

Letter from WSCC RE- Ham Farm

Dear Steyning Parish Council,

The County Council and South Downs National Park Authority (the Authorities) are preparing a West Sussex Joint Minerals Local Plan (JMLP) which will include planning policies to provide for a steady and adequate supply of minerals to support the local economy and manage mineral development in West Sussex up to 2033. The draft JMLP was published for a 9-week consultation between 14 April and 17 June 2016. The Authorities have now analysed the consultation feedback, and are making changes to the Plan prior to the publication of a Proposed Submission Draft JMLP.

The Proposed Submission Draft JMLP will be considered by the County Council at its meeting on 16 December 2016 and South Downs National Park Authority on 29 November 2016. The Proposed Submission Draft JMLP will also be scrutinised by the County Council's Environmental and Community Services Select Committee at its meeting on 16 November 2016.

Following approval by the Authorities, the approved Proposed Submission Draft JMLP and supporting technical work will be published from 16 January to 13 March 2017 to allow representations to be made about; (a) whether it has been prepared in accordance with all the legal requirements, and (b) whether its contents are 'sound'. Following consideration of the representations received, minor amendments may be made to the Proposed Submission Draft JMLP and it will be formally submitted to the Secretary of State for independent examination.

A large number of consultation responses expressed concerns about the proposed site allocation for soft sand extraction at Ham Farm, near Steyning. While the Authorities recognise that the proposed site allocation is concerning, particularly for those who could be directly affected by the proposal, it is necessary for us to focus on those matters which are a material consideration in the planning process, and whether or not they can be overcome. During the consultation, evidence was also submitted about a restrictive covenant that applies to the northern-most section of the Ham Farm site, which may prevent quarrying in this area of the site.

Following legal advice, the Authorities have now concluded that the existence of the restrictive covenant does not preclude the site from being allocated for mineral development, or prevent planning permission for mineral development from being granted. This is because the restrictive covenant is a private agreement between landowners, which is a separate matter to the planning process and it is the responsibility of the site developer to ensure that all necessary legal agreements are in place to ensure the development can take place in line with any planning consents. However, it is also recognised that in the area of the site where the covenant applies, legal action could prevent use of the site for this purpose.

In order to allocate a site for mineral development in the JMLP, it is necessary for the Authorities to establish that the site is 'deliverable'. Therefore, a key consideration is whether or not the restrictive covenant would affect the

deliverability of the site. The Authorities consider that quarrying in the area where the restrictive covenant applies, could breach the covenant and prevent use of the area as a quarry. Following discussion with the proposer of the site; Dudman Group of Companies, the Authorities propose to amend the boundary of the proposed site allocation to exclude the area where the restrictive covenant applies, as shown on the accompanying plan.

The revised boundary for the proposed site allocation at Ham Farm will be published in the Proposed Submission Draft JMLP. This will be accessible in papers for the County Council's Environmental and Community Services Select Committee which will be available on the County Council website from 9 November 2016.

We hope that this information is helpful. If you have any further questions, then please feel free to contact us.

Kind regards,

Darryl