

Chichester District Council

CABINET

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Draft West Sussex Joint Minerals Local Plan – Consultation Response

1. Contacts

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2. Recommendation

- 2.1. **That the comments within this report be endorsed as Chichester District Council's formal response to the consultation on the draft Joint Minerals Local Plan.**

3. Background

- 3.1. West Sussex County Council and the South Downs National Park Authority are working in partnership to prepare a Joint Minerals Local Plan for West Sussex. This will replace the existing Minerals Local Plan (2003). A copy of the draft plan has been placed in the Members' Room. Comments are required by 17 June 2016.
- 3.2. The draft Plan has four key areas:
- **Vision and strategic objectives** which set out the direction of travel as to how and where mineral development will take place up to 2033;
 - **Ten 'use-specific' policies** which will achieve the strategic objectives for the management of different types of minerals;
 - **Fifteen 'development management' policies** which will ensure that there would be no unacceptable harm to the environment and communities of West Sussex; and
 - **Two proposed site allocations** which will contribute towards meeting the needs for minerals.

4. Outcomes to be achieved

- 4.1. Comments of the district council will be sent to West Sussex County Council for consideration in the preparation of the Joint Minerals Plan.

5. Proposal

- 5.1. The purpose of this report is to outline the response that Chichester District Council proposes to make on the Draft West Sussex Joint Minerals Local Plan Consultation, which is outlined below:
- 5.2. **Proposals within Chichester District:** There are no proposed allocations for additional minerals sites in the District.

- 5.3. There is a proposal to safeguard minerals supply infrastructure including existing rail depots and wharves. Policy M10 retains Chichester Railway Sidings as a safeguarded site for its minerals transportation purposes.
- 5.4. **Fracking:** Hydrocarbons (oil and gas): the strategy for oil and gas is to allow development to take place but to ensure that the use of ‘high volume hydraulic fracturing’¹ does not take place within the SDNP, AONBs, or other protected areas i.e. SSSIs and protected groundwater zones.
- General Comment: The footer (30) on page 57 appears to tail off – there may be some wording missing.
- 5.5. **Minerals Safeguarding:** The Draft Minerals Local Plan recognises that mineral resources are finite which must be protected for future generations to meet their own needs.
- 5.6. The ‘safeguarding’ strategy is to ensure that the sand and gravel, chalk, clay and sandstone resources are appropriately safeguarded in order that the potential sterilisation of minerals is considered alongside other land uses when a planning application is being considered.
- 5.7. For example, some forms of development, i.e. built developments such as new housing or industry, can make mineral resources inaccessible for future extraction, consequently ‘sterilising’ them from potential future use. This sterilisation can occur either directly, by building on top of the deposits, or indirectly, for example, by building new houses close to a mineral deposit, and preventing extraction because of the nuisance it would cause to the new houses.
- 5.8. The safeguarded areas include a proximal buffer which extends 250m beyond its mapped extent. Defining Mineral Safeguarding Areas (MSAs) however does not carry a presumption that any areas within MSAs will ultimately be acceptable for mineral extraction. In order for consultation to take place between the County and District planning authorities a Minerals Consultation Area (MCA) will be defined. This will cover the same areas as the MSA and will be published in a separate document to the Minerals Local Plan.
- 5.9. A MCA is an area identified by a County Council. Where a planning application for non-minerals development is submitted to the District Council the County Council must be consulted in order to comment on whether the proposal would unacceptably sterilise mineral resources. Within Chichester District much of the coastal plain is identified as ‘Sharp Sand and Gravel Resource Mineral Safeguarding’ (map attached as an Appendix) and therefore likely to be a MCA.
- 5.10. The MCA within Chichester District will potentially cover Chichester City and the settlements in the East West Corridor. All planning applications within this area would then be subject to consultation with the Minerals Planning Authority. There is concern that this consultation process at planning application stage may slow the planning process. The Council therefore has the following comments:
- The need for prior consultation on sites within settlement boundaries particularly Chichester city is not considered appropriate. For example during 2015 (Jan-Dec) there have been 323 planning applications for development within Chichester city (excluding preliminary enquiries,

¹ “high volume hydraulic fracturing” means hydraulic fracturing of shale or strata encased in shale

permitted development, change of use). Small scale development within urban areas/settlement boundaries (where mineral deposits are already sterilised by the built up nature and it would be unfeasible to extract the mineral resource) or developments involving a temporary use should not be subject to consultation. Similarly, the erection of a garage or extension within a curtilage of an existing building is unlikely to affect possible future extraction of minerals.

- Given the number of potential planning applications which fall within the Minerals Consultation Area it is suggested that a size threshold is applied to the exceptions criteria. Consultation should be required as follows:
 - Residential applications for sites of 10 dwellings or more, or if the number is not already known, where the site area is 0.5ha or above:
 - Non-residential development, where the floorspace to be created is 1000sq metres or above, or if the site area is 1ha or above.

6. Alternatives that have been considered

- 6.1. The option not to comment on the Draft West Sussex Joint Minerals Local Plan Consultation has been considered and dismissed as important points need to be raised with WSCC.

7. Resource and legal implications

- 7.1. The consultation requirements of the Minerals Consultation Area (MCA) may impact on the time taken to process planning applications, as outlined above.

8. Consultation

- 8.1. Consultation was undertaken with development management officers.
- 8.2. The Development Plan & Infrastructure Panel considered the contents of the report and no amendment were suggested.

9. Community impact and corporate risks

- 9.1. None

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime & Disorder:		✓
Climate Change:		✓
Human Rights and Equality Impact:		✓
Safeguarding:		✓
Other:		✓

11. Appendix

Appendix 1: Sharp Sand and Gravel Resource Minerals Safeguarding map

12. Background Papers - none