

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

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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)

