

# Response ID ANON-UDS3-QUGW-3

Submitted to **West Sussex Joint Minerals Local Plan Modifications - Representations Period**

Submitted on 2018-03-06 17:52:16

## Consultation Response Survey

### Part A - Personal Information

#### A1 Personal Details

**Title:**

Mr

**First name:**

David

**Last name:**

Payne

**Job title (where relevant):**

Senior Planning Advisor

**Organisation or affiliation (where relevant):**

Mineral Products Association

#### A2 Client Details if applicable

**Title:**

**First name:**

**Last name:**

**Job title (where relevant):**

**Organisation or affiliation (where relevant):**

#### A3 Contact Address Details

**Name:**

David Payne

**Address Line 1:**

Mineral Products Association

**Address Line 2:**

Gillingham House

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**Postcode:**

SW1V 1HU

**Telephone number:**

07834268407

**Email**

**Email address:**

david.payne@mineralproducts.org

Minerals or Waste Industry

**Other:**

Consultation on any further changes to the Plan, Date of any additional hearing sessions, Publication of the Inspector's report, Adoption of the West Sussex Joint Minerals Local Plan, Any further updates about Strategic Waste or Minerals Planning in West Sussex

## Part B - Representation

**B1 Which proposed modifications to the West Sussex Joint Minerals Local Plan does this representation relate to?**

**Modification Number:**

MM1 & MM2

**B2 Do you consider the proposed modification to be: (tick as appropriate)**

**Legally compliant or sound? - B2.1 Legally compliant?:**

Yes

**Legally compliant or sound? - B2.2 Sound?:**

Yes

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

**Reasons why plan is believed to be unsound and/or not legally compliant.:**

We support the deletion of 'move away from activity' in the SDNP (the policy of 'managed retreat' of working from within the SDNP) to be consistent with the NPPF.

However, due to this change in approach, the basis for assessing potential sites for allocation will also now need to be revisited and so the plan strategy may not in itself be sound .

**B5 Please explain in the box below what change(s) you consider necessary to make the proposed modification legally compliant and/or sound. Please be as precise as possible.**

**Changes needed to make the Plan legally compliant and/or sound:**

**B6 Do you consider the proposed modification to be correctly classified as a "main" or "additional" modification?**

**Please explain your reasoning in the box below.:**

**B7 Do you consider it necessary to attend and give evidence at any future examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan. (Tick as appropriate)**

Yes, I wish to speak to the Inspector at the hearing sessions

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

**Reasons why respondent wishes to attend hearing sessions:**

Trade association representing the minerals industry

**Would you like to make another representation?**

Yes

## Part B - Representation

**B1 Which proposed modification to the West Sussex Joint Minerals Local Plan does this representation relate to?**

**Modification Number:**

MM19, MM21, MM22

**B2 Do you consider the proposed modification to be (tick as appropriate)**

**Legally compliant or sound? - B2.1 Legally compliant?:**

Yes

**Legally compliant or sound? - B2.2 Sound?:**

No

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

B3.2 Justified, B3.3 Effective, B3.4 Consistent with national policy

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

**Reasons why plan is believed to be unsound and/or not legally compliant.:**

MM19: NPPF requires maintenance of a landbank of 'at least' 7 years' supplies.

MM21: Clause 3. Demand and needs may be outside of West Sussex, particularly for silica sand .

MM22: Reference should be to the figures in the most recent LAA when calculating overall shortfall and additional need for soft sand over the Plan period.

**B5 Please explain in the box below what change(s) you consider necessary to make the proposed modification legally compliant and/or sound. Please be as precise as possible.**

**Changes needed to make the Plan legally compliant and/or sound:**

MM19: Refer to 'at least' a 7 year landbank to be consistent with NPPF para 145, as the landbank figures are not ceilings and as made clear in Planning Practice Guidance 'there is no maximum landbank level...however where landbanks are below the minimum level this may be seen as a strong indicator of urgent need.'

MM21: Para 6.2.13 should refer to the additional supplies being required 'in the Plan period' rather than in the 'latter half'.

Reference should be made in the text (rather than in a footnote) and policy to the latest LAA (Table 4, LAA January 2018) which indicates that demand for soft sand (taking into account other relevant information) could be 412,184 tonnes/annum. It also indicates soft sand reserves are 3,458,000tonnes). This then has implications for overall demand over the Plan period (additional 3.137mt), and the need for additional provision and reserves to be permitted.

Strategic Objective 3 should refer to provision for silica sand to meet needs outside of West Sussex where demand may be.

Given concerns raised at the Examination, it is important to recognise (here and elsewhere in the Plan and Modifications) that in the calculation of landbanks and stocks of reserves, that only 'reserves with planning permission for extraction' and not 'resources' in allocated sites should be counted. This is made clear in Planning Practice Guidance (referring to aggregates but the same principle applies to other minerals):

'The length of the aggregate landbank is the sum in tonnes of all permitted reserves for which valid planning permissions are extant, divided by the annual rate of future demand based on the latest annual Local Aggregate Assessment.'

[Paragraph: 083 Reference ID: 27-083-20140306]

Planning Practice Guidance also clearly defines 'reserves' for planning purposes:

" Permitted reserves - sites where planning permission has been granted for development but where extraction has still to take place or is not yet completed. It may cover the whole or part of a site.

[Paragraph: 221 Reference ID: 27-221-20140306. Revision date: 06 03 2014]

In addition, BGS advice also provides clear definitions for planning purposes: <http://www.bgs.ac.uk/mineralsUK/mineralsYou/resourcesReserves.html>

'That part of a mineral resource, which has been fully evaluated and is deemed commercially viable to work, is called a mineral reserve. However, in the context of land-use planning, the term mineral reserve should be further restricted to those minerals with legal access and for which a valid planning permission for extraction also exists (i.e. permitted reserves). Without a valid planning consent no mineral working can legally take place.'

**B6. Do you consider the proposed modifications to be correctly classified as a "main" or "additional" modification?**

**Please explain your reasoning in the box below.:**

**B7 Do you consider it necessary to attend and give evidence at any future public examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan? (Tick as appropriate)**

Yes, I wish to speak to the Inspector at the hearing sessions

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

**Reasons why respondent wishes to attend hearing sessions:**

**Would you like to make another representation?**

Yes

## **Part B - Representation**

**B1 Which proposed modifications to the West Sussex Joint Minerals Local Plan does this representation relate to?**

**Modification Number:**

MM26, MM27, MM29, MM30

**B2 Do you consider the proposed modification to be: (tick as appropriate)**

**Legally compliant or sound? - B2.1 Legally compliant?:**

Yes

**Legally compliant or sound? - B2.2 Sound?:**

No

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

B3.1 Positively prepared, B3.2 Justified, B3.3 Effective, B3.4 Consistent with national policy

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

**Reasons why plan is believed to be unsound and/or not legally compliant.:**

MM26: There are other specialist markets for silica (industrial) sand in West Sussex and outside of the County. The historic exploitation and/or processing of silica sand in West Sussex is of limited relevance given that resources exist and interest in their extraction and use is growing.

MM27: It is not clear what or where the 'evidence' cited is. No Government data does show this is the case. There are no clear glass sand sites nationally which have stocks of permitted reserves of "at least 10 years". An allocation in a local plan is not a permitted reserve (and so must not be counted as part of a stock of permitted reserves that is required by NPPF para 146). An allocation in a local plan does not guarantee planning permission will be granted and is no demonstration that adequate provision is being made. For example, Moneystone Quarry in Staffordshire closed in 2010 after planning permission was refused in 2006 for a site allocated in the Staffordshire MLP.

MM29 & MM30: The planning system cannot and should not control the market that is supplied or the end uses to which material is put, and would have anti-competitive effects. Such conditions would not be relevant to planning, un-enforceable and would not be reasonable.

MM30: This uses the term 'resources' and 'deposits' whereas 'reserves' is the term for material with planning permission for extraction over which such controls might attempt to be exerted - although, as highlighted above, this would not be legitimate, reasonable or practicable.

**B5 Please explain in the box below what change(s) you consider necessary to make the proposed modification legally compliant and/or sound. Please be as precise as possible.**

**Changes needed to make the Plan legally compliant and/or sound:**

MM26: Delete final sentence.

MM27: Delete reference to 'evidence shows that adequate provision for silica sand is being made nationally..'

MM29: Delete reference to 'ongoing best use...'

MM30: Delete clause (b)

**B6 Do you consider the proposed modification to be correctly classified as a "main" or "additional" modification?**

Please explain your reasoning in the box below.:

**B7 Do you consider it necessary to attend and give evidence at any future examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan. (Tick as appropriate)**

Yes, I wish to speak to the Inspector at the hearing sessions

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

Reasons why respondent wishes to attend hearing sessions:

Would you like to make another representation?

Yes

**Part B - Representation**

**B1 Which proposed modifications to the West Sussex Joint Minerals Local Plan does this representation relate to?**

Modification Number:

MM31

**B2 Do you consider the proposed modification to be: (tick as appropriate)**

**Legally compliant or sound? - B2.1 Legally compliant?:**

Yes

**Legally compliant or sound? - B2.2 Sound?:**

No

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

B3.2 Justified, B3.3 Effective, B3.4 Consistent with national policy

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

**Reasons why plan is believed to be unsound and/or not legally compliant.:**

MM31: NPPF para 146 requires stock of permitted reserves of 'at least' 15 years

**B5 Please explain in the box below what change(s) you consider necessary to make the proposed modification legally compliant and/or sound. Please be as precise as possible.**

**Changes needed to make the Plan legally compliant and/or sound:**

Should refer to 'at least 15 years'. Reference to 'specific demand' should be deleted, as the development would not proceed unless there was demand for the materials. The modification should refer to 'in West Sussex, including the National Park..'

**B6 Do you consider the proposed modification to be correctly classified as a "main" or "additional" modification?**

**Please explain your reasoning in the box below.:**

**B7 Do you consider it necessary to attend and give evidence at any future examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan. (Tick as appropriate)**

Yes, I wish to speak to the Inspector at the hearing sessions

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

**Reasons why respondent wishes to attend hearing sessions:**

**Would you like to make another representation?**

Yes

## **Part B - Representation**

**B1 Which proposed modifications to the West Sussex Joint Minerals Local Plan does this representation relate to?**

**Modification Number:**

**B2 Do you consider the proposed modification to be: (tick as appropriate)**

**Legally compliant or sound? - B2.1 Legally compliant?:**

**Legally compliant or sound? - B2.2 Sound?:**

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

**Reasons why plan is believed to be unsound and/or not legally compliant.:**

**B5 Please explain in the box below what change(s) you consider necessary to make the proposed modification legally compliant and/or sound. Please be as precise as possible.**

**Changes needed to make the Plan legally compliant and/or sound:**

**B6 Do you consider the proposed modification to be correctly classified as a "main" or "additional" modification?**

**Please explain your reasoning in the box below.:**

**B7 Do you consider it necessary to attend and give evidence at any future examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan. (Tick as appropriate)**

Not Answered

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

Reasons why respondent wishes to attend hearing sessions:

Would you like to make another representation?

Not Answered

## Part B - Representation

**B1 Which proposed modifications to the West Sussex Joint Minerals Local Plan does this representation relate to?**

Modification Number:

MM22

**B2 Do you consider the proposed modification to be: (tick as appropriate)**

Legally compliant or sound? - B2.1 Legally compliant?:

Yes

Legally compliant or sound? - B2.2 Sound?:

No

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

B3.2 Justified, B3.3 Effective, B3.4 Consistent with national policy

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

Reasons why plan is believed to be unsound and/or not legally compliant.:

The policy should refer to the figures in the latest LAA (Table 4, LAA January 2018) that indicate that the shortfall could be up to 3.137mt over the Plan period

**B5 Please explain in the box below what change(s) you consider necessary to make the proposed modification legally compliant and/or sound. Please be as precise as possible.**

Changes needed to make the Plan legally compliant and/or sound:

The policy should refer to the figures in the latest LAA (Table 4, LAA January 2018) that indicate that the shortfall could be up to 3.137mt over the Plan period

**B6 Do you consider the proposed modification to be correctly classified as a "main" or "additional" modification?**

Please explain your reasoning in the box below.:

**B7 Do you consider it necessary to attend and give evidence at any future examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan. (Tick as appropriate)**

Yes, I wish to speak to the Inspector at the hearing sessions

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

Reasons why respondent wishes to attend hearing sessions:

Would you like to make another representation?

Yes

## Part B - Representation

**B1 Which proposed modifications to the West Sussex Joint Minerals Local Plan does this representation relate to?**

Modification Number:

MM24

**B2 Do you consider the proposed modification to be: (tick as appropriate)**

Legally compliant or sound? - B2.1 Legally compliant?:

Yes

**Legally compliant or sound? - B2.2 Sound?:**

No

**B3 Do you consider the proposed modification to be unsound because it is not: (tick as appropriate)**

B3.2 Justified, B3.3 Effective

**B4 If you consider the proposed modification to the West Sussex Joint Minerals Local Plan to be unsound and/or not legally compliant, please explain why in detail in the box below. Please be as precise as possible.**

**Reasons why plan is believed to be unsound and/or not legally compliant.:**

Delete the final sentence - as there are other specialist markets for silica (industrial) sand in West Sussex and outside of the County. The historic exploitation and/or processing of silica sand in West Sussex is of limited relevance given that resources exist and interest in their extraction and use is growing.

**B5 Please explain in the box below what change(s) you consider necessary to make the West Sussex Joint Minerals Plan legally compliant and/or sound. Please be as precise as possible.**

**Changes needed to make the Plan legally compliant and/or sound:**

**B6 Do you consider the proposed modification to be correctly classified as a "main" or "additional" modification?**

**Please explain your reasoning in the box below.:**

**B7 Do you consider it necessary to attend and give evidence at any future examination hearings regarding the proposed modifications to the West Sussex Joint Minerals Local Plan. (Tick as appropriate)**

Yes, I wish to speak to the Inspector at the hearing sessions

**B8 If you wish to participate at any future hearings, please outline why you consider this to be necessary.**

**Reasons why respondent wishes to attend hearing sessions:**

If you would like to make a further representation please contact us by email at [mwdf@westsussex.gov.uk](mailto:mwdf@westsussex.gov.uk) or by phone at 01243 642118

## **Part C - About You (The Equality Act 2010)**

**Age**

45-54

### **More questions About You**

**Gender**

Male

**Ethnic origin**

White - English/Welsh/Scottish/Northern Irish/British

**Religion**

No religion

**Do you consider yourself to have a disability\*?**

No