared a schedule of proposed MMs and carried out SA and HRA of them. The MM schedule was subject to public consultation for eight weeks. We have taken account of the consultation responses in coming to our conclusions in this report. None of the amendments to the detailed wording of the MMs as described in paragraph 2 of this report significantly alters the content of the modifications as published for

¹ **MM02, MM05, MM07, MM08, MM09, MM10, MM12**

consultation or undermines the participatory processes and SA or HRA that has been undertaken.

6. This report does not explain the detailed content and precise wording of every MM. This can be found in the Appendix to this report. However, it does refer to the most salient matters in explaining why a MM is necessary in order for the Plan to meet the test of soundness or be legally compliant.

Policies Map

7. The Authorities must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Development Plan. When submitting a Local Plan for examination, the Authorities are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Local Plan.
8. In this case, the submission policies map comprises the set of plans identified in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Revised Policies Local Policies Map October 2021 (R-LPM02) and the plan identified as Revised Policies Local Policies Map (Amendments) (Addendum) (May 2022) – Replacement Map for map RSA/D Shoreham (R-LPM02A-RSA-D-2). For the avoidance of doubt, when we refer to the submission policies map in our report, we are referring to both of these documents unless explicitly indicated otherwise.
9. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs in a Schedule of Policy Map Modifications (MM-PM01).
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Authorities will need to update their adopted policies map to include all the changes proposed in MM-PM01.

Context and Scope of the Plan

11. The adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMLP) comprises the Waste and Minerals Plan (2013) (WMP) and the Waste and Mineral Sites Plan (2017) (WMSP). The Plan seeks

to amend (replace, add to or modify) specific policies and text contained within these adopted development plan documents. The Plan is therefore a partial review of the existing Development Plan and once adopted will form part of the adopted Development Plan for the Authorities replacing, adding to or modifying specific parts of the WMP or WMSP.

12. The Plan is focussed on the review of minerals provision and safeguarding of mineral resources and facilities, particularly for aggregate minerals. In addition, it reviews one minerals and waste development management policy and a single policy concerned with managing waste development proposals. It is only these matters which are within the scope of the examination. Any other matters detailed in the WMP or the WMSP, such as the capacity for waste management, are not dealt with in the Plan as they are not being reviewed by the Authorities at this time. Such matters are therefore not before us and have not been considered during the examination or in our report.
13. The Plan area covers the administrative areas of East Sussex County Council and Brighton & Hove City Council, along with the part of the South Downs National Park (SDNP) that falls within East Sussex and Brighton & Hove. In 2017, the Plan area had a population of approximately 840,000 people.
14. Two thirds of the Plan area is covered by the South Downs National Park (SDNP) and the High Weald Area of Outstanding Natural Beauty (HWAONB). In November 2023 Area of Outstanding Natural Beauty (AONB) was renamed as National Landscapes. However, these areas remain AONB insofar as all policy, legislation and guidance applies to the designated landscape. We continue to refer to AONB in this report reflecting the Plan as modified.
15. To the east of the Plan area is the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) designated for their ecological and geological interest.
16. Environmental constraints have historically influenced low levels of 'land-won' aggregate production in the Plan area. Imports of aggregates extracted from the seabed (marine dredged aggregates) and crushed rock have therefore been necessary to meet local construction needs.

Public Sector Equality Duty

17. Through the examination, we have had due regard to the aims expressed in S149(1) of the Equality Act 2010. The Equality Impact Assessment and Outcome Assessment (R-EQ02) demonstrates that the Plan does not lead to any adverse impacts or cause discrimination to any particular groups with protected characteristics within the Plan area.

18. No issues have been detected that would be likely to impinge upon the three aims of the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations or affect persons of relevant protected characteristics of age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Overall, we have no reason to question the conclusions of R-EQ02.

Assessment of Duty to Co-operate

19. Section 20(5)(c) of the 2004 Act requires that we consider whether the Authorities have complied with any duty imposed on them by section 33A in respect of the Plan's preparation. Details of how the Authorities have met this duty are set out in the Duty to Co-operate Statement, Statements of Common Ground (SOCG) (R-DTCS01 & R-DTCS01.2) and the Authorities written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.
20. The evidence demonstrates that throughout the plan-making process the Authorities have worked closely with all prescribed bodies, including neighbouring MPAs, as well as some further afield where a strategic relationship was identified. It also shows the Authorities have worked closely with the South-East England Aggregates Working Party (SEAWP) and the South-East England Waste Planning Advisory Group (SEWPAG).
21. R-DTCS01 identifies, minerals provision, the cross-boundary supply of aggregates (excluding soft sand), the cross-boundary supply of soft sand, the safeguarding of minerals resources infrastructure and biodiversity net gain as strategic matters. These reasonably cover the scope of the Plan and the Authorities evidence includes records of numerous meetings, joint evidence and signed SOCGs that demonstrate the Authorities engagement with the prescribed bodies has been constructive, active and ongoing throughout the plan-making process. We are therefore satisfied that the duty to co-operate has been met.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

22. The Plan has been prepared in accordance with each of the Authorities' Local Development Schemes (ES-LDS22, SD-LDS22 and BH-LDS22). These were updated during the examination to take account of delays caused by COVID-19, a longer examination than expected and to include consistent details with

regard to the timetable and scope of the review of the Plan and the WMLP (ES-LDS23.07, SD-LDS22.10 and BH-LDS23.03).

Public Consultation and Engagement

23. The Consultation Statement May 2022 (R-CS01) summarises the consultation and engagement undertaken and explains how the response has informed the Plan. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statements of Community Involvement (ES-SCI22, SD-SCI22 and BH-SCI22) and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations).

Sustainability Appraisal

24. The Authorities have carried out a SA of the Plan (R-SA02 and R-SA02A). They have prepared a report and technical annex of the findings of the appraisal and published it along with the Plan and other submission documents under regulation 19. The SA report and technical annex were updated to assess the MMs (R-SA07). Overall, we are satisfied that the SA was proportionate, objective, underpinned by relevant and up to date evidence, and is compliant with legal requirements and national guidance.

Habitats Regulations Assessment

25. The Plan was subject to a HRA during its preparation (R-HR02) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA identifies that the Plan is compliant with the Habitats Regulations. It concludes the Plan will not result in likely significant effects on any European Sites, specifically the Ashdown Forest SAC and SPA, the Dungeness SAC, Romney Marsh and Rye Bay SPA, Dungeness Romney Marsh Rye Bay Ramsar, the Hastings Cliffs SA, Pevensey Levels SAC and Ramsar site, the Castel Hill SAC, and the Lewes Downs SAC. The MMs have also been subject to HRA (R-HR03) reaching the same conclusions.

Climate Change

26. Section 19(1A) of the 2004 Act requires that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the Plan area contribute to the mitigation of, and adaptation to, climate change. The Plan includes objectives and policies designed to secure that mineral development and use of land for such purposes within the Plan area contribute to the mitigation of, and adaptation to, climate change (Policies RM0, RM1, and RM2). Furthermore, Policy WMP24a of the WMP, explicitly requires proposals for minerals or waste management development to take account of climate change mitigation and adaptation. We are therefore

satisfied the Plan as part of the Development Plan, meets the requirements of Section 19(1A) of the 2004 Act.

Superseded Policies

27. Regulation 8(5) of the 2012 Regulations sets out that where plans contain certain policies that are intended to supersede other policies in the adopted Development Plan, this fact should be stated, and the superseded policies must be identified. Section 9 of the Plan includes a table which summarises all the amendments to the WMP and WMSP and explicitly states which policies are to be superseded or replaced by new policies in the Plan upon adoption. This requirement has therefore been met.

Other Legal Requirements

28. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Conclusion

29. We therefore conclude that all relevant legal requirements have been complied with during the preparation of the Plan.

Assessment of Soundness

Main Issues

30. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified seven main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy criterion or designation in the Plan.

Issue 1 – Whether the overarching strategy as amended by the Plan is justified, effective and consistent with national policy?

Scope of the Plan and its relationship with the WMLP

31. The Inspector examining the WMSP concluded among other things that the rate of land-won aggregates detailed in the WMP could not be maintained by the sites allocated, finding that a review of the approach to minerals provision and minerals sites was needed before the end of the WMLP Plan period, particularly with regard to aggregates. The Plan is a partial review of the WMLP which

seeks to respond to those findings. It does this considering updated evidence, particularly that related to aggregate demand and supply and environmental constraints which are explained in detail below under the relevant main issues.

32. The Plan also reflects ongoing joint working relationships between the Authorities and the Minerals and Waste Planning Authorities adjoining the Plan area or affected by the WMLP or its review. In light of this and the agreed SOCGs between the relevant Authorities, the Plan proposes that the section titled "Local Strategy Statement", on pages 25-32 of the WMP, be deleted upon adoption of the Plan. The Authorities consider that this topic is now addressed through the latest SOCGs and is therefore no longer necessary. The Authorities approach in respect of this matter is justified.
33. However, the Plan will be a separate document that can only be read alongside the WMLP. As currently written, the explanation of this relationship in the Plan is ambiguous and somewhat confusing. This would be avoided, if the relationship between the Plan and the WMLP was more clearly explained in justification text in the Plan in the interests of effectiveness. For the same reasons and for the avoidance of any doubt associated with the effect of adopting the Plan, the table in the 'Summary of Policy Review' section of the Plan should explain the impact of adoption on each existing Policy of the WMLP. Furthermore, to ensure consistency with paragraphs 20 to 23 of the NPPF it is also necessary to make clear that all of the Policies in the Plan are Strategic Policies.
34. The WMLP Plan period is 2013 to 2030. It sets out a 'A vision for the Plan Area up to 2030' which the Policies of the WMLP are intended to deliver. However, paragraph 1.3 of the Plan says the Plan period is 2019-2034. This would mean the new Policies or those replaced or altered by the Plan on adoption would have a different and longer plan period than the components of or Policies of the WMLP which would be unaltered by the adoption of the Plan. Particularly, the Policies detailed in the Plan would not be aligned to the WMLP lifespan or its overarching vision and objectives.
35. As explained in further detail below, the Policies of the Plan are not designed to anticipate or respond to long term requirements or opportunities. Instead, they are in response to the significant environmental constraints facing the Plan area and the Authorities current understanding of aggregate supply and demand. Reflecting this and recognising the narrow scope and the intended purpose of the Plan as explained above, the Authorities have committed to an immediate full review of the WMLP. They anticipate such would be adopted as soon as 2027 (ES-LDS23.07, SD-LDS22.10 and BH-LDS23.03).
36. Therefore, even though the Policies of the Plan are intended to look ahead a minimum of fifteen years from adoption seeking consistency with paragraph 22

of the NPPF, they can only be read in conjunction with the WMLP and its overarching vision, objectives and strategic direction. Although, we accept these are now of some age, these are not being comprehensively reviewed at this time and are not within the scope of this Plan.

37. Having regard to all these factors, the Plan period is not justified or effective. MMs are therefore needed to align it with the WMLP Plan period, its vision, objectives, strategic direction and evidence base.
38. **MM01** addresses all these issues, through changes to the 'Introduction' and 'Summary of Policy Review' sections of the Plan and is needed in the interests of justification and effectiveness. Thus, subject to **MM01**, pragmatically, the approach, purpose, scope and relationship between the Plan and the WMLP is clear and soundly based.

Mineral and Waste Development and the SDNP (Policy RV1)

39. Paragraph 176 of the NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB which have the highest status of protection in relation to these issues. The SDNP and HWAONB covering two thirds of the Plan area therefore have a significant influence on the minerals and waste strategy.
40. Policy RV1 and the associated justification text replaces Policy WMP2 of the WMP which is an overarching strategic policy concerned with minerals and waste development affecting the SDNP. However, Policy RV1 justifiably and accurately references to the HWAONB whereas Policy WMP2 of the WMP does not.
41. Unlike Policy WMP2 of the WMLP, Policy RV1 of the Plan does not include any criteria relating to the extension of existing soft sand quarries or new quarries in the SDNP whereas Policy WMP2 does. As such, Policy RV1 provides a more restrictive approach to major minerals and waste development in the SDNP and HWAONB, and states that no provision will be made for such development in these areas in the Plan period other than in exceptional circumstances where it can be demonstrated to be in the public interest. This matter is explained in more detail under issue two below.
42. However, Policy RV1 and the justification text refer to a "designated area" and it is unclear whether such reference relates to the SDNP, the HWAONB or both. Policy RV1 should also be modified to explicitly refer to its geographical extent on the policies map. Moreover, Policy RV1 also makes the distinction between small scale and major development without giving clear definitions for either.

43. **MM02** would address these issues all in the interests of effectiveness. A modification to the Council's submission policies map is also necessary to ensure the identification of the SDNP and HWAONB and its geographical extent is accurate (PM1 and PM2 of MM-PM01).

Conclusion on Issue 1

44. Subject to the MMs identified above Policy RV1 and the associated changes to the justification text of the WMP are justified, effective and consistent with national policy. Consequently, the overarching strategy insofar as it is amended by the Plan is also justified, effective and consistent with national policy.

Issue 2 – Whether the Plan would maintain a steady and adequate supply of aggregates?

Sustainable Use of Aggregates (Policy RM0)

45. Secondary aggregates as by-products of industrial processes and recycled aggregates from materials previously used in construction are both steady sources of supply in the Plan area. The WMLP vision promotes the use of secondary and recycled aggregates in preference to primary mineral resources. However, the Policies contained therein do not specifically prioritise the use of recycled and secondary aggregates over primary extracted aggregates.
46. Policy RM0 is therefore a new Policy which consistent with the vision and paragraph 216 (b) of the NPPF aims to encourage the use of recycled and secondary aggregates over the extraction of primary materials. Policy RM0 therefore provides a more pro-active approach to the use of recycled and secondary aggregates in the Plan area.
47. However, Policy RM0 refers to being applicable to “innovative proposals” without defining what these are. This reference is unnecessary and instead, all development proposals should rightly seek to prioritise the use of recycled and secondary aggregates and adhere to Policy RM0 where possible. Furthermore, Policy RM0 does not specify how development proposals should demonstrate that consideration has been given to the sustainable use of aggregates making it unclear how a decision maker should assess compliance with it or not.
48. **MM04** would address these issues making clear all proposals should maximise use of secondary and recycled aggregates and this should be demonstrated in design and access statements. This MM is necessary in the interests of ensuring consistency with national policy and effectiveness.

Provision of Aggregates (Policy RM1)

49. The permitted sites that contribute to this provision in the Plan area are at Lydd Quarry² and Novington Sandpit. Lydd Quarry produces sharp sand and gravel, but, is due to cease production in 2027. However, Novington Sandpit which produces soft sand and has permitted reserves remaining has not been active for a number of years. Novington Sandpit has not therefore been considered as a contributor to future supply. There are no sites producing crushed rock within the Plan area with demand met historically from imports from outside it. Consequently, overall, there is a lack of available land-won aggregate resource within the Plan area.
50. The NPPF looks to MPAs to plan for a steady and adequate supply of aggregates by preparing a Local Aggregates Assessment (LAA) based on a rolling average of ten years' sales data and other relevant local information, and an assessment of all supply options (including marine-dredged, secondary and recycled sources). The approach to the calculation of the future demand and supply for aggregate minerals over the Plan period is set out in the Aggregates Data Technical Paper (ADTP) (R-AG02).
51. The ADTP recognises that the use of sales data to predict future demand makes it difficult to draw robust trend-based conclusions from production and sales data sources. The Authorities have been unable to use aggregate land-won sales figures because of a very small number of sites and significant variations in production levels. In addition, sales data for mineral infrastructure sites in the Plan area has been very limited until relatively recently.
52. The Authorities have therefore based future likely sales demand on "other relevant local information", particularly, the demand for aggregates generated from local planned housing construction. The Authorities estimate the demand for aggregates based on a figure of 400 tonnes of aggregate per dwelling.
53. Following the hearings, the Authorities prepared an Addendum to the ADTP (R-AG07) which considered alternative sources of "other local information" and non-residential construction. It includes a review of the assumptions made in the ADTP (R-AG02), uses the revised Plan period (2019 – 2030) and takes account of new and updated data since the Plan was submitted.
54. The Addendum identifies that the use of future housing growth as a proxy for construction remains robust and ensures adequate aggregate provision for both residential and non-residential construction. There are currently no significant local infrastructure projects within the revised Plan period to 2030. The Authorities estimate that the total provision for the new Plan period is between

² Waste and Minerals Local Plan Review Note regarding Lydd Quarry, August 2023 (R-NOTE01)

17.2 million tonnes and 18.4 million tonnes of aggregates (crushed rock and sand and gravel combined), which averages at between 1.57 and 1.67 mtpa.

55. Overall, we are satisfied, the conclusions of R-AG07 demonstrate that the Authorities methodology remains the most robust and appropriate considering the bespoke local circumstances and the availability of robust data.
56. In terms of future land-won aggregate supply, an extension to Lydd Quarry is the only site that has been promoted through the examination in the Plan area. However, Lydd Quarry is within the Dungeness, Romney Marsh & Rye Bay SSSI which is of national importance for its coastal and wetland habitats and coastal geomorphology. Particularly, among other things, there are known to be subsurface/buried ridges and marsh interface deposits which allow mapping of foreland evolution. The palaeo-environmental information allows for detailed interpretation of environmental conditions at the time of deposition³.
57. Therefore, inevitably, any further mineral extraction in this location would be highly likely to have adverse impacts on geomorphology and biodiversity. In such cases paragraph 186 of the NPPF makes clear that where a SSSI is likely to be adversely affected by development, that development should not normally be permitted. Furthermore, it states the only exception is where the benefits of the development in the location proposed clearly outweigh its likely impact on the features of the site that make it of special scientific interest.
58. Given the evidenced lack of potential viable land-won aggregate resources, the extraction of further sharp sand and gravel, at Lydd Quarry, would undoubtedly be a significant benefit. However, the extent of any likely adverse effect on the features of Dungeness, Romney Marsh & Rye Bay SSSI which make it of special scientific interest are unknown. Indeed, Natural England have raised concerns in this regard through the examination and identified that the loss of land to mining operations would result in irreversible impacts to the SSSI interest features which cannot be mitigated, compensated, or reversed.
59. Despite further evidence provided in the examination by the quarry operator, Natural England's concerns remain. In particular, due to a lack of detailed information at this stage, it is not possible to determine the effect of mining operations on the SSSI. Therefore, we concur with the Authorities' view that mineral resources at Lydd Quarry over and above those already permitted cannot be regarded as being environmentally acceptable at this time. Consequently, it would not be appropriate for the Plan to identify any extension to the Lydd Quarry.

³ Waste and Minerals Local Plan Review Site Assessment Document, August 2021 (R-SAD01)

60. The Plan acknowledges that, given the lack of viable land-won sites and the scarcity of resources within the Plan area, it is not possible to meet any of the demand for aggregates through land-won extraction and, therefore, approximately 90% of the aggregates to be consumed needs to be imported. Furthermore, it is not possible to make any provision for a landbank of aggregate minerals in the Plan.
61. Apart from current production at Lydd Quarry and road imports, the Plan identifies that aggregate supply will be maintained through a combination of marine dredged sand and gravel imports received through the Ports of Shoreham, Newhaven and Rye and at a rail head at North Quay in Newhaven in addition to sites producing recycled aggregates. The ADTP sets out in detail the available capacity for primary/import/recycled aggregate within the Plan area and concludes that provision can be made with existing permitted import and processing facilities to meet the identified demand for aggregates over the Plan period.
62. In respect of soft sand, the SOCG with Kent County Council, West Sussex County Council, Surrey County Council and Maidstone Borough Council (R-DTCS01.2(B2)) identifies the safeguarding of resources and that soft sand resource within their areas will contribute to the needs of other areas. A steady and adequate supply can be maintained to supply the requirements of the Plan area from the administrative areas of the parties to the SOCG.
63. Despite the lack of availability of land-won aggregates in the Plan area, overall, we are satisfied that the Plan makes adequate provision to meet the identified demand for aggregate minerals over the Plan period.
64. Policy RM1 replaces Policy WMP11 of the WMP. It sets out the requirements for and supply of the aggregates over the Plan period based on the findings of the ADTP. However, in the interests of justification and effectiveness MMs are needed to adjust Policy RM1 to reflect the findings of R-AG07, to reflect the Plan period as modified by **MM01** and set out in justification text the methodology for the calculation of aggregate demand and the approach for maintaining supply. MM is also needed to remove reference to the supply being for consumption in the Plan area as such is not controllable and to ensure consistency with paragraph 213 of the NPPF. All of these matters are addressed by **MM05**.

Conclusion on Issue 2

65. Subject to the MMs identified above the Plan would maintain a steady and adequate supply of aggregates and the Authorities approach in this regard is justified, effective and consistent with national policy.

Issue 3 – Whether the identification of an additional clay extraction area at Aldershaw Farm through a criteria-based policy is justified, effective and consistent with national policy?

An additional extraction area at Aldershaw Farm (Policy RM2)

66. Paragraph 214 (c) of the NPPF requires MPSs to plan for a steady and adequate supply of industrial minerals. Policy RM2 is read alongside and supplements Policy WMP13 of the WMP and specifically seeks to ensure that an additional clay extraction area is provided for at an existing clay extraction site known as Aldershaw Tiles at Aldershaw Farm. This is intended to meet the demand for the production of specialist clay tiles. These are used in historic building restoration and the evidence shows reserves for this particular industrial mineral are running low.
67. However, the Aldershaw Tiles site is within the HWAONB, close to ancient woodland and a variety of sites with ecological interest making it a highly sensitive location for clay extraction. It is also accessed from the A21, part of the Strategic Road Network (SRN).
68. Currently there are no clear definitive proposals which specify the exact location for any proposed new extraction area. The evidence⁴ shows clay extraction is already taking place sensitively and safely in this location. It also shows that expansion could be undertaken sensitively outside of the relevant buffer zones for ancient woodland subject to detailed assessments and mitigation measures. However, in the absence of detailed working proposals at this stage, it is not possible to determine the effect of mineral extraction on the HWAONB or the ancient woodland with any degree of certainty. Consequently, the Authorities approach in principle to set out a criteria-based policy which supports development at this location rather than an allocation is justified. In this regard, the mineral operator's objective of securing longer term clay supply is not prejudiced by this approach.
69. However, against this background, MMs are necessary to make it explicitly clear that a detailed ecological impact assessment will be required to ensure Natural England are consulted, and that the ecological impacts of any development are mitigated. Policy RM2 should also explicitly specify the need for a Transport Impact Assessment and appropriate mitigation measures. **MM06** would address all of these issues in the interests of effectiveness.

⁴ Waste and Minerals Local Plan Review Site Assessment Document, August 2021 (R-SAD01)

Conclusion on Issue 3

70. Subject to the MM identified above the Plan would provide an appropriate approach to the provision of additional clay extraction at Aldershaw Farm that adequately considers ecological and transport impacts and in this regard is justified, effective and consistent with national policy.

Issue 4 – Whether the Plan's approach to minerals safeguarding is justified, effective and consistent with national policy?

71. In accordance with Paragraph 210 (c) of the NPPF, Policy RM3 defines Mineral Safeguarding Areas (MSAs) and Policy RM7 identifies Minerals Consultation Areas (MCAs). Policies RM3 and RM7 are read together alongside Policies RM4, RM5 and RM6 and collectively safeguard mineral resources and minerals infrastructure (such as facilities, wharves, railheads and batching plant) in the Plan area to avoid minerals sterilisation and/or prejudicing minerals extraction or processing.

Safeguarding Mineral Resources (Policy RM3)

72. Policy RM3 replaces Policies SP8 and WMP14 of the WMP. Like the policies it replaces it designates MSAs on the policies map where evidence shows potential for land-won mineral resources and seeks to avoid development which could prejudice their extraction. Policy RM3, in contrast to Policies SP8 and WMP14 of the WMP make clear it is concerned only with potentially viable mineral resources, to reflect that the viability of mineral extraction changes over time.
73. The PPG⁵ states that safeguarding mineral resources should be defined in designated areas and urban areas where necessary to do so. The supporting text to Policy RM3 identifies that clay sites, permitted gypsum reserves and soft sand resources are safeguarded. There is no MSA identified for sharp sand and gravel because, the evidence shows that there are no potentially viable resources in the Plan area as explained above.
74. The justification text to Policy RM3 sets out categories of excluded development (excluded development) for which the requirements of Policies RM3, RM4, RM5 and RM7 do not apply. This reflects the fact that not all development would prejudice or should be constrained by the presence of potentially viable extractable minerals.
75. However, the relationship between Policies RM3 – RM7, MSAs, MCAs and excluded development is not explicitly clear in the Plan. Furthermore, the list of

⁵ PPG, Minerals, Paragraph: 003 Reference ID: 27-003-20140306, Rev: 06 03 2014

excluded development includes applications for small-scale urban infill development within existing built-up areas i.e., the development of a small gap between existing buildings / enclosed by other types of development. However, without detailed complex definitions this category of excluded development would be open to wide ranging interpretation and in any event the Agent of Change principle should be applied instead.

76. **MM07** would add a table with explanatory information to the justification text of Policy RM3 to clarify these relationships so that decision makers would know how to react to these Policies collectively or in isolation. It would also introduce supporting text to explain the application of the 'Agent of Change' principle, as set out in paragraph 193 of the NPPF and explain the role of District and Borough Authorities in Minerals safeguarding.
77. Overall, subject to **MM07**, which is necessary in the interests of justification, effectiveness and in order to ensure consistency with national policy the Authorities approach with regard to safeguarding mineral resources is sound.

Prior Extraction of Mineral Resources (Policy RM4)

78. Policy RM4, is a new policy that aims to ensure that all of the existing already safeguarded soft sand, clay and gypsum resources are extracted prior to any development, as those safeguarded resources are likely to be necessary to maintain supply. In principle this approach is consistent with the NPPF and is necessary particularly as no additional sharp sand and gravel resource is proposed to be safeguarded over the Plan period as modified. However, as written Policy RM4 only applies to development proposals in MSA's and can only be applied in conjunction with Policy RM3. Furthermore, it is also unclear what "to the satisfaction of the MPA" means in demonstrating compliance.
79. Therefore, to avoid ambiguity and in the interests of effectiveness, MMs are necessary to delete Policy RM4 and instead incorporate the wording of Policy RM4 into Policy RM3. Furthermore, MM is needed to make it clear what evidence is needed to demonstrate compliance, so that a decision maker knows how to react. **MM08** does all this and is therefore necessary for effectiveness and to ensure consistency with national policy.

Safeguarding Minerals Infrastructure (Policies RM5 and RM6)

80. The Plan area has historically not been self-sufficient in land-won aggregates. The efficient operation of Wharves such as Newhaven, Shoreham and Rye and railheads Newhaven and the British Gypsum rail facility at Robertsbridge are therefore essential to preserve the ability to process and transport minerals in and out of the Plan area to meet development needs.

81. Policy RM5 would replace Policies SP9 and WMP15 of the WMP and seeks to safeguard minerals infrastructure. Policy RM5 correctly makes reference to the Agent of Change principle and identifies existing mineral infrastructure to be safeguarded on the policies map rather than listing safeguarded infrastructure in policy wording. This approach, in principle, is justified.
82. The site boundaries of minerals infrastructure are identified as MSAs on the submission policies map. However, Policy RM5 says the Authorities will periodically review and update MSAs as required. MSAs will need to be reviewed through the formal Local Plan preparation/review process to ensure they can be appropriately consulted on and examined and therefore the Authorities approach in this regard is not justified or consistent with national policy and a MM is therefore needed to delete this clause [**MM09**].
83. A SOCG (R-DTCS01.4) between East Sussex County Council and the Port Authority, agrees the safeguarding of East Quay at Newhaven does not compromise any current non minerals related uses from continuation, but recognises its potential to contribute to the imports of marine won aggregates. The SOCG accurately also shows the full extent of the individual mineral infrastructure sites boundaries at East Quay. This differs from that on the submission policies map. The submission Policies Map also does not accurately show the full extent of all the mineral infrastructure site boundaries associated with Shoreham Harbour. Consequently, the geographical extent of Policy RM5 is not justified. However, the Authorities intend to address these issues on adoption as detailed in PM4, PM5 & PM6 of MM-PM01. Subject to these changes and **MM09**, Policy RM5 would be soundly based.
84. Policy RM6 supersedes Policy SP10 of the WMP and seeks to safeguard facilities for concrete batching, coated materials manufacture and other concrete products within the Plan area. In contrast with Policy SP10 of the WMP it also relies on the policies map for the identification of relevant facilities. Furthermore, it also references the Agent of Change principle and includes more detailed wording setting out the limited circumstances upon which planning permission may be granted for other uses in the safeguarded locations as identified on the policies map. In principle, this approach is sound.
85. However, other minerals infrastructure or plant such as that associated with plasterboard and brick production is not safeguarded by either Policy RM5 or RM6. A MM is therefore needed to Policy RM6 to ensure all types of minerals plant and infrastructure not covered by Policy RM5 are safeguarded in the interests of effectiveness. Furthermore, it is common for minerals plant infrastructure to be located in larger infrastructure sites safeguarded by Policy RM5. Therefore, Policy RM6 should also be modified to make clear that the sites it safeguards are safeguarded for the lifetime of the larger host site, also in the interests of effectiveness [**MM10**].

Minerals Consultation Areas (Policy RM7)

86. Policy RM7 designates MCAs as identified on the submission policies map and requires consultation with the MPA to be undertaken for non-mineral development within MCAs. Policy RM7 applies only to East Sussex outside of the SDNP, because Brighton & Hove City Council and the South Downs National Park Authority are both MPAs. Policy RM7 also does not apply to excluded development as identified in the justification text to Policy RM3 as modified by **MM07**.
87. However, Policy RM7 states MCAs will be reviewed as necessary. Such a review would significantly alter how Policy RM7 is applied and should be subject to consultation and examination through the formal Local Plan preparation/review process. Furthermore, Policy RM7, is not explicitly clear that there will be instances where consultation with the MPA will be necessary for developments outside of the MCAs. In such cases, clearly the local planning authorities will need to exercise judgement, but in the interest of effectiveness additional wording should be added to the justification text of Policy RM7 to explain it is not only where development falls within a MCA that consultation with the MPA will be required.
88. The geographical application of Policy RM7 is shown through MCA boundaries on the submission policies map. Standard 100m buffer zones have been drawn around all MSAs except for Rye Harbour and East Quay Newhaven. The 100m buffer zone is carried forward from the approach in the WMLP, it is justified and fit for purpose in the absence of bespoke site-specific information which might suggest alternative boundaries.
89. However, as explained above, because the geographical application of the MSA requires modification in relation to Newhaven and Rye harbour, so will the associated MCA boundary on the submission policies map (PM4, PM5 & PM6 of MM-PM01). In addition, Policy RM7 does not adequately explain that planning applications for development within a MCA that is not included on the list of excluded development will require consultation with the MPA. Furthermore, the Policy does not identify that Neighbourhood Planning Groups will also need to consult the relevant MPA where allocating land affecting MSA's in their Neighbourhood Plan. **MM11** addresses all of the above matters and is necessary for the Plan to be justified and effective.

Conclusion on Issue 4

90. Subject to the MMs identified above the Plan's approach to minerals safeguarding is justified, effective and consistent with national policy.

Issue 5 – Whether the Plan makes adequate provision for the management of waste?

Sustainable Locations for Waste Development (Policy RW1)

91. The overall strategy for waste as set out in the WMLP is not altered by the Plan. Policy RW1 replaces Policies WMP7a and WMP7b of the WMP and seeks only to add clarification to the existing approach set out in the policies to be replaced. Policy RW1 does not specifically refer to small scale facilities as these are dealt with in Policy RV1.
92. Policy RW1 identifies areas of focus within which sustainable opportunities for locating waste and recovery facilities will be supported in the same way as Policies WMP7a and WMP7b of the WMP. However, Policy RW1 introduces criteria to allow exceptional circumstances to be demonstrated where it is not possible to locate waste development proposals on industrial land, previously developed land or existing waste management land.
93. Overall, the Authorities broad approach is consistent with the aims of paragraph 4 of the National Planning Policy for Waste (2014) (NPPW).
94. However, additional justification text is required to explain how the areas of focus have been identified. It should also make reference to considering impact on AONB / National Landscapes, the proximity principle, encouraging net self-sufficiency and ensuring any proposals have regard to cross boundary movements. Furthermore, the justification text does not adequately explain that opportunities should be sought for the co-location of waste management facilities. **MM03** would address these matters by adding further justification text in the interests of effectiveness and ensuring consistency with national policy.

Conclusion on Issue 5

95. Subject to the MMs identified above the Plan makes adequate provision for the management of waste and is justified, effective and consistent with national policy in this regard.

Issue 6 – Whether the development management policy is justified effective and consistent with national policy?

Environment and Environmental Enhancement (Policy RD1)

96. The WMP sets out a suite of policies for use in determining minerals and waste development planning applications. The Authorities monitoring reports indicate

these policies are performing well and do not require altering at this time except for Policy WMP27.

97. Policy RD1 would therefore replace Policy WMP27 and has the same aim to ensure development conserves and enhances the environment. However, Policy RD1 includes the NPPF requirement for new development to secure biodiversity net gain. Furthermore, through additional and amended justification text it clearly sets out the approach to undertaking a site specific HRA which is consistent with the Wealden High Court Judgement⁶. Policy RD1 also differs from Policy WMP27 in that it makes reference to the Sussex Local Nature Recovery Strategy.
98. However, MM is needed to specifically explain in the justification text that a minimum of a 10% biodiversity net gain is required and not just net gain in line with the Environment Act 2021 which came into effect during the examination. We have adjusted **MM12** from that consulted upon to reflect this. Furthermore, MM is also needed to distinguish between effects on sites of national importance and effect on sites of international importance, making clear that an appropriate assessment is required and only imperative reasons of overriding public interests can outweigh any harm to sites of international importance.
99. **MM12** as amended, would address all of these issues in the interests of ensuring effectiveness, legal compliance and consistency with national policy.

Conclusion on Issue 6

100. Subject to the MM identified above the Plan's replacement development management policy is justified effective and consistent with national policy.

Issue 7 – Whether the Monitoring section of the Plan is effective?

101. As required by the NPPF, the Implementation and Monitoring section of the Plan sets out clear performance indicators against which the effectiveness of the policies will be monitored. It would replace the monitoring table in section 7 of the WMP. Subject to **MM13** which would add trigger points and actions for each indicator where appropriate, clarify data sources and identify delivery partners and delivery mechanisms where necessary, the Plan's monitoring framework is effective.

⁶ Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Down National Park Authority [2017] EWHC 351(Admin)

Conclusion on Issue 7

102. Subject to the MM identified above the Plan's monitoring section is effective.

Overall Conclusion and Recommendation

103. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the issues set out above.

104. The Authorities have requested that we recommend MMs to make the Plan sound and / or legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

S Normington and L Fleming

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 72

Subject: S106 Educational Infrastructure Update

Date of meeting: 18th April 2024

Report of: Corporate Director – City Services

Contact Officer: Name: Simon Barrett
Email: Simon.Barrett@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 On 18th January 2024 a letter (Appendix 1) was submitted by Cllr Hill asking for a report to be brought to this committee in relation to s106 monies held for investment in schools and associated matters. Committee subsequently voted to agree the request for the report.
- 1.2 This report provides the information and updates that the committee agreed it wished to receive at that meeting.

2. Recommendations

- 2.1 That Committee notes the position in relation to s106 monies held for investment in schools, the current plans for using it to support infrastructure improvements and the progress the Planning Service has made in making information about s106 funds more accessible.

3. Context and background information

- 3.1 Up until 5th October 2020 and the introduction of the Community Infrastructure Levy (CIL), the council used S106 agreements to secure funding from developers to mitigate the impact on public services (including schools) of their new developments.
- 3.2 Although funds to improve citywide infrastructure are now secured through CIL, sums continue to be paid from developments being implemented under planning permissions granted prior to CIL commencing (a further £280,725.31 s106 receipts for schools was received in 23/24). There are also sums being held from prior years pending investment in suitable projects.
- 3.3 The position as at the end of February 2024 in respect of s106 monies held for education is set out in Appendix 2. The report lists the 42 agreements that are “live” where the council has monies remaining to be allocated,

details any constraints on where the monies can be spent (see below) and the deadline when funds need to be committed by. The projects have been grouped into the ward where the development funding the provision has taken place, using the ward boundaries that were in place when the s106 agreement was signed.

- 3.4 A balance of £4.136M was available as at 28/2/2024. The decision by the Children, Families and Schools Committee on 29th February 2024 to approve the Education Capital Resources and Capital Investment Programme 2024/25 and opportunities to use s106 to fund projects at primary schools in the 2023/24 programme has allocated £1.421M of receipts. This reduces the unallocated balance for investment into schools' infrastructure improvements to £2.715M.
- 3.5 The breakdown of projects recently identified by Families, Children and Learning to be supported through s106 funding is shown below.

Table 1: New Education projects identified for S106 funding.

Scheme	S106 Funding
PACA – Alternative provision	£200,000
Hove Park – Alternative provision	£102,000
Blatchington Mill – Alternative provision	£84,297
Cardinal Newman – Alternative provision	£94,736
Patcham High – Alternative provision	£155,000
Varndean High – Alternative provision	£105,000
Dorothy Stringer – Alternative provision	£80,000
Longhill High – Alternative provision	£125,000 (est)
BACA – Alternative provision	£125,000 (est)
Various Primary Schools 23/4 Capital Programme	£350,000 (est)
TOTAL	£1,421,033

Officers in Families, Children and Learning are currently identifying which s106 receipts will be used to fund these projects. Allocations will prioritise the use of the receipts closest to their expiry date first. This information will then be used to update the IT system used to manage s106 contributions, Exacom. Until this has been done, the information at Appendix 2 cannot be updated to reflect this recent allocation.

- 3.6 With the exception of 3 agreements where sums were specifically secured for named schools, the majority of the legal agreements have one of the following constraints on the location or type of school where sums can be used:

Table 2: Types of Funding Constraints attached to schools S106 receipts.

Citywide – All schools	Monies can be spent on any nursery, primary, secondary or sixth form state schools anywhere in the city
Citywide with suggested nursery, primary, secondary & sixth form schools	Monies can be spent at any nursery, primary, secondary or sixth form state school within the city. The schools identified may have seen an impact due to the development happening in their vicinity
Citywide with suggested primary & secondary schools	Monies can be spent at any primary or secondary state school within the city. The schools identified may have seen an impact due to the development happening in their vicinity
Citywide secondary with suggested schools	Monies can be spent at any secondary state school within the city, but the schools identified may have seen an impact due to the development happening in their vicinity.

- 3.7 The report also shows the deadlines when s106 monies have to be committed by, where stipulated.

Exacom update

- 3.8 The Planning Service has completed on time the exercise to populate the s106 module of Exacom, the specialist IT software used to manage and monitor developer contributions. The system has been used to produce the report included as Appendix 2.
- 3.9 The system now has data on circa 200 live s106 agreements (at some stage between being signed and the final contribution being spent.) These agreements have generated £45.12m of receipts, of which £17.44m has already been spent (up to 31/3/22), £10.12m has been allocated to planned projects and £17.57m remains to be allocated across various service areas in accordance with each s106 agreement. These figures will be updated as part of the closedown of the councils 2023/24 financial accounts and the subsequent Annual Infrastructure Funding Statement which will be reported to councillors later in the year.
- 3.10 The Planning Service is finalising with colleagues in IT&D how read only access to the system can be provided for officers, councillors and the public.

This is likely to be rolled out in phases during April & May, including webinar training on how to access and use the system for councillors.

- 3.11 Once access to the system has been provided, the city council will be one of only a handful of authorities in the country that has transparent access for residents to full information on income and expenditure in relation to both CIL and S106.

4. Analysis and consideration of alternative options

- 4.1 There are no alternative options as funds collected under s106 agreements have to be spent in accordance with the legal agreements signed with developers.

5. Community engagement and consultation.

- 5.1 The community were consulted as part of the process to determine each major planning application which had a s106 agreement attached to it.
- 5.2 Officers in Families, Children and Learning are having on-going discussions with the Secondary School Partnership about the provision of capital support as they explore the future of secondary schooling in the city alongside the additional alternative provision and SEMH (social, emotional & mental health) provision required in the city. Officers also work collaboratively with groups of primary schools. Discussions are continuing to take place in each partnership group about piloting additional SEN provision. There has recently been representation from the Chair of the Primary Representative Group about the allocation of S106 funding allocations. The directorate will continue to work with schools to maximise s106 investment as the council addresses the infrastructure impacts of falling primary school numbers, rising levels of special educational needs and a need for a broader range of alternative provision in the city.

6. Conclusion

- 6.1 The information provided in this report answers the questions raised by Councillor Hill at the earlier meeting of this committee. It also updates members on the successful deployment of the Exacom system to manage and monitor s106 contributions.

7. Financial implications

- 7.1 As this is an update report on S106 receipts there are no direct financial implications. Balances on all S106 receipts will be updated following the closure of the Council's 2023/24 Financial Accounts, which is currently underway.
- 7.2 S106 contributions are required to be spent in accordance with planning regulations and policy objectives.

- 7.3 Once application of S106 receipts is agreed, capital schemes will be set up within the Council's Capital Programme and monitored through the Targeted Budget Management (TBM) process.

Name of finance officer consulted: Jill Scarfield Date consulted (04/04/2024)

8. Legal implications

- 8.1.1 This report is for noting, no substantive decision is asked to be taken as a result of this report. The education contributions must be spent in line with the purposes for which they were secured, and the report sets out the restrictions on spend attached to these contributions.

Name of lawyer consulted: Katie Kam Date consulted (03/04/2024):

9. Equalities implications

- 9.1 None.

10. Sustainability implications

- 10.1 None.

11. Other Implications [delete any or all that are not applicable]

- 11.1 None.

Supporting Documentation

Appendices

1. Letter from Councillor Hill
2. Education Infrastructure S106 Report – February 2024

Letter to Culture, Heritage, Sport, Tourism & Economic Development Committee

I am submitting the following letter under Council Procedure Rule 23.3 to be included on the agenda for the Culture, Heritage, Sport, Tourism & Economic Development Committee on January 18th 2023.

At our last meeting, we were presented with the Annual Infrastructure Funding Statement for Community Infrastructure Levy and Section 106 developer contributions. The reporting period for this was April 1st 2022 to March 31st 2023. At the time, I noted concern that £4,284,541 of Education infrastructure was unallocated as of March 31st 2023. The report stated the Council is 'currently reviewing demand for infrastructure improvements' for educational infrastructure with the Families Children and Learning directorate. The nature of this review is unclear. Any review must involve listening directly to those who can benefit from this Section 106 money.

Over the years, councils across the UK have had to give back millions of pounds of unallocated section 106 funding even though there is a dire need for infrastructure improvements in our communities. My understanding is that after 5 years developers can appeal for unallocated money to be given back to them. We can give real value for money for our city through better scrutiny and consultation around unallocated Section 106 funding. I welcome the move to Community Infrastructure Levy which gives greater flexibility to use these funds, but we must use every effort to ensure that Section 106 contributions are spent in a way that maximises their utility.

At our last Full Council meeting, I put in a written question on education infrastructure funding. I was glad to receive a response from Cllrs Taylor and Helliwell which stated that they had 'already earmarked some S106 funding to particular projects in our schools and ensured alignment with the geographical limitations placed upon some of the funding.' I believe that information pertaining to this should come before our committee in the interests of transparency.

I would like to draw attention to the work done by other councils such as Babergh and Mid Suffolk district councils which have a dashboard which has made it easier for residents to see information about both section 106 and CIL contributions in relation to developments. Our Annual Infrastructure Funding Statement meanwhile will not be seen by many residents.

Additionally, individual Section 106 allocations contained in the statement were hard to read due to table formatting issues that meant that much information could not be seen. I hope this can be rectified in future.

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This letter requests that a report be made for the Culture, Heritage, Sport, Tourism & Economic Development Committee that shows the geographical limitations placed upon Section 106 contributions for educational infrastructure. It should also outline the total amount unallocated where there are no geographical limitations. This letter also asks that the report outlines in detail the money that Cllrs Taylor and Helliwell stated has already been earmarked for projects in schools.

This letter requests that the Council writes to local schools to enquire about their infrastructure needs to better understand the needs of local schools. The Council should explain the availability of Section 106 educational infrastructure contributions in particular areas so that parents and staff can help inform Council processes.

Yours sincerely,

Councillor Raphael Hill

Green Party Councillor for Round Hill Ward

Email: raphael.hill@brighton-hove.gov.uk

Appendix Two – Schedule of S106 Schemes by Ward, Covenant and Deadline to Commit funding

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
Brunswick And Adelaide									
BH2014/00093	Lansdowne Place Hotel, Lansdowne Place, Hove, BN3 1HQ	23/03/2016	67,692.16	0.00	0.00	67,692.16	Citywide	None	05/12/2026
Central Hove									
BH2016/02756	The Former Texaco Garage Site, , 133 Kingsway Hove & 22 Victoria Terrace , Hove, BN3 2WB	16/08/2017	67,971.10	0.00	39,423.00	28,548.10	Citywide with suggested primary & secondary schools	West Hove Infant, Hove Junior, St Andrews Primary, Brunswick Primary, Blatchington Mill & Hove Park secondary schools	12/01/2025
BH2018/00868	Kings House , Grand Avenue, Hove, BN3 2LS	05/04/2019	77,308.51	0.00	0.00	77,308.51	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	21/11/2026
BH2018/00868	Kings House , Grand Avenue, Hove, BN3 2LS	05/04/2019	78,870.00	0.00	0.00	78,870.00	See above	See above	25/05/2028
East Brighton									
BH2014/0241 7	ROBERT LODGE, Manor Place, Brighton, Brighton & Hove, BN2 5GG	12/12/2014	10,092.00	0.00	0.00	10,092.00	Citywide	None	No deadline
BH2015/02941	SITE OF WHITEHAWK COMMUNITY COMPLEX, Whitehawk Road, Brighton, BN2 5FP (Former Whitehawk Library site Findon Road/Whitehawk Road Brighton)	12/11/2015	116,348.00	51,348.00	0.00	65,000.00	Citywide with suggested primary & secondary schools	City Academy Whitehawk, St Marks CE, St John the Baptist RC, Queens Park Primary & Longhill, Dorothy Stringer and Vardean sec schls.	No deadline
BH2016/0143 8	Wellsbourne Health Centre, 179 Whitehawk Road, Brighton, BN2 5FL (Land Adjacent Wellsbourne Health Centre 179 Whitehawk Road Brighton)	13/09/2016	54,421.00	31,456.00	0.00	22,965.00	Citywide with suggested primary & secondary schools	City Academy Whitehawk, St Marks CE, St John the Baptist RC, Queens Park Primary & Longhill, Dorothy Stringer and Vardean secondary schools.	No deadline
BH2017/01665	Whitehawk Clinic, Whitehawk Road, Brighton, BN2 5FR	19/07/2018	26,915.00	0.00	0.00	26,915.00	Citywide secondary with suggested schools	Longhill or new build secondary school	25/06/2028

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
Goldsmid									
BH2020/00917	Unit 1-3 Ellen Street, Hove, BN3 3LN	01/10/2020	62,995.50	0.00	0.00	62,995.50	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	15/02/2028
BH2018/02926	113 - 119 Davigdor Road, Hove, BN3 1RE	10/03/2020	57,784.13	0.00	0.00	57,784.13	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	19/01/2031
BH2020/00917	Unit 1-3 Ellen Street, Hove, BN3 3LN	01/10/2020	74,259.10	0.00	0.00	74,259.10	See above	See above	16/02/2031
BH2019/02948	Sussex County Cricket Ground, Eaton Road, Hove, BN3 3AN	19/08/2020	25,272.50	0.00	0.00	25,272.50	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	17/05/2031
BH2018/01738	Land At Lyon Close, Lyon Close, Hove, BN3 1RE	31/07/2019	133,388.00	0.00	0.00	133,388.00	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	28/01/2032
BH2019/02948	Sussex County Cricket Ground, Eaton Road, Hove, BN3 3AN	19/08/2020	29,012.26	0.00	0.00	29,012.26	See above	See above	26/01/2034
Hangleton And Knoll									
BH2017/00662	The Downsman, 189 Hangleton Way, Hove, BN3 8ES	09/02/2018	44,077.29	0.00	0.00	44,077.29	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	29/01/2026
BH2018/03600	Buckley Close, Hove, BN3 8EU	02/05/2019	10,117.00	0.00	0.00	10,117.00	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	No deadline
Hanover And Elm Grove									
BH2010/03994	DEVELOPMENT SITE AT FORMER AINSWORTH HOUSE, 16 Wellington Road, Brighton (Ainsworth House Wellington Road Brighton)	08/04/2011	39,636.00	0.00	22,859.00	16,777.00	Citywide	None	No deadline

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
Hollingdean And Stanmer									
BH2017/00492	Preston Barracks, Mithras House, Watt Building, Lewes Road, Brighton, BN2 4GL	22/12/2017	85,215.99	0.00	72,711.00	12,504.99	Nursery specific locations	Cheery Tree, nursery at Coombe Road Primary, One World, St Josephs Playgroup & Little Stars Childcare	28/02/2029
BH2018/0354 1	Land To The East Of Coldean Lane, North Of Varley Halls, South Of The A27	21/01/2020	257,214.00	0.00	0.00	257,214.00	Citywide secondary with suggested school	Aldridge Academy	10/05/2028
Hove Park									
BH2018/03356	Kap Ltd , Newtown Road, Hove, BN3 7BA	28/09/2020	129,582.00	0.00	0.00	129,582.00	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	03/11/2029
BH2019/03548	Sackville Trading Estate And Hove Goods Yard, Sackville Road, Hove, BN3 7AN	05/08/2020	49,701.82	0.00	0.00	49,701.82	Citywide secondary with suggested schools	Blatchington Mill & Hove Park secondary schools	31/01/2031
North Portslade									
BH2017/02410	Land Off Overdown Rise And Mile Oak Road, Portslade	10/10/2017	344,765.87	0.00	0.00	344,765.87	Citywide with suggested nursery, primary, secondary and sixth form schools	Southern Cross, Acorn and Footsteps nurseries. Mile Oak, Peter Gladwin, St Nicholas CE & Brackenbury primary schools. Secondary and sixth form provision at PACA, Blatchington Mill, Hove Park and Cardinal Newman.	20/09/2026
BH2017/02410	Land Off Overdown Rise And Mile Oak Road, Portslade	23/08/2019	350,767.50	80,354.19	0.00	270,413.31	See above	See above	18/12/2027

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
Preston Park									
BH2017/01083	City College, 87 Preston Road, Brighton, BN1 4QG	14/11/2017	55,351.60	0.00	0.00	55,351.60	Citywide with suggested primary & secondary schools	Stanford, St Bartholomew's, Downs Infant & Junior, Ste Bernadette's CE, Dorothy Stringer and Vardean secondary schools	30/08/2026
BH2016/02499	ANSTON HOUSE, 137 - 147 Preston Road, Brighton, Brighton & Hove, BN1 6AF (Anston House (137-139) and Land Adjoining, Preston Road Brighton)	30/10/2017	205,164.00	0.00	1,205.00	203,959.00	Specific funding split restricted to certain locations	Existing or new nursery in the locality. Stanford, St Bartholomew's, Downs Infant & Junior, Ste Bernadette's CE, Dorothy Stringer and Vardean secondary schools	22/01/2028
BH2016/02499	ANSTON HOUSE, 137 - 147 Preston Road, Brighton, Brighton & Hove, BN1 6AF (Anston House (137-139) and Land Adjoining, Preston Road Brighton)	30/10/2017	259,854.00	0.00	0.00	259,854.00	See above	See above	17/03/2030
Queen's Park									
BH2010/02012	SUPERDRUG, 27 - 28 St James's Street, Brighton, BN2 1RF (25-28 St James's Street Brighton)	24/08/2011	46,080.00	0.00	20,080.00	26,000.00	Citywide	None	No deadline
BH2018/00340	Former Amex House, Edward Street, Brighton, BN88 1AH	25/10/2018	90,212.04	0.00	0.00	90,212.04	Citywide secondary with suggested schools	Vardean or Dorothy Stringer	20/01/2027
BH2013/03461	FORMER FISH MARKET, Circus Street, Brighton, BN2 9QF (Circus Street Development)	18/03/2015	125,000.00	0.00	71,250.00	53,750.00	Citywide	None	04/10/2025
Regency									
BH2017/01065	Baptist Tabernacle , Montpelier Place, Brighton, BN1 3BF	08/12/2017	70,142.44	0.00	47,488.48	22,653.96	Citywide with suggested primary & secondary schools	Hove Junior, Brunswick, St Mary Magdalene RC, St Pauls CE & Middle St primary. Blatchington Mill and Hove Park secondary schools (incl sixth forms.)	23/10/2025

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
Rottingdean Coastal									
BH2006/01124	Land at Brighton Marina comprising Outer Harbour, West Quay and adjoining land	04/07/2006	67,447.31	0.00	0.00	67,447.31	Citywide	None	04/07/2028
BH2014/03394	6 FALMER AVENUE, SALTDEAN BRIGHTON, BRIGHTON AND HOVE, BN2 8FH (Land adjacent 6 Falmer Avenue Saltdean Brighton)	25/11/2016	160,110.26	0.00	1,205.00	158,905.26	Specific funding split restricted to certain locations	Saltdean, Our Lady of Lourdes, St Margarets CE & Rudyard Kipling Primary and Longhill Secondary schools.	06/04/2027
BH2017/02680	St Aubyn's School , 76 High Street, Rottingdean, Brighton, BN2 7JN	08/02/2019	121,342.50	0.00	0.00	121,342.50	Citywide with suggested primary & secondary schools	Saltdean, Our Lady of Lourdes, St Margarets CE & Rudyard Kipling Primary and Longhill Secondary schools.	09/08/2028
BH2017/02680	St Aubyn's School , 76 High Street, Rottingdean, Brighton, BN2 7JN	08/02/2019	128,307.78	0.00	0.00	128,307.78	See above	See above	13/12/2028
BH2017/02680	St Aubyn's School , 76 High Street, Rottingdean, Brighton, BN2 7JN	08/02/2019	58,527.19	0.00	0.00	58,527.19	See above	See above	13/12/2028
South Portslade									
BH2013/01278	67 Norway Street, Portslade, BN41 1AE (Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street Portslade)	20/11/2013	79,000.00	0.00	0.00	79,000.00	Citywide	None	No deadline
BH2019/0257 8	Victoria Road Housing Office , Victoria Road, Portslade, BN41 1YF	09/09/2020	54,347.86	0.00	0.00	54,347.86	Citywide secondary with suggested schools	PACA	No deadline
BH2018/0362 9	Belgrave Training Centre , Clarendon Place, Portslade, BN41 1DJ	25/03/2020	71,226.00	0.00	0.00	71,226.00	Citywide secondary with suggested schools	BACA	10/05/2028

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
St. Peter's And North Laine									
BH2016/01020	CAR PARKING At Kensington Street, Brighton, BN1 4AJ (4-7, 9-10 & 15-20 Kensington Street Brighton)	24/11/2017	8,063.00	0.00	5,257.00	2,806.00	Citywide with suggested primary & secondary schools	Middle St, St Pauls CE, St Mary Magdalene RC, St Bartholomew's CE, Carlton Hill & Brunswick Primary. Dorothy Stringer & Varndean secondary schools.	No deadline
BH2015/01471	The Astoria, 10 - 14 Gloucester Place, Brighton, BN1 4AA	08/12/2016	138,798.93	79,927.93	0.00	58,871.00	Citywide with suggested primary & secondary schools	Secondary funding element spent at Dorothy Stringer, Varndean, Longhill or Cardinal Newman School or any new school which may open in the near future and primary funding element spent at Middle Street Primary, Carlton Hill Primary St Bartholomew's CE, Queens Park Primary or St Pauls CE Primary	31/12/2023
BH2018/02749	George Cooper House, 20-22 Oxford Street, Brighton, BN1 4LA	04/09/2019	6,914.80	0.00	0.00	6,914.80	Citywide with suggested secondary schools	Varndean and/or Dorothy Stringer Schools	No deadline
BH2018/02607	Greater Brighton Metropolitan College, Pelham Street, Brighton, BN1 4FA	27/03/2019	114,873.00	0.00	0.00	114,873.00	Citywide with suggested secondary schools	Varndean School and/or Dorothy Stringer Schools	16/04/2028
BH2018/02598	Longley Industrial Estate, New England Street & Elder Place, Brighton	24/09/2019	64,281.00	0.00	0.00	64,281.00	Citywide secondary with suggested schools	In particular to facilitate additional pupil capacity at Dorothy Stringer and Varndean Schools	23/12/2027

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
BH2018/01137	76-79 And 80 Buckingham Road, Brighton, BN1 3RJ	12/03/2019	33,000.00	0.00	0.00	33,000.00	Citywide with suggested primary & secondary schools	Primary provision spent on St Mary Magdalen Roman Catholic School, and/or St Pauls Church of England School, and/or Middle Street Primary School, and/or St Bartholomew's Church of England Primary School and/or Carlton Hill Primary School and the secondary provision spent on Hove Park School and/or Blatchington Mill School.	24/06/2028
BH2018/02598	Longley Industrial Estate, New England Street & Elder Place, Brighton	24/09/2019	69,968.00	0.00	0.00	69,968.00	See above	See above	01/06/2030
Westbourne									
BH2018/02126	29 - 31 New Church Road, Hove, BN3 4AD	09/08/2019	90,982.00	0.00	0.00	90,982.00	Citywide with suggested secondary schools	Blatchington Mill and Hove Park Schools	09/03/2027
BH2020/00355	Site Of Sackville Hotel, 189 Kingsway, Hove, BN3 4GU	14/11/2017	54,520.00	0.00	0.00	54,520.00	Citywide with suggested primary & secondary schools	Secondary school provision spent on Blatchington Mill and Hove Park Schools and the primary school provision spent on one or more of the following schools - West Hove Infant School, Hove Junior School, St. Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road	14/06/2029

Ward & Planning Application	Site Address of development generating S106 contribution	Date S106	Sum received	Allocated to scheme	Money spent up to 31/3/23	Balance Available	Geographical Restriction	Indicative Schools	Commit By Date
Wish									
BH2009/03154	193 Portland Road, Hove, BN3 5JB (Gala Bingo Hall & Adjacent Car Park 193 Portland Road Hove)	27/08/2010	55,679.79	0.00	1,800.00	53,879.79	Citywide	None	No deadline
BH2016/02535	WESTERMAN COMPLEX, School Road, Hove, BN3 5HX	01/08/2018	216,079.18	0.00	0.00	216,079.18	Citywide with suggested primary & secondary schools	Primary provision at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior School Holland Road, Goldstone Primary School or West Hove Infant School Connaught Road and the Secondary and sixth form provision at Blatchington Mill or Hove Park Schools.	11/10/2026
Withdean									
BH2016/00403	251- 253 Preston Road, Brighton, BN1 6SE	19/10/2016	56,930.00	0.00	32,733.00	24,197.00	Citywide with suggested primary & secondary schools	Primary provision at Stanford Infant and Junior schools, Balfour Primary School and secondary provision at Dorothy Stringer High School or Vardean School	12/12/2025
	TOTAL SUMS RECEIVED / ALLOCATED / SPENT / AVAILABLE		£ 4,695,609.41	£ 243,086.12	£ 316,011.48	£ 4,136,511.81			

Notes:

- 1) Schemes in bold and italics are s106 agreements where the city council is the developer providing the funding.
- 2) The schemes are shown in the ward where the development was at the time the s106 agreement was signed. All of the agreements pre-date the latest boundary changes and schools are not organised on a ward basis.

Subject: Seasonal Beach Lifeguard Service – proposed future arrangements

Date of meeting: 18th April 2024

Report of: Corporate Director City Services

Contact Officer: Name: Mark Fisher, Head of Sport and Leisure
Email: Mark.Fisher@brighton-hove.gov.uk

Ward(s) affected: All

1. Purpose of the report and policy context

- 1.1 The beach lifeguard service on Brighton and Hove’s beaches is currently managed directly by the council. The Seafront Office oversees 13km of coastline and 10 lifeguarded beaches from Hove Lagoon to Saltdean. The season runs annually from the end of May to early September. The lifeguards are responsible for managing emergency responses to water and land-based incidents. A review of the service has been undertaken to look at options available to manage the lifeguard service from summer 2025 that result in efficiencies whilst ensuring delivery of a safe service.
- 1.2 Two proposed approaches for managing the seasonal lifeguard service from summer 2025 have been explored further. The two options are either to contract out the beach lifeguard service to the Royal National Lifeboat Institution (RNLI) or to continue to manage and deliver the service in-house.
- 1.3 This report sets out the current arrangements, future options and next steps to be followed.

2. Recommendations

That the committee:

- 2.1 Notes that the soft market research identified in the options review shows that the RNLI are currently the only external organisation found to be operating beach lifeguard services for local authorities.
- 2.2 Agree that delegated authority be given to the Corporate Director of City Services, in consultation with the relevant cabinet portfolio holder, to conclude negotiations with the RNLI leading to either the service being contracted out as detailed in paras 4.6 to 4.11 or continuing in-house as detailed in paras 4.3 to 4.5.

3. Context and background information

The current arrangements for the seasonal beach lifeguard service

- 3.1 The beach lifeguard service is currently managed by the council's Seafront Office, and the season runs annually from the end of May to early September. A key responsibility of the lifeguards is to manage emergency responses to water and land-based incidents.
- 3.2 The Seafront Office has 7 core staff and is responsible for the end-to-end lifeguard recruitment process, lifeguard inductions, weekly training and management of the operation. In addition to managing the lifeguard service over the summer season, the Seafront team is responsible for managing and maintaining a controlled and safe seafront environment, daily patrols, incident management, stakeholder engagement, byelaw enforcement, seafront maintenance, public safety and incident prevention throughout the year.
- 3.3 The key requirements of the lifeguard role are:
- ability to swim 400m in under 7m 30sec (16 lengths of a 25m pool)
 - hold a valid UK Beach Lifeguard Qualification
 - complete a DBS check.
 - complete induction training with the Seafront Team, covering normal beach operating procedures, health and safety, water, and beach-side practical training.
- 3.4 The key tasks for lifeguards include:
- water safety advice
 - drowning prevention
 - emergency response to water-based incidents,
 - emergency response to life-threatening land-based incidents
 - minor first aid
 - missing persons search and reunite
 - sun safety advice, weather and tide information
 - hazard identification
 - byelaw enforcement on beach (including dogs and barbeques)
- 3.5 The Seafront Office and the Lifeguard service is currently funded through the council Seafront budget. The Lifeguard Service cost for the summer season in 2024 is £482,193.

4. Analysis and consideration of alternative options

- 4.1 The options review below provides the details of the three different models of lifeguard service delivery currently operating in England and looks at the efficiencies in operation whilst ensuring delivery of a safe service.
- Voluntary - A service run by unpaid volunteers.
 - In-house - A service run directly by a council with directly employed staff
 - RNLI - The Royal National Lifeboat Institution, a charity dedicated to saving lives at sea.

- 4.2 **Voluntary option** - using volunteers to lifeguard Brighton and Hove's beaches is not seen as a viable option to replace the service. It is unlikely that enough volunteers could be found, and as volunteers it would be difficult to maintain the level of service needed consistently. Based on these findings this option has been ruled out being explored further.
- 4.3 **In House Option** – to continue to manage and deliver the service as it is currently. This would continue to be through beach lifeguards employed and managed directly by the council. This service has been delivered by the council since it came into being. The costs, risks, roles, and responsibilities are well understood.
- 4.4 The service provided is reviewed each year and is based on beach risk assessments. The service is highly regarded and contributes significantly to the reputation of the city. Being in house means the service can work effectively with other council services and contribute towards the wider council aims. Not having the buying power of a larger specialist organisation may result in the council paying more for or not being able to source equipment.
- 4.5 The limited ability the council holds to secure sponsorship and elicit donations in support of the beach lifeguards service opportunities due to capacity and expertise may be a limiting factor with the service being delivered in house. This is particularly important given the council's financial situation.
- 4.6 **The Royal National Lifeboat Institution (RNLI) Option** - the RNLI are a national water safety charity with a track record of providing lifeguarding services to local authorities. In 2022, 1,632 RNLI lifeguards provided cover on 242 beaches across the UK and Channel Islands. They attended 18,897 incidents, helped 23,204 people, and saved 117 lives.
- 4.7 RNLI lifeguards patrol beaches, share safety advice, provide first aid to those who need it, and save lives of those who get in trouble in the water.
- 4.8 Research shows that the key requirements of an RNLI lifeguard role are:
- lifeguards are qualified in lifesaving and casualty care
 - ability to swim 400m in under 7m 30sec (16 lengths of a 25m pool)
 - hold a valid UK Beach Lifeguard Qualification
 - can run 200m on sand in under 40 seconds
 - pass a health assessment
- 4.9 The RNLI provide lifeguard services around the country over the summer season and state that all their lifeguards are equipped with the best training and equipment, so that they can deal with any situation. Best practice is that while lifeguards are lifeguarding, they don't dual purpose. RNLI lifeguards monitor sea conditions and set up the appropriate flags, watch the people on the beach and offer safety advice on the beach.

- 4.10 RNLI lifeguards do not take on other tasks such as enforcing byelaws, lost children, and anti-social behaviour. The RNLI work closely with other services to ensure these tasks are dealt with. The proposal from RNLI is to have lifeguards based on robust beach risk assessments that identify the environmental, physical, and human hazards along the coastline and plan appropriate mitigating actions in line with available resources.
- 4.11 The RNLI provide an extensive programme of training for their lifeguards and ongoing peer to peer support to ensure that they are well trained and supported in all aspects of their role in the provision of lifeguard services.
- 4.12 The provision of lifeguard services is one of the RNLI's core services and they are well placed to provide enhanced wellbeing support and ongoing care to meet the needs of the lifeguard teams. They have extensive experience of managing beaches throughout the country and are able to draw on those experiences and share best practice with the teams that they manage. This is a very important aspect when considering the future management arrangements of the service.

5. Conclusion

- 5.1 The voluntary option has been ruled out, based on the associated risks detailed above in paragraph 4.2.
- 5.2 The in-house option will continue to be provided should terms and costs not be agreed with the RNLI. The current arrangements will be reviewed and any improvement opportunities identified that result in efficiencies whilst ensuring delivery of a safe service.
- 5.3 The RNLI lifeguard model has a proven track record of working successfully for other local authorities. Market research shows that apart from a few local authorities managing their lifeguard service in-house and some using the voluntary route, all others are managed by the RNLI. The options analysis has not determined the likely costs and terms on which a service would be provided by RNLI to the Council. The council will need to explore this further with RNLI to assess whether this is the right option, looking at any potential cost savings, risks, and benefits.
- 5.4 The RNLI are a large national organisation with a core business that focuses on saving lives at sea. They have well established processes and procedures and the necessary resources in place to provide their lifeguards with round the clock support, which includes a counselling service and a lifeguard benevolent fund. This is well-tailored for staff who have seen a death or serious injury at work.
- 5.5 The lifeguard service is different to other services provided by the council and responds to many challenging issues. Throughout the summer season the lifeguards employed are called upon to respond to emergencies in the sea. This response to what can sometimes be traumatic events can be very stressful for those involved in a rescue incident. The RNLI respond to many

incidents nationally on their beaches over the season and are very experienced in managing these incidents.

- 5.6 In the event of a contract arrangement being entered into with RNLI, the Seafront Office year-round service currently provided by the council would continue to be directly delivered and retained. This function would act as the client side for the contracted seasonal lifeguard service.
- 5.7 The Seafront office will continue to be responsible for managing and maintaining a controlled and safe seafront environment, daily patrols, incident management, stakeholder engagement, byelaw enforcement, seafront maintenance, public safety, incident prevention throughout the year. Appendix 1 sets out the roles and functions that are proposed could be contracted to transfer to the RNLI from summer 2025.

6. Financial implications

- 6.1 Following the savings agreed at Budget Council on 23rd February 2023, the decision to maintain the lifeguard provision in 2023 as per the 2022 season and service pressure allocation agreed at Budget Council on 22nd February 2024, the expenditure budget for Seafront Services for 2024/25 is £0.928m. The costs for the 2024 lifeguard season delivered in-house of c£0.482m is anticipated to be contained within the Seafront Services budgets with potential pressures for the provision of Lifeguards to be mitigated by efficiencies within the wider seafront services budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.
- 6.2 To fully achieve previously agreed savings, either a reduction of lifeguard support or an alternative delivery model would need to be considered. Negotiations with RNLI may achieve the savings through an alternative delivery model. Should the option of RNLI not be cost effective then other delivery models will need to be considered or other budget consideration needed to ensure the in-house service operates within budget. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 05/04/2024

7. Legal implications

- 7.1 This report explores the options for seasonal beach lifeguard services. There is no statutory duty on the Council to provide the lifeguard service. Section 234 Public Health Act 1936 gives local authorities a general power to provide lifesaving equipment at such places as they see fit.
- 7.2 One of the options explored by this report is for the potential provision of the lifeguard service by RNLI. Under the current Procurement Regulations 2015 the Council can award a contract directly to a service provider if for technical reasons there is an absence of competition for providers and no reasonable alternative substitute provider exists. The Council needs to be satisfied from

its engagement with the market that there is no reasonable alternative and can issue a Notice of its intention to direct award the contract. If the procurement process was to commence under the new legislation, which is anticipated to apply from autumn 2024, there are broadly equivalent legislative provisions for the direct award of a contract and the Council will be required to issue a compulsory notice of its intention to award the contract directly.

Name of lawyer consulted: Siobhan Fry Date consulted 09/04/24

8. Equalities implications

- 8.1 Brighton and Hove beaches are enjoyed by people from all protected groups under the Equality Act 2010. In recent years the Council has sought to improve beach access for disabled people, having recently installed an accessible boardwalk as part of the Black Rock rejuvenation, made all terrain wheelchairs available along the seafront, and improved the number of Blue Badge parking bays along Madeira Drive.
- 8.2 An Equalities Impact Assessment will be completed prior to a decision being made as to which is the preferred option for the Lifeguard service future management arrangements.

9. Sustainability implications

- 9.1 The Lifeguard service maintains as low an impact on the beach environment as possible. Lifeguard stations are only set up and operate on the beach during May to September and are stored away from the seafront for the remainder of the year. The lifeguards also help to ensure the city's beaches remain a safe and clean by working with the Seafront Team to enforce byelaws along the coastline.

10. Social Value and procurement implications

- 10.1 The service have offered information on the lifeguarding market and have indicated that the market research conducted by the service department has been sufficient to establish the absence of market competition. No other suitable supplier in the lifeguarding market exists.

Supporting Documentation

Appendix 1 - the roles and functions that are proposed could be contracted to transfer to the RNLI from summer 2025

Appendix 1

The roles and functions that are proposed to be contracted to transfer to the RNLI from summer 2025

The role of a lifeguard which includes:

Water safety advice
Drowning prevention
Emergency response to water-based incidents,
Emergency response to life-threatening land-based incidents
Sun safety advice
Weather and tide information
Advice regarding barbecues and dog friendly beaches

Management of Lifeguards, which includes:

Recruitment
Training
Inductions
Ongoing mentoring

Equipment and Facilities:

Provide Uniforms
Complete beach risk assessments
Rescue equipment
Lifeguard stations

The wellbeing package which includes:

Providing pastoral care
Round the clock support
A counselling service

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 75

Subject: Brighton Marina Neighbourhood Plan – Submission for Examination and appointment of Examiner

Date of meeting: 18 April 2024

Report of: Corporate Director – City Services

Contact Officer: Name: Carly Dockerill
Tel: 01273 292382
Email: carly.dockerill@brighton-hove.gov.uk

Ward(s) affected: Whitehawk & Marina

For general release

1. Purpose of the report and policy context

- 1.1 Brighton Marina Neighbourhood Forum has submitted its draft Neighbourhood Plan to the Council. The Council must now take responsibility for progressing the Plan through the subsequent stages of the neighbourhood plan process, as set down in legislation.
- 1.2 To meet the Neighbourhood Planning regulations, the Council published the Draft Plan for formal 'Regulation 16' consultation over a 6-week period from 5 February to 18 March 2024. The next step is to appoint an independent person to undertake an examination of the Neighbourhood Plan and to submit the Draft Plan for examination together with all representations received in response to the Regulation 16 consultation.
- 1.3 This report therefore seeks Committee agreement for officers to proceed with the appointment of an examiner and the submission of the Draft Neighbourhood Plan for examination. At this stage, the Council is not required to reach a formal view on the content of the Neighbourhood Plan.
- 1.4 Officer comments on the plan have been prepared in response to the recent Regulation 16 consultation and the Committee is also requested to endorse these as attached at Appendix 1 and for these to be submitted for consideration by the Neighbourhood Plan Examiner.

2. Recommendations

- 2.1 That the Committee agrees that officers proceed with the appointment of a suitably qualified and experienced independent person to undertake examination of the Brighton Marina Neighbourhood Plan;
- 2.2 That the Committee agrees to submit the Draft Neighbourhood Plan and its supporting documents for examination, together with all representations received in response to the Regulation 16 publication of the Draft Plan; and

- 2.3 That the Committee endorses and agrees to submit the officer comments on the Draft Neighbourhood Plan set in Appendix 1 as the Council's Regulation 16 response for consideration at the examination.

3. Context and background information

The Neighbourhood Planning Process

- 3.1 Neighbourhood planning is a way for local groups (i.e., parish councils or designated neighbourhood forums) to take a lead on planning the future of their local area. Preparation of a neighbourhood plan involves several prescribed stages which are set out in the relevant planning legislation. Once formally 'made', a neighbourhood plan becomes part of the city's statutory Development Plan and will be used to determine planning applications. The process requires neighbourhood plans to satisfy several tests called 'basic conditions' which are summarised in Appendix 2. An important basic condition is that the neighbourhood plan must be in general conformity with the strategic policies set out in the council's City Plan.
- 3.2 Brighton Marina Neighbourhood Forum has been working for several years to prepare a neighbourhood plan for its area and council officers have provided support and comments on the plan's preparation to date. The Forum has undertaken engagement with the local community and the publication of an initial draft version of its Neighbourhood Plan for an 8-week period of consultation took place from 9 November 2022 to 4 January 2023 (referred to as 'Regulation 14' consultation). Council officers submitted formal comments in response to the consultation which were agreed on 9 March TECC committee in 2023.
- 3.3 The Forum has now formally submitted its Draft Neighbourhood Plan and supporting documents to the Council¹. It is the third neighbourhood group in the city to have reached this stage of the process. From this point forward, planning regulations require that the Council takes responsibility for all subsequent stages of the neighbourhood plan process. This has already included making public the Draft Neighbourhood Plan and supporting documents for a period of at least 6 weeks and inviting representations (this stage is often referred to as 'Regulation 16' consultation).
- 3.4 The Council is now required to appoint a suitably qualified independent person to undertake formal examination of the Plan and to submit the Draft Plan for examination along with all twelve representations received in response to the Regulation 16 consultation.
- 3.5 Following receipt of the Examiners' report, the Council must then decide what action to take in response to any recommendations made by the Examiner and then decide whether the Plan should proceed to a local referendum. Due to its specific designation as a 'business area', Brighton

¹ Under Regulation 15 of the 2012 Neighbourhood Planning (General) Regulations, the neighbourhood body must submit the proposed Neighbourhood Plan, a map showing the neighbourhood area, a consultation statement, and a 'basic conditions statement'.

Marina will be subject to two local referendums. One for businesses and one for residents. If the Plan is supported by more than 50% of the residents and businesses voting in the two referendums, it will become part of the statutory Development Plan for the Brighton Marina Neighbourhood Area (alongside the City Plan).

Officer comments on the Draft Neighbourhood Plan

- 3.6 In response to the Regulation 16 consultation, council officers have reviewed the Draft Neighbourhood Plan and have compiled a schedule of comments attached at Appendix 1 to this report. It is necessary to ensure that the Neighbourhood Plan policies align with the Council's own plans for the Brighton Marina area. It is also important to consider whether the Neighbourhood Plan policies are deliverable in terms of being able to be used for determining planning applications.
- 3.7 Full officer comments made on the neighbourhood plan are set out in Appendix 1 to this report. Officers have not identified any substantial concerns to the Plan at this stage. In summary, officer comments have highlighted the following:
- The need for greater clarity in some policies to ensure that the plan can be used for Development Management purposes.
 - The need to update or review some of the policies to ensure alignment with The Environment Act, National Planning Policy (NPPF) and local planning policy (City Plan Part One and Two).
- 3.8 The Council is not required to reach a formal view on the content of the Neighbourhood Plan until after receipt of the examiner's report and recommendations. However, the Committee is requested to endorse that the officer comments in Appendix 1 be submitted in response to the Regulation 16 consultation for consideration at the Neighbourhood Plan examination.

4. Analysis and consideration of alternative options

- 4.1 As set out above, the appointment of an Examiner and submission of the Draft Neighbourhood Plan for examination forms the next stage of the neighbourhood plan process. This process is set down in Regulation 17 of the neighbourhood planning regulations and is required to progress the Neighbourhood Plan towards referendum and being formally 'made'.

5. Community engagement and consultation

- 5.1 Local community engagement has been undertaken by the Brighton Marina Neighbourhood Forum prior to submitting the Plan, including Regulation 14 consultation on the draft Plan over an 8-week period in December 2022 to January 2023. Full details of the consultation and community engagement undertaken by the Marina Forum are set out in a Consultation Statement, which was submitted to the Council and forms one of the supporting documents to the Draft Neighbourhood Plan. The Consultation Statement was published by the Council as part of the Regulation 16 consultation.

- 5.2 In publishing the Draft Neighbourhood Plan for consultation, the Council has met the publicity requirements under Regulation 16 of the neighbourhood planning regulations. The draft Plan and supporting documents were published on the Council website for a period of 6 weeks from 5 February to 18 March 2024.
- 5.3 At the start of the consultation an email was sent to all consultees on the Planning Policy mailing list (which includes the national statutory bodies and a wide range of local stakeholders) and all city Councillors were informed. In addition, the Marina Forum were requested to email all consultees who had commented on the Plan at the Regulation 14 stage in 2022/2023 (as is specifically required by the regulations). Notices publicising the consultation were posted at key locations throughout the Neighbourhood Area and the Council's press office also published a news item about the consultation, which was publicised on the council's Facebook page.
- 5.4 In total 51 external responses were received during the consultation period from 40 individuals, 5 statutory consultees, and 6 organisations. The main issues raised by residents during the consultation centered around accessibility and movement in and around the Marina, and a lack of reference to water sports and boating facilities/berthing. A number of residents were concerned that the plan did not contain any policy mechanism for preventing second home ownership at the Marina. It is understood from the Forum's submitted Consultation Statement that one respondent raised a concern regarding short term lets at the Marina at the earlier stage of consultation on the draft plan. The officer comments at Appendix 1 notes concern that the opportunity to introduce a principal residence policy has not been explored in the neighbourhood plan and requests that the Examiner further advise on this issue.
- 5.5 Once an Examiner is appointed, the external responses received and the submitted neighbourhood plan and supporting documents will be forwarded to the Examiner and published on the council's website to form the examination library. The Examiner will consider all responses received during the consultation.

6. Conclusion

- 6.1 Brighton Marina Neighbourhood Forum has undertaken a substantial amount of work over several years to reach this important submission stage. The Council is now required to appoint an independent Examiner and submit the Plan for examination together with its supporting documents and the representations received. Council officers have also compiled a schedule of comments on the Draft Plan to be submitted for consideration at the examination. The Committee is requested to agree these next stages of the neighbourhood plan process.

7. Financial implications

- 7.1 Following the submission of the Draft Neighbourhood Plan by the Neighbourhood Forum, the City Council is now responsible for all

subsequent stages of the neighbourhood plan process. As such, it is responsible for funding the costs of the neighbourhood plan examination and for organising a local referendum. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

Name of finance officer consulted: John Lack Date consulted: 26/03/2024

8. Legal implications

- 8.1 As stated above, the stages of the neighbourhood plan process are set down in planning legislation within the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning regulations. The submission of the Draft Neighbourhood Plan for independent examination is the next stage of the statutory process and is required for the Plan to progress forwards towards the eventual goal of being approved at referendum and formally 'made'.

Name of lawyer consulted: Katie Kam Date consulted: 28/03/24

9. Equalities implications

- 9.1 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a "protected characteristic" and those who do not. This duty applies to the Council when taking formal decisions regarding the neighbourhood plan process.
- 9.2 The Draft Neighbourhood Plan has been prepared through an extensive process of local community engagement which is set out in detail in the Forum's Consultation Statement and their own Equalities Impact Assessment which has been submitted to the council. The Plan is required to be in general conformity with the City Plan (which has been subject to Equalities Impact Assessment) and this is one of the 'basic conditions' that will be assessed at the neighbourhood plan examination.

10. Sustainability implications

- 10.1 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'basic conditions' on which neighbourhood plans are examined is that they should contribute to this. The Plan's contribution to the achievement of sustainable development is addressed in the Forum's Basic Conditions Statement which was submitted and published alongside the draft Neighbourhood Plan.

11. Crime & disorder implications:

- 11.1 None identified

12. Public health implications:

12.1 None identified

Supporting Documentation

1. Appendices

1. Brighton Marina Neighbourhood Plan (Regulation 16 consultation draft)
Brighton & Hove Council officer comments on the Draft Neighbourhood Plan
2. Summary of the 'Basic Conditions' for Neighbourhood Plans

2. Background documents

1. Brighton Marina Neighbourhood Plan and all other Regulation 16 Consultation documents can be viewed on the Forum's website at <https://www.bmnf.org.uk/copy-of-correspondence-1>

Appendix 1

Internal BHCC Officer Comments on the Reg 16 Submission Version of the Brighton Marina Neighbourhood Plan February 2024

Paragraph/ Policy	Comment and/or recommended changes to text
Policy BM1: Design (Page 15)	
The penultimate para of supporting text	Whilst council officers welcome the incorporation of some suggested wording amendments to this policy from the Regulation 14 stage, it is disappointing some of the suggested amendments have not been fully incorporated.
Suggest Para 4 second sentence	Suggest text amended to: <u>'Regard should be given to connectivity within the development and to pedestrian and traffic flows in/out and around the marina'</u> .
Last paragraph	Suggest text amended to: <u>"The policy approach takes account of the ongoing work of the Building Better, Building Beautiful Commission, National Design Guide and the National Model Design Code. More detailed area-specific design principles should be set out as part of a future masterplan and design code to support this Neighbourhood Plan as well as City Plan Policies CP12 Urban Design and DM18 High Quality Design and Places."</u>
First bullet point	Scale and massing needs to also reflect the prominence of the location in views along the coast, including the setting of heritage features such as the Madeira Terrace.
Second bullet point	<i>"new buildings should relate sensitively and imaginatively to an overall development proposal/master plan for the Marina;"</i> Should be noted that you cannot require applicants to comply with something that does not exist. Suggest that this wording should be deleted.
Third Paragraph after the bullets	Agree that access arrangements need to provide good linkages. This para could be strengthened further by stating that developments should provide good linkages east and west to provide connectivity with the Madeira Drive and the undercliff walk.

Appendix 1

Internal BHCC Officer Comments on the Reg 16 Submission Version of the Brighton Marina Neighbourhood Plan February 2024

Paragraph/ Policy	Comment and/or recommended changes to text
Policy BM2 Public Realm / Open Spaces (Page 17)	
General comment	It is disappointing that none of the council's proposed amendments to wording and comment, as at Regulation 14 regarding SPD17 UDF have been incorporated into this policy.
Safety and Surveillance para	Suggest is amended to: Safety and Surveillance: all new elements of public realm should be designed and arranged laid out so that they would be safe to all users during the day and the night. Where it is practicable to do so areas of public realm and open space should be overlooked by their associated developments.
Attractiveness para	Suggest is amended to: <i>Attractiveness: all new elements of public realm should <u>also be attractive designed and arranged in an attractive way to and meet the needs of both local residents, boat owners and visitors using the Marina during the day and night. Proposed developments which demonstrate appropriate responses to these design principles will be supported.</u></i>
Ante-penultimate paragraph (third from the bottom of this policy)	Suggest is amended to: <i>"New development which provide solutions to any such issues will be particularly supported delivers improvements to public realm in the Marina will be supported. Proposals for <u>incorporating public art within the wider into the public realm will be welcomed.</u>"</i>
General comment	Policy should include reference to opportunities to provide appropriate landscaping. Seems to be a lost opportunity to provide improvements to the public realm beyond safety and attractiveness – should include reference to clear routes, welcoming open spaces etc.

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Paragraph/ Policy	Comment and/or recommended changes to text
General Comment	Policy needs to account for the specific environment of the Marina – public spaces that are accessible but also provide for all weather conditions, particularly given the increasing impact of climate change, so some spaces should provide shelter from the prevailing SW wind.
General Comment	Policy, crucially, needs to highlight the need for new children's play spaces, Policy CP16 (issue raised in the Marina Appeal decision – there are none nearby).
Policy BM3 Connectivity (Page 18)	
General Comment	Most of Council's proposed amendments to wording at Reg 14 do not seem to have been incorporated
General Comment	It would be useful to include a reference to forthcoming Eastern Seafront Masterplan.
General Comment	Recommend that the NP references B&H City Council's Accessible City Strategy An accessible city for everyone (brighton-hove.gov.uk)
General Comment	Recommend that the policy acknowledges either in this section or introductory section that it welcomes the new Marina link etc from/to the west BHCC-Black-Rock-boards.pdf (brighton-hove.gov.uk)
Policy BM4: Residential Development (Page 19)	
Access and Permeability	Design terminology like ' <i>legibility</i> ' and ' <i>permeability</i> ' should be clearly defined and explained in a Glossary.
Housing Type and Mix	Suggest wording amendment as follows: <i>"new developments should provide for a mix of dwelling type, tenure and size to cater for a range of housing requirements, including affordable housing and to improve housing choice in accordance with City Plan Policies CP19 and CP20"</i>

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Paragraph/ Policy	Comment and/or recommended changes to text
	<p>Suggest referencing SPD 17 UDF Section 3.3. Housing types and mix of uses</p> <p>As it currently stands, the policy wording is unhelpful for applicants as it doesn't identify what types of housing are needed to improve housing choice in the neighbourhood plan area or explain how applicants should go about demonstrating this.</p> <p>Suggest deleting the final sentence "Proposed developments which do not demonstrate appropriate responses to these design principles will not be supported." as it is unnecessary to state this.</p>
Supporting text to BM4 (2 nd paragraph)	<p>Suggest inserting reference to affordable housing in 1st sentence as follows:</p> <p><i>"Securing an appropriate mix of housing types, <u>including affordable housing in new development at the Marina is an important element of the policy.</u>"</i></p>
General Comment	<p>Policy wording could be amended to be more specific to the context of the Marina such as considerations of providing private external amenity spaces whilst accounting for wind (i.e. south is sunny but also windy) and the need for privacy.</p>
Supporting Text	<p>Supporting text references, suggest altering as follows:</p> <p>Policy BM4 has been designed to add complementary detail to Policy DA2 of the City Plan Part One. The Neighbourhood Forum will work with the City Council on a holistic approach to the regeneration of the development area, will be achieved through the preparation and adoption of a Supplementary Planning Document (SPD) for the Brighton Marina and wider area. Once adopted the SPD will replace the existing Supplementary Planning Guidance (SPGBH20, 2003) and Planning Advice Note (PAN04, 2008) for Brighton Marina. The policy takes direct account of the 2008 Planning Advice Note. Whilst site specific issues may arise the policy should be applied wherever it is reasonably practicable to do so.</p>

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Paragraph/ Policy	Comment and/or recommended changes to text
Policy BM5 Natural Environment / Marine Wildlife (page 20)	
Mitigation of Flood Risk	<p>Suggest amending the policy as follows:</p> <p>New development should demonstrate that it will be safe <u>for its lifetime taking account of the vulnerability of its users</u>, will not increase the risk of flooding elsewhere and where possible, will reduce the overall flood risk profile at the Marina. All new development should empty <u>have regard to with</u> the Sea Defence Management Plan of the Brighton Marina Estate Management Company, the Shoreline Management Plan and Brighton & Hove City Council Strategic Flood Risk Assessment and SUDs SPD16. <u>A The need for a site-specific Flood Risk Assessment will be informed by national policy and the Strategic Flood Risk Assessment.</u> required for proposals for new build development.</p>
Integrity of the cliffs to the north of the Marina	<p>The policy should refer to the SSSI designation and the protection this designation brings. All adverse impacts should be avoided, not just impacts on visibility or stability.</p> <p>Suggested text as follows:</p> <p><i>New developments should demonstrate that their proposals do not impact adversely on the visibility or stability of the cliffs <u>avoid impacts on the cliffs located to the north of the Marina. The cliffs are <u>protected</u> noted for their unique and irreplaceable geological features, <u>being designated as the Brighton to Newhaven Site of Special Scientific Interest and Friar's Bay to Black Rock Marina Local Geological Site.</u></u></i></p>
Water quality	<p>Suggest amending following wording:</p> <p>New developments should <u>incorporate appropriate sustainable drainage (SuDs) systems and demonstrate no unacceptable impact</u> demonstrate the way in which they would handle surface water runoff issues and their potential impact on the quality of the water environment both within the immediate environment of the Marina and more widely in the English Channel.</p>

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Paragraph/ Policy	Comment and/or recommended changes to text
Suggested new section on Biodiversity	<p>The policy should incorporate a section on Biodiversity. Suggested text as follows:</p> <p><u><i>New development should avoid adverse impacts on biodiversity in accordance with the mitigation hierarchy, conserve and enhance existing biodiversity, and complement UNESCO Biosphere objectives. In accordance with the Environment Act 2021, development proposals will, where necessary, need to include a Biodiversity Net Gain (BNG) requirement of at least 10% above the baseline position.</i></u></p> <p>The supporting text should be updated to refer to local biodiversity and geodiversity designations which include the Site of Special Scientific Interest, Local Geological Site, and Local Wildlife Site.</p>
Suggested new section on the Mitigation of Climate Change	<p>The policy could be strengthened to ensure new development is resilient to future climate change. The recently published BHCC Climate Risk and Vulnerability Assessment provides a better understanding of how climate change is affecting the city and can help inform the Neighbourhood Plan’s approach to climate adaptation. The key risks to Brighton & Hove identified in the CRVA are: high temperatures, water scarcity, sea level rise, groundwater, coastal and surface water flooding, coastal erosion and extreme weather events.</p> <p>Suggest adding a new section re Mitigation of Climate Change as follows:</p> <p><u>Mitigation of Climate Change: new development should adapt to a changing climate through measures including site layouts and approaches to design and construction which provide resilience to climate change and the use of green infrastructure to minimise and mitigate overheating.</u></p>
	<p>This policy should acknowledge and reference the unique wildlife habitat and ecosystem of the Marina, highlighted in the Local Wildlife Site BH33 designation.</p>

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Paragraph/ Policy	Comment and/or recommended changes to text
Policy BM6: Cafes, restaurants, retail facilities and other commercial facilities (page 21)	
Policy BM6	<p>Question whether the policy is required. We have an adopted CPP2 policy DM14 Commercial and Leisure Uses at Brighton Marina and CPP1 policy DA2 which are already being used in the determination of planning applications.</p> <p>Appreciate that this policy has specific reference to harbour/marine activities, however question how the policy will be used to determine planning applications. The supporting text sets out how the policy is compatible with the new use class order, but the policy does not specify particular use classes. If the policy seeks to permit sui generis or B2/B8 uses, including those relating to boating, leisure and recreation this should be explicitly stated.</p> <p>If retaining the policy, would suggest that (as per Regulation 14 comments), the title of the policy is changed to “Commercial & Leisure Facilities”. Would also suggest removing the words “in so far as planning permission is required”.</p>
Policy BM7: Energy use, waste minimisation and recycling (page 22)	
Final paragraph of policy,	Requirement for electric vehicle charging facilities to follow standards in City Plan Part Two is unnecessary as it duplicates that Plan and is also now secured via Building Regulations.
BM7 first sentence of policy	<p>Suggest rewording for clarity:</p> <p><i>Development proposals which should demonstrate the highest standards of energy use efficiency, waste minimisation and recycling will be supported.</i></p>
Paragraph 2 of policy	<p>Suggest adding “<u>which generate renewable energy</u>” to the list of aspects which will be supported.</p> <p>To support this, the Marina (in locations protected from sea spray) would be well located for roof-mounted solar PV installations, as it is unshaded and south facing. This requirement would accord with DA3 Brighton Marina, Gas Works and Black Road Area which encourages opportunities for</p>

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Paragraph/ Policy	Comment and/or recommended changes to text
	the sustainable production of heat and power and Priority 12 maximising opportunities to support the city's sustainability objectives through large-scale zero and low-carbon energy technologies ... particularly those that take advantage of the Marina's coastal location (see CP8).
Policy BM8: Community Facilities	
General Comment	<p>The policy appears to duplicate City Plan Part Two policy DM9. It is therefore questioned whether the policy is required.</p> <p>Unclear how the provision for some specific community uses to be "particularly supported" would work in effect.</p> <p>Unclear what would be required to demonstrate any of this. No supplementary information provided in the supporting text e.g., length of marketing etc.</p>
Final paragraph to supporting text	Remove reference to " <i>The wider issue of community facilities in the Marina achieved high scores in the feedback to the community consultation in Autumn 2019.</i> " The text serves no purpose to policy implementation and should be deleted.
General comments on rest of the Plan content (pages 3-14) and (pages 24-27)	
All policies	There are no paragraph numbers. This will make referencing the Plan in reports very cumbersome. Paragraph numbers, including in policy text, as well as using letters for lists in policies, should be added.
Policy omission: Principal Residence Policy	It is disappointing that the forum has not taken the opportunity to explore the potential to introduce a Principal Residence Policy (PRP) to manage numbers of second homes at the Brighton Marina. The council requests the Examiner to advise further on this matter.
P13 'National policies' All policies	NPPF has recently been updated (Dec 2023) so references to 'NPPF (2021)' here and throughout the document will need amending along with para numbers where they have changed.

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Paragraph/ Policy	Comment and/or recommended changes to text
Whole document	The light grey / blue text is very hard to read. A higher contrast / darker text would be more accessible, suggest having an accessibility adviser to review.
P7, P13-14	Reference is not made to the Brighton Marina Yachting Facilities which have been identified as local heritage assets and no mention is made of the associated City Plan Policies relating to these designations. The structures and their heritage interest should be identified within the text on Development History (P7), and associated Development Plan policies included within those listed on P 13-14 (CP15 & DM28). Further information on the heritage significance of these structures is available here https://www.buildingconservation.com/books/bcd.htm
Whole document	Provide a glossary of terminology used throughout the plan.

APPENDIX 2

Summary of the 'Basic Conditions' for Neighbourhood Plans

Only a draft neighbourhood plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations')².

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

