

<b>Subject:</b>	<b>Review of the Waste and Minerals Local Plan</b>		
<b>Date of Meeting:</b>	<b>5 March 2020</b>		
<b>Report of:</b>	<b>Executive Director, Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Steve Tremlett</b>	<b>Tel: 01273 292108</b>
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<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks the approval of the Tourism, Equalities, Communities & Culture (TECC) Committee to undertake a public consultation on draft revised policies as part of the Review of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan, subject to approval by East Sussex County Council and the South Downs National Park Authority.
- 1.2 The review is intended to ensure that the planning policy framework for waste and minerals remains up-to-date and compliant with national policy as set out in the National Planning Policy Framework (2019), which also requires that Local Plans be reviewed to assess whether they require updating at least once every five years.

### **2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the representations made to the Waste and Minerals Local Plan Review Scoping Consultation and Call for Sites undertaken from 25 September to 20 November 2017 (summarised in Appendix 1);
- 2.2 That the Committee approves the publication of draft revised policies for public consultation, together with the following supporting documents: Sustainability Appraisal, Strategic Flood Risk Assessment and Equalities Impact Assessment.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The City Council, together with its partner authorities East Sussex County Council and the South Downs National Park Authority has adopted a Waste and Minerals Local Plan (WMLP), comprised of two documents – the Waste and Minerals Plan (WMP, adopted 2013), and Waste and Minerals Sites Plan (WMSP, adopted 2017), which contains planning policies used in the determination of planning applications for waste management activities and minerals extraction and infrastructure in the Plan area.

- 3.2 At the June 2017 meeting of Tourism, Development and Culture Committee it was agreed that a review of the WMLP could be initiated, to commence with a consultation inviting representations about its scope and a 'call for minerals sites'. That consultation took place from 25 September to 20 November 2017.
- 3.3 The purpose of the review is to update a number of policies within the WMLP that are considered out-of-date or require amendments to their wording to ensure their effectiveness. The need for a review stems from the conclusions of the examining Inspector of the WMSP in 2016, who concluded in his report that a review of the minerals policies within the 2013 WMP would be required, in particular as the supply of aggregate from existing permitted extraction sites is likely to be exhausted prior to the end of the Plan period in 2026. Maintaining a reliable supply of aggregate is important to facilitate construction and economic growth, including house-building.
- 3.4 An initial stage of consultation took place in late 2017 where the authorities sought comments on the scope of the review and called for potential new minerals sites and relevant evidence to be put forward for consideration. A full summary of the comments received and the authorities' responses is included in Appendix 1, with key points summarised below:
- A proposal from the site operator for a small extension to a specialist clay quarry at Sedlescombe, near Battle;
  - A proposal from the site operator for an extension to Lydd Quarry on the East Sussex/Kent border;
  - CEMEX (a minerals operator at Shoreham Harbour) emphasised the need for robust wharf safeguarding policies and the need to protect such sites from being negatively impacted through the introduction of incompatible land uses on nearby sites;
  - Confirmation from Powys Council that the current supply of crushed rock from Powys can be maintained.
- 3.5 The delay since the 2017 consultation is due to the response to the call for evidence and sites presenting the authorities with some challenging choices in relation to providing the required mineral resource while also protecting important environmental designations/assets in the Plan Area, particularly in the area near the existing quarry at Lydd, on the East Sussex/Kent border. The Authorities have been cautious in their approach to the Plan's preparation, in order to ensure that the strategy proposed is based on the most up-to-date, reliable evidence available.
- 3.6 A summary of the policies to be replaced, the nine proposed revised policies and the reasons for reviewing them is set out in Appendix 2. The text of the revised policies is set out in the proposed consultation document (Appendix 3).
- 3.7 With regard to the primary reason for the review, the need for a revised approach to the supply of aggregates, the authorities do not propose allocating any new extraction sites. This means a reliance on imports from neighbouring authorities and marine areas, and recycled aggregate. This approach maintains the importance of safeguarding capacity for transferring minerals at wharves and railheads, including those at Shoreham, and sites to process recycled aggregates. Other policy changes include:

- Introducing the ‘agent of change’ principle introduced in the revised National Planning Policy Framework;
- New requirement for net gains in biodiversity to be achieved through planning applications;
- New requirement to require extraction of mineral resources prior to alternative development proposals commencing within Minerals Safeguarding Areas in some circumstances;
- Allocating a new area for clay extraction at the existing Aldershaw Quarry near Battle following a submission to the ‘call for sites’.

3.8 The conclusions of the supporting documents are summarised below in paragraphs 7.2 to 7.5.

3.9 It is recommended that the draft revised policies and supporting documents be published for public consultation for an eight week period. Comments received during this time will be collated and will inform the Authorities’ final (Proposed Submission) versions of the revised policies which will then return to TECC Committee and full Council later in 2020. They will then be submitted to the Secretary of State for examination following a six week period of consultation on soundness issues.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 The alternative option is to not proceed with the review, however it is important that the authorities have a complete up to date and robust planning policy framework for waste and minerals which is consistent with national planning policy.

4.2 The process of preparing the revised policies involves testing of reasonable alternative policy options. This testing includes consultation, a robust evidence base and the Sustainability Appraisal.

4.3 Not proceeding with the review would jeopardise the council’s long-standing joint-working relationships with East Sussex County Council and the South Downs National Park Authority with regard to planning for waste and minerals.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 The need for this review was identified through evidence presented by external stakeholders during the public examination of the WMSP.

5.2 Public consultation was undertaken on the scope of the WMLP Review together with a ‘call for minerals sites’ from 25 September 2017 to 20 November 2017.

#### **6. CONCLUSION**

6.1 Agreement is required from the committee to proceed with a public consultation on draft revised policies. This follows on from the agreement at TDC Committee in June 2017 to initiate a review of the Waste & Minerals Local Plan.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

There are no financial implications resulting from this report at this point in time. It is anticipated that the cost of officer time, production of documents and the consultation and review associated to the recommendations in this report will be funded from existing revenue budget within the Economy Environment and Culture service

*Finance Officer Consulted: Name Jess Laing*

*Date: 14/10/2019*

### Legal Implications:

- 7.1 The procedure for reviewing a local plan is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The legislation requires that, in preparing or reviewing a local plan, consultation must be carried regarding what the plan, or revised plan, should contain. The local planning authority has a duty to take into account any representations made in response to the consultation.

*Lawyer Consulted:*

*Name Hilary Woodward*

*Date: 16/10/19*

### Equalities Implications:

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

### Sustainability Implications:

- 7.3 A draft Sustainability Appraisal has been prepared and will be published to support the consultation document.
- 7.4 The SA has considered the formulation of the policy options. Broadly speaking the SA concludes that the revisions to policies WMP2 (new policy RV1), WMP7a (new policy RW1) and WMP27 (new policy RD1) will not result in significant changes to the original SA assessments of the policies. The exception is WMP27 which now references biodiversity net gain and will likely be more effective at environmental protection. Although the strategy increases the reliance on marine dredged and imported materials, the impacts are considered to be minimal and controlled by legislation and policy. There may be some localised impacts around wharves and railheads in relation to the transportation of materials but these are likely to be small scale.
- 7.5 A Strategic Flood Risk Assessment has been completed which provides a detailed evidence base to enable flood risk and drainage factors to be taken into consideration in identifying development sites for waste and minerals.

### Any Other Significant Implications:

- 7.6 None identified.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Summary of Comments to the Waste and Minerals Local Plan Review Scoping Consultation and Call for Sites, and Authorities' Responses.
2. Proposed New Policy Approaches.
3. Revised Policies Consultation Document.

### **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).
3. Sustainability Appraisal.
4. Strategic Flood Risk Assessment
5. Equalities Impact Assessment

