

West Sussex County Council and South Downs National Park Joint Minerals Local Plan - Submission Draft

MPA comments, 13th March 2017 (by online form)

Strategic Objectives

There is no strategic objective to ensure a steady and adequate supply of aggregates, in particular soft sand. This results in the policies of the Plan not providing properly to meet objectively assessed needs (as set out in the Local Aggregates Assessment), through setting out the quantum of minerals that will be provided (the amount of aggregates reflecting the LAA 2016) and through making provision for the land-won elements of the LAA through identifying adequate sites and/or areas.

As such the Plan is therefore **unsound** as it is not positively prepared, not justified as the most appropriate strategy, and not consistent with National policy, primarily NPPF paragraph 145.

SO3: The proposal for only making provision for a ‘declining amount’ of soft sand from within the SDNP is not justified and pre-judges whether exceptional circumstances and the public interest can be demonstrated, in line with the NPPF (116) and Policies M2 and M13. The Plan policies do not follow through in identifying adequate sites to enable the provision from outside the SDNP.

Mineral Specific Policies

Policy M1 Sharp sand and gravel

Clause (a) implies that sufficient productive capacity will be maintained as well as an adequate landbank of reserves. This is important given that the LAA 2016 confirms that reserves are provided in one extant permission and so there needs to be flexibility to enable additional capacity should this be required in order to ‘maintain a steady and adequate supply’. In this context, clause (a) and the ‘need’ requirement of the policy requires further explanation in the supporting text.

Policy M2 Soft Sand

We object to the principle of ‘managed retreat’ (para 6.2.16) from working soft sand in the SDNP. This goes beyond national policy that major development should only be permitted within National Parks in exceptional circumstances and that planning authorities should provide for maintenance of landbanks outside of National Parks ‘as far as is practical’. The approach appears to be based on political objectives rather than an objectively applied process.

Policy M2 and M11 have to be considered together. For Policy M2 to positively plan for the objectively assessed needs of the Plan area (reflecting the Local Aggregates Assessment), additional sites need to be allocated in Policy M11 in order that clause (a) of Policy M2 is effective, as additional reserves will be required in addition to the potential yield from the one allocated site.

Reliance on supply from distant sites will increase HGV traffic movements and distances, including through the National Park, and be contrary to Objectives 11 and 14.

Our comments on Policy M11 set out our arguments in more detail as to why both policies are unsound as they are not positively prepared, justified or effective.

Paragraph 6.2.21 appears to be included by mistake as it refers to the clause in Policy M2 as contained in the draft (Reg 18) Plan.

Policy M8 Mineral Processing and Ancillary Activities at Mineral Sites

The reference to concrete batching and coated roadstone plants in paragraph 6.8.5 appears to relate to the previous version of the policy that was included in the draft (Reg 18) Plan and also defines these erroneously as ‘secondary processing’ facilities. Concrete batching plants and other types of manufacturing plant do not require to be (i) ‘linked to existing operations’ at minerals sites, (ii) ‘remain ancillary to the principal development at the site’ or (iii) restricted to ‘the duration... of primary extraction.’ Industrial land in urban areas and close to the market for these materials will be suitable for the location and development of such facilities and so proposals for these should not be considered against this policy.

The reference to ‘concrete batching and coated roadstone plants’ in paragraph 6.8.5 should be deleted. If the policy is intended to be applied to these types of facility then it is unsound as it is not justified, effective or consistent with national policy.

Policy M9 Safeguarding Minerals

We support the policy. However, in clause (b) insertion of ‘only’ before ‘be’ and ‘permitted’ would strengthen and provide the correct tone for a safeguarding policy. We do not believe this would affect the policy being considered as ‘positive’ (NPPF) as it would help to positively protect mineral resources in the long term and reflect the safeguarding required by the NPPF, particularly the presumption against development in MSAs (NPPF para 144, bullet #7).

Policy M11 Strategic Minerals Site Allocations

Policy M11, together with Policy M2 that refers to it, fails to make provision for the land-won elements of the Local Aggregates Assessment through allocation of adequate sites or preferred areas/areas of search. It does not provide for maintenance of landbanks of at least 7 years for soft sand or that the capacity of operations to supply a wide range of materials is not compromised (NPPF para 145).

It is therefore **unsound** as it is not consistent with National policy, is not positively prepared as it will not meet objectively assessed needs, and is not justified as the most appropriate strategy.

Based on the Local Aggregates Assessment 2016, maintenance of a landbank of at least 7 years' supply (2.31 - 2.63mt) throughout the Plan period requires provision for at least a further 4.84mt (based on the 10 year average and accounting for 7 years' supply at the end of the Plan period) or 5.95mt (based on the higher Scenario 3 figure reflecting other relevant information). This includes provision for 17 years to 2033 plus a landbank of at least 7 years' supply at the end of the Plan period, and takes account of existing reserves of 3.1mt.

The allocation of Ham Farm will only provide an additional 725,000 tonnes, equivalent to 1.9 - 2.2 years' worth of supplies, and so the Plan is failing to meet the requirement of the NPPF to maintain a sufficient landbank of soft sand.

The Mineral Sites Selection Report considers 'exceptional circumstances' in considering potential sites for future supply within the National Park. Whether exceptional circumstances are met is more a matter of judgement, and the assessments need to inform this.

The NPPF does not specify that all of the 'tests' or bulleted considerations in NPPF para 116 necessarily have to be met. Policy M13 and supporting text appears to acknowledge this and more accurately refer to consideration of exceptional circumstances and public interest being informed by these assessments.

The Sites Assessment starts from the position that sites outside of the National Park are considered first (Mineral Sites Assessment Report, paragraph 2.1). This reflects paragraph 144, although importantly this includes the qualification that maintenance of landbanks outside of designated landscape areas should be achieved 'where practical'. The report demonstrates that maintenance of the landbank from sites solely outside the National Park is not practical.

The 'need' assessment then identifies that the local and regional economy could be negatively affected if provision is not made and alternative supplies are not secured.

The Mineral Products Association is the trade association for the aggregates, asphalt, cement, concrete, lime, mortar and silica sand industries

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The ‘alternatives’ assessment identifies some potential for supply from other authority areas, but concludes that it will become increasingly difficult for markets in West Sussex (and supplied by West Sussex) to be served by imports from other areas. It identifies that *‘more sites may be allocated and developed’* in other areas, but equally they may not be.

Reliance on imports from other mineral planning authority areas is risky and it has not been demonstrated that this will occur. Indeed, the Mineral Site Selection Report includes a Duty to Cooperate response from Surrey County Council regarding soft sand supplies that clearly identifies its concerns over the long-term supply of soft sand in Surrey and that Surrey may have to rely on imports from 2031. The Duty to Cooperate report (January 2017) highlights the wider uncertainty over supply from other authorities. We are aware that a ‘Statement of Common Ground’ on soft sand is being prepared by the South East mineral planning authorities, but at the time of writing we have not had sight of this.

The ‘environmental effect’ assessment identifies that *‘several sites could be developed for soft sand without resulting in significant adverse effects on the environment.’*

Thus, the conclusion in the report that *‘on balance, the exceptional circumstances test has not been passed’* does not appear to be supported by the assessment itself. This indicates that additional sites need to be allocated and included in Policy M11 (with the cross reference in Policy M2 and M13) including those that are identified as being ‘acceptable in principle’ in the Site Selection report.