

Joint West Sussex Minerals Local Plan: Stakeholder Engagement Consultation on our Background Papers, June 2014

We are working in partnership with the South Downs National Park Authority to prepare a new Minerals Local Plan for West Sussex.

What is the Plan about?

Planning for an adequate and steady supply of minerals is critical to provide the infrastructure, buildings and goods that society, industry and the economy needs.

However, managing the supply of minerals effectively and sustainably requires consideration of the resource requirements of future generations and the impact that minerals developments can have on communities and the wider environment.

The Minerals Local Plan for West Sussex will replace the existing Minerals Local Plan (2003) and cover the period to 2031. It will become the most up-to-date statement of our land-use planning policy for minerals.

What is this stakeholder engagement about?

We are undertaking evidence gathering for the new Minerals Local Plan. As part of this we have published a series of Background Papers that are being used to identify baseline data and inform discussions with the community and key stakeholders.

The Papers are intended to 'set the scene' and present the evidence as it stands at this stage, to enable the Authorities to work effectively with stakeholders to:

- Check information to ensure the Authorities knowledge and understanding of minerals issues is up-to-date and robust;
- Identify potential issues, problems or concerns relating to the production of minerals in West Sussex.

The five Background Papers are:

- Background Paper 1: Spatial Portrait
- Background Paper 2: Minerals in West Sussex
- Background Paper 3: Side Identification and Assessment Methodology
- Background Paper 4: Safeguarding Minerals Infrastructure
- Background Paper 5: Safeguarding Mineral Resources

A separate Glossary of Terms has also been produced.

This Response Form, the Background Papers and the glossary are all available to download at: www.westsussex.gov.uk/mwdf.

Comments

We are seeking comments on the Background Papers by **Monday 28 July 2014**.

We have set out a series of questions in each of the Background Papers, which can be answered below. You do not need to answer every question.

Further Information

If you would like more information about the Joint West Sussex Minerals Local Plan, or this response form, please contact the Planning and Transport Policy Team at:

Strategic Planning (Ref: Minerals Local Plan), West Sussex County Council, County Hall, Chichester, PO19 1RH
Phone: 01243 642118 **Email:** mwdf@westsussex.gov.uk

This form should be returned by **Monday 28 July 2014** to the above address or via email to mwdf@westsussex.gov.uk.

Additional copies of the form can be obtained from the County Council's website: www.westsussex.gov.uk/mwdf. Photocopies of blank forms can also be made.

Data Protection

All responses will be held at West Sussex County Council offices, County Hall in Chichester, and responses can be viewed by appointment and will be published online. They will be handled in accordance with the Data Protection Act 1998 and kept for three years after the West Sussex Minerals Local Plan is adopted. Personal contact details will be removed from copies of representations published electronically.

Response Form

Personal Details

Title	First Name	Last Name
	Jess	Price
Job Title (where relevant)	Conservation Officer	
Department (where relevant)		
Organisation (where relevant)	Sussex Wildlife Trust	
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Please tick all categories that most adequately describe you:

- Resident
- Parish Council
- Local Planning Authority
- District Council
- County Councillor
- Minerals or Waste Industry
- Local Business
- Other (please specify below)

Nature Conservation Organisation

Your contact details will be added to our database so that we can keep you informed about the Minerals Local Plan, including future consultations. If you do NOT want your details to be added to our database, please tick the box below.

- Tick this box if you do **NOT** want to be added to our database

If you want to make more comments than space allows on this form, please continue on a separate sheet of paper, clearly indicating which question you are responding to.
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BACKGROUND PAPER 1: SPATIAL PORTRAIT

Q1.1 Are there any omissions or additions to the Spatial Portrait and key challenges/issues identified?

The Sussex Wildlife Trust are pleased to see reference to Securing the Future in background paper 1 and feel that this strategy should guide the production of the Joint Minerals Local Plan (JMLP). In particular we are keen to see the principle of 'living within environmental limits' filtered throughout the plan and its policies and are pleased to see 'Natural resource protection and environmental enhancement' listed as a priority for action.

We do question the background papers interpretation of the National Planning Policy Framework (NPPF) in paragraph 2.9 that sustainable development means 'meeting social and economic needs without causing unacceptable damage to the environment'. Rather than just avoiding unacceptable damage, sustainable development should include the pursuance of environmental gains and enhancement of our natural capital as per paragraph 109 of the NPPF. This is also in line with the aims of Biodiversity 2020. Whilst this is only one paragraph in a background paper, we feel this sets the tone for what objectives and hence policies may eventually appear in the JMLP.

We notice the acknowledgement of the Coast to Capital LEP in paragraph 3.4, however there is no mention of their environmental counterpart the Sussex Local Nature Partnership whose purpose is to work across sectors and organisations to secure the healthiest ecological systems possible thereby protecting and enhancing the natural environment and all that it gives us. Growth in natural capital is the fundamental pre-requisite for enhancing the services provided by ecosystems and so underpins the economic and social well-being of Sussex. We feel that there should be some acknowledgement of this in the Economic Activity section of the Spatial Portrait. In particular the potential to enhance the local environment and landscape during extraction, not just once sites are restored as mentioned in paragraph 3.6.

The Sussex Wildlife Trust is pleased to see a full suite of conservation designations listed in the Natural Environment section of the Spatial Portrait, particularly the inclusion of Local Wildlife Sites, Biodiversity Opportunity Areas and Ancient Woodland. However we note that there is no mention of the other priority habitats of principal importance for the purpose of conserving biodiversity, identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The NERC Act 2006 aims to make biodiversity a natural consideration in policy and decision making processes, by placing a duty in Section 40 on every public body in exercising its functions, [to] have regard...to the purpose of conserving biodiversity. There is an expectation that public bodies when complying with this duty will refer to the Section 41 list, and as such reference to those habitats and species upon it should be made within local plans.

ANSWER CONTINUED IN ADDITIONAL INFORMATION SECTION AT END OF FORM

Q1.2 Are there any omissions or additions to the Spatial Strategy which should be considered?

The Sussex Wildlife Trust seek clarification on whether the Spatial Strategy will guide the location of hydrocarbon extraction sites along with aggregate extraction sites beyond those identified within the plan? We ask because background paper 2 states that there is no requirement for mineral planning authorities to identify specific sites to deliver hydrocarbon development. However we feel that the inclusion of hydrocarbon extraction in the Spatial Strategy will help to ensure that the suitability and impact of such development is assessed as robustly as any other type of mineral development in West Sussex.

We are pleased to see the consideration of 'Places where there are opportunities to restore land beneficially' in the Spatial Strategy and in particular the acknowledgement of the potential for improvements to landscapes, biodiversity and ecosystem services in paragraph 5.9. However it is vital that this involves consideration of the existing biodiversity value and natural capital assets of sites to ensure that for example, one important habitat is not destroyed to enable mineral development and then a different habitat type to be restored. The Trust would encourage WSCC to particularly consult with the Heathland Restoration initiatives working in the county and to consider the county's network of Biodiversity Opportunity Areas.

Q1.3 Are there any omissions or additions to the monitoring framework which should be considered?

We are concerned that the long time line associate with minerals development has not been acknowledged in the monitoring framework. In particular the JMLP will contain policies on site restoration, however actual restoration of sites may not happen for the lifetime of the plan. The Trust feels that WSCC needs to consider how it will monitor the restoration of sites, especially when there is been a change in the ownership of the site or a change in the company operating the site.

BACKGROUND PAPER 2: MINERALS IN WEST SUSSEX

Q2.1 Is the data used to calculate the shortfall (presented in Background Paper 2 and within the Local Aggregates Assessment (LAA)) of aggregates accurate? Is there any other data/evidence that should be used?

The Sussex Wildlife Trust have concerns about the accuracy of the calculated shortfall. We are concerned that the data in the Local Aggregates Assessment (LAA) is reliant on information from operators. There does not seem to be much impartial verification of the data supplied for each site and therefore we cannot be confident of the quality of this data. Additionally, in background paper 1, paragraph 2.2, there is acknowledgement that 'managing the supply of minerals effectively and sustainably through the planning system also requires regard to be had to the resource requirements for future generations...' which is echoed in paragraph 2.3: 'National planning policy requires MPA's to make provision for future mineral supply within their Local Development Plans'. However this aspiration does not seem to have been followed through in background paper 2 or the LAA. The shortfall predicted is based almost entirely on past demand rather than what the actual mineral resource for Sussex is or the actual need.

Q2.2 Are there any other issues or evidence which should be considered for the purposes of planning for a steady and adequate supply of soft sand and sharp sand and gravel through the Plan period?

We acknowledge the consideration of recycled and secondary aggregates in the background paper and LAA, however we feel that there should be a stronger impetus for the preferential production/use of recycled materials. The council should be seeking to reduce the amounts of aggregates won in the County as a whole and instead be encouraging use of recycled and secondary aggregates. This would be in line with paragraph 142 of the NPPF which states that 'since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.

Q2.3 The Authorities feel that the economic activity in the coming 10-15 years will not result in a significantly increased demand for aggregates supplied in West Sussex. Do you agree? If no, please provide evidence (with particular reference to specific schemes if possible).

The Sussex Wildlife Trust question whether the demand for aggregates will remain constant in the coming years. To achieve truly sustainable development, the demand should reduce as we move towards use of less energy intensive and environmentally damaging building materials. It is not made clear in paragraph 3.4 of the LAA what the 'eleven major schemes' within West Sussex which have been identified as priorities for investment, however the Trust feels that much of the forecasted demand is based on infrastructure projects which are inconsistent with the three pillars of sustainable development. In particular road building projects are in general extremely damaging to the environment, erode natural capital and do not support sustainable economic growth. We therefore feel that it is premature for the Authorities to rely on these projects going ahead.

Q2.4 Are there any additional issues or evidence required for clay that have not been identified?

No comments

Q2.5 Are there any additional issues or evidence required for sandstone that have not been identified?

No comments

Q2.6 Are there any additional issues or evidence required for chalk that have not been identified?

No comments

Q2.7 Are there any additional issues or evidence required for recycled and secondary aggregates that have not been identified?

No comments

Q2.8 Are there any additional issues or evidence for silica sand that have not been identified?

No comments

Q2.9.1 What are the key issues which should be taken into account when considering the potential impact of onshore hydrocarbon development?

The key issues which should be taken into account when considering the potential impact of onshore hydrocarbon development are for the most part the same as the key challenges/issues identified in background paper 1. The JMLP should seek to protect and enhance the natural environment in relation to all types of mineral extraction. The same robust analysis of the suitability of extraction sites should be applied to all extraction sites whether they be for aggregate extraction or hydrocarbon extraction.

Although the NPPF states that mineral extraction should not have unacceptable adverse impacts on the natural or historic environment or human health. We feel that special attention should be given to the potential light pollution caused by hydrocarbon development. This is especially important given the rural nature of much of the area where hydrocarbon resources are located in West Sussex, the SDNPA's intention to apply to be an International Dark Skies Reserve and the industries apparent inability to accurately model the light spill associated with drill derricks (see EIA submitted as part of refused application WSCC/083/13/KD).

The Trust understands that consideration of some of the potential impacts of onshore hydrocarbon development lies outside the planning system and are hence not the responsibility of the MPA. However we would like to see the MPA working closely with the Environment Agency to ensure that the impact on water resources is accurately assessed. This is especially important if hydrocarbon development is included in the Spatial Strategy and when assessing cumulative impacts as Sussex is a county under 'serious risk of water stress'.

We would also like to see strong consideration of the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality as per paragraph 143 of the NPPF. This is particularly important for shale gas and oil extraction given that a commercial scale operation will require a number of well-pads which may be spaced about 1 km apart. It is also vital that cumulative effects of different types of mineral extraction are considered including aggregates.

Consideration also needs to be given to the potentially large footprint for hydrocarbon developments using horizontal drilling.

Q2.9.2 Are different policy approaches required for different landscape areas (e.g. landscape character areas and/or designated landscapes) or the different type of oil and gas development in West Sussex?

As JMLP does not propose to assign site allocations for hydrocarbon development, the plan must contain policies that ensure the same requirements are met as during the site allocation process for aggregates. The Sussex Wildlife Trust support the production of criteria-based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction. However, given the unknown risks of unconventional extraction under the current regulatory regime, highlighted in 'Are We Fit to Frack?', there is also need for policies which differentiate between the different methods of extraction proposed at a site i.e. conventional vs unconventional.

The Sussex Wildlife Trust would also encourage the creation of shale gas and oil extraction exclusion zones within Sussex for environmentally sensitive areas as per the recommendations in 'Are We Fit to Frack?' (<http://www.sussexwildlifetrust.org.uk/fracking>).

We would also like to see the inclusion of policies that require Environmental Impact Assessments for all hydrocarbon developments. The EIA should be undertaken, prior to the submission of a planning application and cover the lifetime of the project through to decommissioning of the site. It should be completed to the standards set out in BS 42020:2013 and in particular should:

- include baseline ecological data and baseline data for air and water quality
- publicly disclose all chemicals involved in the process
- identify the least damaging disposal route for the waste water
- fully assess the effects on the local hydrological regime and water supplies
- set out how the abandoned wells will be monitored to ensure well integrity is maintained in the long term
- include current and future operation proposals to ensure that the total ecological footprint of the development and phased future wells is accounted for

Q2.10 Is there a need to allocate mineral sites, other than sand and gravel sites, in the Plan? If yes, please set out the additional allocations which should be considered and a provide reasons to justify such an approach.

No comment

BACKGROUND PAPER 3: SITE ASSESSMENT AND IDENTIFICATION METHODOLOGY

Q3.1 Are there any additional issues that you feel should be considered within the site assessment and identification methodology? If yes, please provide further information.

The Sussex Wildlife Trust is please to be listed as an external consultee for the initial assessment of sites.

We would like to see the addition of 'Consider the location of Local Wildlife Sites and Biodiversity Opportunity Areas' into the considerations for Nature Conservation and Geodiversity in Table 1. This would make the criteria more consistent with paragraphs 113, 117 and 143 of the NPPF. The location of BOAs are particularly relevant when considering potential for enhancements. Additionally we feel the plan making process would benefit from the addition of the Sussex Biodiversity Record Centre being included in the Source of Information section.

We are encouraged to see the inclusion of an Ecosystem Services Assessment in the methodology, however it is vital that the ecosystem services that the site currently provides are assessed, not just the potential services that could be provided through restoration. This is to ensure that the benefits already being provided by the site are not negatively impacted on and that net gains are possible. However we are not clear why 'Supporting Services' are not included in the list of ecosystem services that a site can provide.

There is also no discussion of the weighting that each criteria will be given when it comes to site allocations. It is absolutely imperative that criteria relating to all three pillars of sustainable development are give equal weighting.

BACKGROUND PAPER 4: SAFEGUARDING MINERALS INFRASTRUCTURE

Q4.1 As set out throughout this paper, there are a number of issues surrounding the safeguarding of wharves and railheads in West Sussex. Do you feel that there are any issues or evidence which the Authorities have not presented here which must be considered? Please provide any relevant evidence.

No comment

BACKGROUND PAPER 5: SAFEGUARDING MINERAL RESOURCES

Q5.1 Is there any evidence to suggest a need to amend the Mineral Safeguarding Areas (MSA) identified on the maps? If yes, please provide this information. This could include additional borehole information.

No comment

Q5.2 Is there any evidence to suggest a need to amend the Mineral Consultation Areas (MCA) identified on the maps? If yes, please provide this information.

No comment

Q5.3 Is there any evidence to suggest the extension of the MCA to 250m beyond the boundary of the safeguarded mineral resource sites/areas should be extended or reduced? If yes, please provide this information.

No comment

Q5.4 Is there any evidence to suggest the extension of the MCA to 250m beyond the boundary of the safeguarded minerals infrastructure sites should be extended or reduced? Please supply evidence to support your response.

No comment

Q5.5 Are there any additional ways in which the Joint Minerals Local Plan could address the issue of safeguarding mineral resources?

No comment

Q5.6 Are there any additional exemptions which should be considered?

No comment

Q5.7 Are there any alternative methods of ensuring adequate resource safeguarding or are there any modifications necessary to the process which should be considered?

No comment

ADDITIONAL INFORMATION

If your further information relates to a particular question, include that with your comments.

CONTINUATION OF Q1.1 Are there any omissions or additions to the Spatial Portrait and key challenges/issues identified?

Additionally we feel that the statement of Key challenges/issues for the Natural Environment would be greatly strengthened through the remove of 'where possible'. As the environment is one of the three pillars of sustainable development, which are mutually dependent, 'The Joint Minerals Local Plan should seek to protect and enhance features of the natural environment'. We feel that the proviso 'whilst taking account of the fact that minerals can only be worked where they are found' is enough without the addition of 'where possible', which weakens the environmental aims of the JMLP.

Whilst there is a section on Carbon and Climate Change within the Spatial Portrait, this has not been formalised into a Key challenges/issues statement. Climate change is the most serious threat facing biodiversity, we therefore support the development of sustainable renewable energies and the phasing out of fossil fuels. The Sussex Wildlife Trust support the UK Government's legally binding commitments to reduce carbon emissions enshrined in the Climate Change Act 2008 and believe that the JMLP should contribute towards efforts to reach these targets.