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INTRODUCTION

- 4.1 When undertaking EIAs and preparing an Environmental Statement, it is conventional practice to carry out a review of relevant planning policy. This is not an express requirement of the EIA Regulations, but the exercise acts as a useful checklist in terms of the environmental topics considered in the EIA, and allows the conclusions reached by the EIA / ES to be assessed against planning policy objectives and requirements.
- 4.2 It is considered that this approach identifies and isolates the key environmental issues associated with a particular development, and in arriving at a judgement of the overall merits of the development balanced against its environmental effects. In this respect, it is not the role or purpose of the ES to set out the planning balance, but to objectively consider those policies relevant to the scheme being assessed.
- 4.3 Generally speaking, the application must be determined in accordance with the content of the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 4.4 Sub Section 5 of Section 38 states that, *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)”*.
- 4.5 Furthermore, paragraph 5 of Planning Policy Statement 10 “Planning for Sustainable Waste Management” (2005) provides that in considering planning applications for waste management facilities before development plans can be reviewed to reflect the requirements of PPS 10, regard is to be given to the policies in PPS 10 as material considerations which may supersede policies in the development plan.
- 4.6 Policies in the development plan will conventionally seek to safeguard environmental interests, and will aim to resist developments which are likely to give rise to significant adverse environmental and amenity effects.
- 4.7 It is considered that the ‘overall thrust’ of the development plan, taken as a whole, and not in accordance with each policy of the plan is the key requirement when determining any application.
- 4.8 In the context of Section 38(6) of the 2004 Act, the relevant adopted Development Plan in this case is:
- The West Sussex Minerals Local Plan, 2003
- 4.9 Consideration has also therefore been given to the emerging Local Plan documents as follows:

- The West Sussex Waste Local Plan, submission version, March 2013; and
- Horsham District Planning Framework (preferred strategy stage 2013)

LEGAL BACKGROUND

- 4.10 Schedule 4 to the EIA Regulations does not make any specific reference to the inclusion of an assessment of planning policy. However, Chapter 6 of the DTLR Good Practice Guide on the preparation of an ES includes a section on “Policies and Plans”.
- 4.11 Paragraph 6.1 states that “*An ES should include a section on policies and plans which are relevant to the environmental assessment of the development in question*”. The objective for this is to “*demonstrate how these policy guidelines have been taken into account in developing the project and compiling the ES, and to provide a picture of the decision making context in which the environmental impacts will be evaluated*”.
- 4.12 It can be seen that there is some ambiguity between the Regulations and the guidance provided by the Government. However, it is clear, from published guidance, that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Accordingly, policies and plans play an important role in determining any planning application.
- 4.13 In the spirit of the guidance, therefore this Chapter provides an overview of the policies that have been considered in undertaking the EIA.

NATIONAL POLICY

National Planning Policy Framework

- 4.14 Paragraph 14 of the NPPF introduces the presumption in favour of sustainable development and confirms for decision taking this means:
- Approving development that accords with the development plan without delay; and
 - Where the development plan is absent, silent or out of date granting planning permission unless:
 - Any adverse impacts would significantly or demonstrably outweigh the benefits; or
 - Specific policies in the NPPF indicate development should be restricted.
- 4.15 Minerals policy in the NPPF at paragraph 142 confirms that minerals are essential to support sustainable economic growth and it is therefore important that there is a sufficient supply. In addition minerals are a finite natural resource that can only be worked where they occur so it is important to make best use of them to secure their long term conservation. When determining planning applications, paragraph 144 advises local planning authorities that they should give great weight to the benefits of mineral

extraction and to maintaining supply outside of designated areas such as national Parks and AONBs. They should also ensure that there are no unacceptable adverse impacts as a result of mineral extraction and that restoration is provided at the earliest opportunity commensurate with delivering schemes to high environmental standards

- 4.16 Finally paragraph 145 of the NPPF advises that local planning authorities should plan for an adequate and steady supply which includes making provision for maintaining land banks of at least 7 years for sand and gravel.
- 4.17 In respect of waste the NPPF confirms that whilst it does not contain specific waste policies local planning authorities should still have regard to its policies so far as they are relevant. The relevant policies to this proposal have been considered above.

Planning Policy Statement 10

- 4.18 Planning Policy Statement 10 (PPS 10) remains the latest Government policy on planning for waste management facilities and objectives for sustainable waste management. The proposed development has therefore been considered against these objectives (paragraph 3 of PPS10) as follows:
- Help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;
 - Provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
 - Help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994; and
 - Reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness.
- 4.19 Paragraph 20 of PPS10 advises that in looking for sites waste planning authorities should consider a broad range of locations including industrial sites and opportunities to co-locate facilities. Paragraph 21 then goes to set out the matters to have regard to which include the extent to which proposals support the policies of PPS10; the cumulative effect of previous waste disposal facilities; the capacity of the local highway infrastructure; the priority given to previously developed land and the physical and environmental constraints on the site, which have been considered in the ES and set out below.
- 4.20 Annex E of PPS 10 sets out the main factors waste planning authorities should take into account when testing the suitability of a site for waste management purposes, as follows:

1. “protection of water resources, considerations will include the proximity of vulnerable surface and groundwater. For landfill or landraising, geology conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care” – See Chapter 09 of the ES;
2. “land instability, locations, and/or the environs of locations, that are liable to be affected by land instability will not normally be suitable for waste management facilities” – see technical appendix 5 of the ES;
3. “visual intrusion, considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; (ii) the need to protect landscapes of national importance (National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts)” – See Chapter 10 of the ES;
4. “nature conservation, considerations will include any adverse effect on a site of international importance for nature conservation (Special Protected Areas, Special Areas of conservation and RAMSAR sites) or a site with a nationally recognised designation (Site of Special Scientific Interest, National Nature Reserve)” – see Chapter 11 of the ES;
5. “historic environment and built heritage, considerations will include any adverse effect on a site of international importance (World Heritage Sites) or a site or building within a nationally recognised designation (Scheduled Monuments, Conservation Area, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens)” – Not relevant covered in Planning Statement;
6. “traffic and access, considerations will include the suitability of the road network and the extent to which access would require reliance on local roads” – see Chapter 6 of the ES;
7. “air emissions, including dust, consideration will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained and managed equipment” – see Chapter 7 of the ES;
8. “vermin and birds, considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds, and may be influenced by the distribution of landfill sites” – This is not considered to be an issue for the proposed development as only inert material will be used;
9. “noise and vibration, considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly if night-time working is involved” – see Chapter 8 of the ES;
10. “litter, can be a concern at some waste management facilities” – all waste handling activities would take place inside the building and a litter management system would be maintained as part of the Environmental Permit; and
11. “potential land use conflict, likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility”

LOCAL POLICY

West Sussex Mineral Local Plan 2003

- 4.21 The West Sussex Minerals Local Plan identifies the following considerations with regard to the proposed development site and its context.

“para. 4.4 The Mineral Planning Authority considers that in West Sussex preference should be given to extraction outside areas protected by statutory designation. However, there are areas of more local conservation importance, and other areas of countryside which while having no special protection are enjoyed and valued for their own sake. Nevertheless, these areas would not be afforded the same degree of protection as those with statutory designations.”

- 4.22 And

“Policy 19: In considering planning applications for mineral extraction attention will be given to the effect upon residential and other amenity, measures to mitigate the impact.”

- 4.23 The proposed development site is outside the South Downs National Park but close enough to the boundary to have the potential for indirect effects on the park landscape. The site is within approximately 150m of residential properties to the north making Policy 19 relevant.

- 4.24 In terms of restoration the Minerals Local Plan states;

“Policy 20: Planning permission for mineral extraction will only be granted where proposals for reclamation would be practical and appropriate for the location, and that reclamation would be completed at the earliest opportunity”

“The reclamation of mineral sites can present opportunities to provide new water related features including recreation facilities, landscape enhancement and wildlife habitats. Such opportunities exist at Sandgate Park at Sullington Warren near Storrington.”

- 4.25 Washington Sandpit is part of the Sandgate Park area and thus the above policy is considered to be particularly relevant.

- 4.26 Policy 29 of the Plan commits the mineral planning authority for the period after 2006 to provide a land bank for the period 2006 to 2013 at a rate of 880,000 tonnes a year.

- 4.27 Policy 34 also allows for small extensions where sterilisation of mineral resources would be avoided and an environmental benefit would occur.

- 4.28 A review of the West Sussex Annual Monitoring Report 2011/12 identifies the aggregate landbank of sites with valid planning permission for mineral extraction (at the end of 2011) is 5.6 years, compared with the minimum 7 years recommended in the NPPF.

- 4.29 The proposed development would therefore meet an identified need and avoid the sterilisation of permitted reserves.

The West Sussex Waste Local Plan, submission version, March 2013

- 4.30 The West Sussex Waste Local Plan, at paragraph 2.10.12, identifies a theoretical shortfall in new inert landfill capacity of between 3.6 to 5.4 million tonnes over the plan period but considers that on current evidence that much inert material is being used for beneficial purposes and therefore the need for new capacity is likely to be substantially less. Such beneficial purposes include the restoration of mineral workings.
- 4.31 Policy W9 of the Plan deals with inert waste disposal but this policy was subject to much debate and proposed amendment at the recent Examination in Public and must therefore be considered to have very limited weight.

Horsham District Council Local Development Framework

- 4.32 This document identifies a site specific allocation of land covering Washington Sand Pit.
- 4.33 The relevant policy (AL 19) states that:
- “The Council will seek to secure the Sandgate Park area, as shown on the Proposals Map, for the formation of a Country Park as soon as it is practical to do so, taking into account the requirements for mineral extraction. Proposals that could assist in the formation of the country park will be encouraged. Development proposals not directly associated with mineral extraction that could prejudice the formation of the Country Park will not be permitted”.*
- 4.34 The area identified covers the majority of the Sandgate Park area of land, to the north of the A283 between Water Lane to the west and Hampers Lane to the east. This includes the existing CEMEX sand pit as well as the Washington Sand Pit site.
- 4.35 The supporting text for Policy AL19 states in paragraph 3.68 that;
- “Although sand extraction may continue for many years yet, and probably beyond the plan period, it is essential that the proposed future Country Park use is not prejudiced by development proposals that inhibit its implementation and that provision is made to encourage proposals that could assist in creating a Country Park as soon as it is practicable to do so”.*
- 4.36 And in paragraph 3.65
- “There is scope to create a variety of formal and informal recreation uses following sand extraction at Sandgate Park between Water Lane and*

Hampers Lane. The grading and landscaping process with respect to lagoons in the east of the site has already begun. These areas could be used for informal recreational purposes as well as fishing and water sports such as windsurfing. There is a need for small campsites for "backpackers" within easy reach of the South Downs Way and also a hostel or "bunkhouse" accommodation, providing simple dormitory and self-catering facilities. It is considered that Sandgate Park could provide such facilities given its proximity to the South Downs Way, just half a mile away. Sandgate Park could also be a suitable location for additional active sports provisions such as football pitches."

- 4.37 The intension of Policy AL19 is to absorb Washington Pit into the proposed country park area after its final restoration. Drawing WP L/15 and the accompanying Landscape Restoration Management Plan identifies how the objectives of Policy AL19 have been met in detail.
- 4.38 The proposed restoration scheme seeks a balance between enhancing the nature conservation of the site and the public access and enjoyment of it and the wider country park objective. Retained sandstone faces provide valuable habitats for sand martins as well as insects, whilst areas of acid grassland and meadow provide valuable habitats and foraging grounds, as well as visual interest and suitable year round locations for informal recreational activities such as walking and picnicking.
- 4.39 The existing local framework of broadleaved woodland is to be reinforced. Footpaths are strategically positioned to allow safe public access to water's edge environments and vehicular movements are to be restricted, save for maintenance access, to the south eastern edge of the site.

South Downs National Park Partnership Management Plan

- 4.40 The management plan contains a number of general policies of which the most relevant is Policy 1, which states;
- "Policy 1. Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures."*
- 4.41 Of note in Policy 1 is the reference to setting. The proposed development site is located at the foot of the escarpment and forms a component of the landscape for the adjacent section of the national park. This means giving particular attention to any effects on the character and quality of the landscape setting of the National Park, as well as on views from it.
- 4.42 The management plan refers to mineral development in section 2.10 as follows;
- "The need for new mineral workings is being addressed through the joint minerals and waste local plans that are being developed with the County Councils. ...The plans will all contain policies to ensure that any applications*

for minerals development within the National Park will include conditions requiring the progressive restoration and aftercare of the site to the highest standard.”

- 4.43 Mineral related policy is thus generally contained within the West Sussex Minerals Local Plan, as noted above.