



**South Downs**  
National Park Authority

**Agenda Item 11**

**Report PC19/20-14**

Report to	<b>Planning Committee</b>
Date	<b>12 September 2019</b>
By	<b>Director of Planning</b>
Title of Report	<b>Draft Pre-Submission West Sussex and South Downs Single Issue Review of Soft Sand</b>
Purpose of Report	<b>To present the draft Pre-Submission West Sussex and South Downs Single Issue Review of Soft Sand</b>

**Recommendation: The Committee is recommended to**

- 1) Endorse the direction of the draft Pre-Submission Soft Sand Single Issue Review policies as detailed in Appendix 1 and Appendix 2, subject to any comments made by the Planning Committee being considered.**
- 2) Note the main issues arising from Sustainability Appraisal (SA) and Habitat Regulation Assessment (HRA) set out in this report.**
- 3) Recommend that the National Park Authority approve the draft Pre-Submission Soft Sand Review for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning in consultation with the Chair of the Authority.**
- 4) Recommend that the National Park Authority delegate authority to the Director of Planning in consultation with the Chair of the Authority to make any minor changes arising from the consultation and submit the Pre-Submission Soft Sand Single Issue Review to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for examination.**
- 5) Note that if major changes are required to the Pre-Submission Soft Sand Single Issue Review that a further public consultation and decision by the Authority may be required.**

## **I. Summary**

- I.1** This report introduces the draft Pre-Submission West Sussex and South Downs Single Issue Review (subsequently referred to as the Soft Sand Review or SSR). It recommends that the draft document is endorsed by Planning Committee for consideration by the National Park Authority (NPA) on 1 October 2019, subject to any comments made by the Planning Committee being addressed. The report also asks that Planning Committee recommends NPA to approve the plan for public consultation. The currently agreed timetable for consultation is for a period of ten weeks from late November in line with our Statement of

Community Involvement, to allow for the festive period. The policies for the SSR form Appendix 1 and 2 of this report.

- 1.2 A brief explanation of progress to date on the SSR is set out below. A number of key issues relating to the whole plan and individual policies are highlighted. The main issues arising from Sustainability Appraisal (SA) and Habitat Regulation Assessment (HRA) are discussed. Finally, a brief explanation is given of the way ahead with the review including submission and examination.

## **2. Background**

- 2.1 The adoption of the West Sussex and South Downs Joint Minerals Local Plan in July 2018 (JMLP) triggered the timetable for the SSR.

During the examination hearings of the JMLP in September 2017, the Planning Inspector raised concerns about the soft sand strategy. The Inspector suggested modifications prior to adoption of the JMLP: to delete references to planning for a declining amount of sand extraction from within the National Park; to replace Policy M2 with new wording; and to remove the proposed Ham Farm allocation from Policy M11. Policy M2 required the Authorities to prepare a new strategy for soft sand in West Sussex which robustly considered reasonable options and potential site allocations.

- 2.2 The timetable for this review was set out by the Planning Inspector and agreed as part of the revised Local Development Scheme (LDS) approved by Planning Committee and NPA in March 2018. The final version of the document should be submitted to Government for examination within 2 years of adoption of the JMLP.
- 2.3 The draft Pre-Submission SSR follows on from the Issues and Options documents that were published for public consultation in early 2019. The Issues and Options document was accompanied by a Sustainability Appraisal and set out three key issues and a series of high level options.

The SSR considers the following three key issues:

- Issue 1: the identified need for soft sand during the period to 2033;
- Issue 2: the supply strategy, namely, the options that can, either singularly or in combination, be used to meet any identified shortfall; and
- Issue 3: the identification of potential sites and, if required, the selection of one or more of those sites to meet identified need.

- 2.4 The SSR does not consider any other mineral planning issues or seek to make changes to any other parts of the JMLP Responses to the consultation
- 2.5 The Authorities received around 900 responses to the Issues and Options (2019) consultation. Most representations (90%) related to the Severals East and Severals West sites. A summary of the consultation responses and the Authorities consideration of them will be published with the Pre-Submission SSR.
- 2.6 The final SSR will form part of the existing JMLP. The consultation document will be set out as a table detailing the modifications that need to be made to the existing JMLP to incorporate the new soft sand strategy. The consultation document will be accompanied by tracked change versions of draft policies M2 and M11 which respectively deal with the strategy and the site allocations.

## **3. Key Issues**

### ***Issue 1: the identified need for soft sand during the period to 2033***

- 3.1 There were no soundness or legal compliance issues raised through the examination of the JMLP with regards to the forecast for aggregates. As the approach taken was considered to be sound, the Authorities have prepared an updated version of the Local Aggregates Assessment (LAA) to continue to monitor the situation with regards to aggregate supply and the performance of the JMLP, and to provide information about the amount of soft sand that is required to 2033.

- 3.2 The LAA is prepared by the Authorities every year in late autumn and sets out amounts of soft sand that may be needed during the period to 2033. This is based on assumptions around historical sales, planned housing development, and the amounts of sand that are used in construction projects. The calculations are made for a number of scenarios including an assessment of local information. The identified shortfall in the current LAA is between 1.66 and 2.83 million tonnes to 2033 (the period of the Joint Minerals Local Plan).
- 3.3 Combinations of the assumptions, and taking account of the 10 year average of sales, gives three scenarios, set out below.

	<b>Demand Forecast Scenario 1 (tonnes)</b>	<b>Demand Forecast Scenario 2 (tonnes)</b>	<b>Demand Forecast Scenario 3 (tonnes)</b>
Assumptions applied	None (10 yr. avg. only)	1 and 2	1
10 year average	293,737		
Additional demand for housing (26.8%)	n/a	71,637	78,722
Total Annual requirement	293,737	365,374	372,459
Total requirement over Plan period (2018 – 2033)	4,406,062	5,480,613	5,586,887
Current reserves	2,745,000		
Shortfall	1,652,062	2,726,613	2,832,887

***Issue 2: the supply strategy, namely, the options that can, either singularly or in combination, be used to meet any identified shortfall***

- 3.4 The only source of land-won soft sand in West Sussex is the Folkestone Formation, which is largely contained within the South Downs National Park. The National Parks and Access to the Countryside Act 1949 as amended by the Environment Act 1995 sets out the statutory purposes and duty for national parks. National Policy states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, which have the highest level of protection through policy.
- 3.5 Against the national legislative and policy context, the Authorities have identified the following five 'reasonable alternatives' to meet the demand for soft sand:
- Option A: Supply from sites within West Sussex but outside of the National Park;
  - Option B: Supply from sites within West Sussex, including within the National Park;
  - Option C: Supply from areas outside West Sussex;
  - Option D: Supply from alternative sources including marine-dredged material; and
  - Option E: A combination of the above options.
- 3.6 The Authorities view is that a combination of options (Option E) is the most reasonable strategy to take forward. Option A would not provide enough resource. Option B does not take account of the material that may be available in other areas or alternative materials. Options C and D would not provide enough certainty of supply.

3.7 The Preferred Option (E) has been assessed through the Sustainability Appraisal and informs the identification of potential site allocations.

***Issue 3: the identification of potential sites and, if required, the selection of one or more of those sites to meet the supply options***

3.8 Through the 'Call for Sites', further technical work and taking account the responses to the Issues and Options consultation, the Authorities have prepared an updated Soft Sand Site Selection Report (4SR), which was used to shortlist nine sites and further assess their capacity and potential to help meet the demand for soft sand.

3.9 As part of the work on the JMLP, the Authorities prepared a Mineral Site Selection Report (MSSR - January 2017) that was submitted alongside the Plan for the examination. The MSSR set out in detail the methodology for assessing possible sites and it identified the sites that were considered suitable for allocation and those that were not. In his report, the Planning Inspector that examined the JMLP concluded that "the site selection methodology and its application, including the traffic light system, is robust and sound" (paragraph 64) and that "the methodology and criteria is justified, effective and consistent with national policy" (paragraph 76). Accordingly, the Authorities have applied the same site assessment methodology, having first reviewed it with technical specialists to ensure it is up-to-date.

3.10 The methodology applied is to consider whether or not proposed sites are 'acceptable in principle' against a number of key criteria, which provide a framework for assessing sites at a high level. Acceptability of a site is achieved where a site is considered to be suitable for development, available, and considered to be viable against the key criteria. In order to assess each criterion, a traffic light system has been applied based on the professional judgement of specialist officers of the Authorities. The key criteria considered are:

- Landscape designations/visual impact
- Nature conservation and geodiversity
- Historic environment
- Water environment (including flooding)
- Air quality
- Soil quality
- Public Rights of Way
- Transport (including access)
- Services and utilities
- Amenity
- Cumulative impact
- Airport Safeguarding Zones
- Site specific information
- Mineral type/quality
- Potential yield
- Ownership
- After use and restoration.

3.11 A detailed explanation of the methodology, as well as the results of the site assessments are captured in a Soft Sand Site Selection Report (4SR) which will be published alongside the Pre-Submission SSR. The potential impacts of mineral development cover the extraction phase and the potential for restoration.

3.12 A shortlist of nine sites formed part of the Issues and Options consultation (2019). The sites are summarised below:

Site Name	Parish	Site (Ha)	Yield (tonnes)	In SDNP?	Extension to existing site?
Bunton Manor Farm (new site)	Washington	23	1,000,000	No	No
Chantry Lane (Extension)	Storrington and Sullington	2.5	1,000,000	Yes	Yes
Coopers Moor (Extension)	Duncton	6	500,000	Yes	Yes
Duncton Common (Extension)	Duncton and Petworth	28	1,800,000	Yes	Yes
East of West Heath Common (Extension)	Harting and Rogate	16	1,000,000	Yes	Yes
Ham Farm (new site)	Steyning and Wiston	8.2	725,000	No	No
Minsted West (Extension) <sup>1</sup>	Stedham with Iping	10	2,000,000	Yes	Yes
Severals East (new site) <sup>2</sup>	Woolbeding with Redford	20	1,000,000	Yes	No
Severals West (new site)	Woolbeding with Redford	50	1-3 million	Yes	No

<sup>1</sup> The existing Minsted site is currently subject to an application and it is unclear at this time whether or not the new site should be considered as an extension

<sup>2</sup> Severals East and West are now being promoted as a single site with a combined yield of about 1 million tonnes

3.13 An initial scoping of the potential of the development of each of these sites within the SDNP to constitute major development is set out below:

Site Name	Potential impact on landscape and natural beauty	Potential impact on conservation and enhancement of wildlife	Potential impact on recreational opportunities	Potential impact on cultural heritage	Likely to be major development?
Chantry Lane (Extension)	Yes	Depends on scheme details	Unlikely	Depends on scheme details	Yes
Coopers Moor (Extension)	Yes	Depends on scheme details	Yes	Yes	Yes
Duncton Common (Extension)	Yes	Yes	Yes	Yes	Yes
East of West Heath Common (Extension)	Depends on scheme details	Yes	Depends on scheme details	Depends on scheme details	Yes
Minsted West (Extension)	Yes	Yes	Yes	Depends on scheme details	Yes
Severals East (new site)	Yes	Yes	Yes	Depends on scheme details	Yes
Severals West (new site)	Yes	Yes	Yes	Depends on scheme details	Yes

#### Site Allocations

3.14 Taking account of the information in the updated technical evidence, sites were chosen where they are believed to have the least impact on the South Downs National Park:

Option	Proposed Allocation	Not allocated
A: Inside West Sussex, Outside of the SDNP	Ham Farm	Buncton Manor
B: Inside West Sussex, Inside of the SDNP	East of West Heath (Extension) Chantry Lane (Extension)	Minsted West (Extension) Coopers Moor (Extension) Duncton Common (Extension) Severals East and West (New site)

- 3.15 Proposals to develop allocated sites in the SDNP, where they are determined to be major development, will need to demonstrate exceptional circumstances exist and that development of those sites is in the public interest. The Authorities have determined that these circumstances may exist due to constrained supply in the wider south east region, however a decision can only be made when it is clear what the development proposals are and against the circumstances when the proposals come forward.
- 3.16 There is potential for additional soft sand to be made available in the wider south east region and the Authorities have worked with all mineral planning authorities (as part of the South East Aggregate Working Party) to produce a joint Position Statement for Soft Sand. This document sets out the regional policy context and how each MPA is planning for soft sand.
- 3.17 The Authorities have also signed a Statement of Common Ground for Soft Sand with Kent County Council, Brighton & Hove City Council and East Sussex County Council. The SoCG states that the Authorities will work together and that if any surplus of material is available in Kent then it could travel within the wider region to make up a shortfall of material elsewhere. The amount of material available over the whole plan period is less than 1 million tonnes.
- 3.18 The Authorities have investigated the potential for marine won and alternative sources of soft sand to substitute for land won material as part of the regional work and within our own plan area. At this time there is no suitable or reliable supply of material in the South East. This may change over the Plan period and this will be monitored through the Authorities Monitoring Report and the Local Aggregate Assessment.

#### **4. Sustainability Appraisal (SA)**

- 4.1 The policies and site allocations within the SSR have been appraised against sustainability objectives on an iterative basis through the SA. The SA also considers reasonable alternatives and the Authorities consider that the SSR sets out the most reasonable strategy for soft sand extraction in West Sussex.
- 4.2 The SA was undertaken by officers of the South Downs National Park Authority. The SA is currently in a draft stage and will be published alongside the SSR for NPA. The SA for the Pre-Submission SSR builds on the SA for the Issues and Options consultation and the SA for the Joint Minerals Local Plan but has been prepared as a standalone document.
- 4.3 The SA has considered the Options, combination of Options and potential Site Allocations as well as the potential for in combination effects. The SA has guided the strategy set out in draft Policy M2 and the site allocations and the development principles set out in draft Policy M11. The SA also assessed the proposed policy wording for policies M2 and M11.

#### **5. Habitat Regulations Assessment**

- 5.1 The purpose of the HRA is to report on the 'likely significant effects' of the plan on internationally designated nature conservation sites.
- 5.2 The HRA has been produced by officers of the South Downs National Park Authority and West Sussex County Council. The HRA is currently in a draft stage and will be published alongside the Pre-Submission SSR for NPA.
- 5.3 No significant issues have arisen however the assessment suggests that a project level Appropriate Assessment is necessary. Minor wording amendments or additions are recommended to policies and site allocations and in relation to the later, these draft recommendations have already been incorporated into the Plan.

#### **6. Duty to Cooperate**

- 6.1 The duty to co-operate applies to all local planning authorities, national park authorities and county councils in England as well as a number of other public bodies including the Environment Agency, Highways England and Natural England. It places a requirement on all such bodies to engage constructively and actively on cross boundary matters. A draft Duty to Cooperate statement setting out the strategic issues where cooperation has been undertaken and that highlights areas of agreement and unresolved issues will be published as

part of the Pre-Submission consultation. There are no significant unresolved issues at this time.

## 7. Next Steps

- 7.1 This report asks that Planning Committee recommends that the National Park Authority approves the draft Pre-Submission SSR for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2 The Pre-Submission consultation would start in November for a period of ten weeks in line with the Statement of Community Involvement, to allow for the festive period. The SSR and its Policies Map will be published alongside the SA, HRA, Duty to Cooperate Statement and the updated technical evidence supporting the SSR such as the updated landscape and transport assessments.
- 7.3 In line with the Regulations the pre-submission consultation will focus on specific questions of soundness and whether it meets legal and procedural requirements. These questions are:
- Has the Plan been positively prepared? (Based on a strategy that provides for a steady and adequate supply of minerals)
  - Is the Plan justified? (Founded on proportionate evidence and is an appropriate strategy against all reasonable alternatives)
  - Is the Plan effective? (Deliverable and based on effective joint working on cross-boundary strategic priorities)
  - Is the Plan consistent with national policy? (Enable the delivery of sustainable development in accordance with the National Planning Policy Framework)
- 7.4 We will log and summarise the main issues arising from the representations on the SSR. Providing that no issues are raised that go to the heart of soundness, the NPA and WSCC will submit the SSR and any proposed minor changes it considers appropriate along with the core document library to the Planning Inspectorate for examination on behalf of the Secretary of State. If the NPA considers that major changes are required that go to the heart of soundness then a further round of public consultation will be required.
- 7.5 The examination of the SSR will commence on the submission of the Review. The examination is likely to include public hearings, but the majority of matters arising may be addressed through written representations.
- 7.6 The examination will focus on matters of soundness. It is likely that the Inspector will recommend main modifications to make the review sound and legally compliant. We will consult on these modifications.
- 7.7 If the SSR is found sound subject to a number of modifications the NPA will then decide whether to adopt the revised policies in the Joint Minerals Local Plan. If the SSR is adopted it will replace the current soft sand policies within the JMLP and we will publish a revised JMLP.
- 7.8 The JMLP forms part of the ‘development plan’ alongside the South Downs Local Plan and adopted neighbourhood development plans, which are being developed by local communities in many settlements across the National Park. The new SSR must be in conformity with the National Planning Policy Framework (NPPF) (2012) and the DEFRA Vision and Circular for National Parks (2010).

## 8. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	The draft Pre-Submission SSR will be presented to the NPA on 1 October 2019 and WSCC Full Authority on 18 October 2019 to approve the document for consultation for a period of 10 weeks from the end of November.
Does the proposal raise any	The SSR is one of priorities for the SDNPA with adoption



Resource implications?	timetabled for 2020, which has been reflected in approved budgets and the Medium Term Financial Strategy. Officers within the Planning Policy team are working jointly with WSCC on developing the SSR. Costs associated with the delivery of the SSR will be monitored and any variation to approved budgets will be reported as part of the budget monitoring process
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. An Equalities Impact Assessment is being prepared for the SSR and was prepared for the full JMLP.
Are there any Human Rights implications arising from the proposal?	These draft policies have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	It is considered that the proposal does not raise any crime and disorder implications.
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:	A sustainability appraisal has been prepared to inform the preparation of the SSR and is addressed above.

## 9. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
That the SSR is not found 'sound' at examination.	Medium	High	The policies are consistent with the NPPF and are based on robust evidence.

**TIM SLANEY**  
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Appendices 1) Draft policy M2  
2) Draft policy M11  
SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer.  
External Consultees None  
Background Documents [Soft Sand Single Issue Review – Issues and Options 2019](#)