Mineral Safeguarding Assessment

Land West of Shoreham Road,

Small Dole

Wates

April 2025

IC Planning

Contents

Appendices

Originator	Approved	Version	Date Issued	Version Comments
NP	ST	Final	March '25	

1. Introduction

Overview

1.1 This Mineral Safeguarding Assessment ('MSA') has been prepared on behalf Wates Developments Ltd ('the Applicant') to accompany a planning application for *''Outline planning application for up to 45 dwellings (including affordable homes) with all matters reserved apart from access''* ('the proposal') at Land West of Shoreham Road, Small Dole, West Sussex ('the site'). It will consider the impact of the proposal on known mineral resources that are anticipated to lie beneath the site.

1.2 The proposed site lies within a two tier local authority area, with Horsham District Council being the Local Planning Authority ('LPA') and West Sussex County Council being the upper trier Mineral Planning Authority ('MPA'). This MSA has therefore been produced to demonstrate compliance with relevant mineral safeguarding policy that is set out the MPA.

1.3 The key relevant safeguarding test is set out in Policy M9 of the West Sussex Joint Minerals Local Plan (WSJMP) which states the following:

''Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

(i) mineral sterilisation will not occur; or

(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or

(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.''

1.4 The following report demonstrates that the proposed development will not result in the needless sterilisation of the existing mineral resources that a highlighted as potentially being present beneath the site.

The Small Dole Project

1.5 The proposal is a residential development comprising up to 45 dwellings. It is an outline planning application at this stage and therefore the exact layout is yet to be determined.

1.6 The location of the Project is shown in the attached site plan which is included in Appendix D of this report.

Site Description

1.7 The Project site is an area of grassland measuring approximately 5.4ha in total, located to the west of Henfield Road (A2037) and south of the dwellings which front New Hall Lane.

1.8 The surrounding area is primarily residential. The nearest dwellings are those mentioned above directly to the north adjacent to the New Hall Lane. The site is bound by established landscaping on the other three sides, in particular to the south where there is a tree line comprising a number of large trees as well as dense shrubbery which line the watercourse that runs by the site to the south before ultimately joining the River Adur approximately 1km to the west.

1.9 There are no statutory or non-statutory ecological or landscape designations that cover the site itself. Hoe Wood, a designated Site of Nature Conservation Interest, is located approximately 250m to the north east. This falls within the South Downs National Park ('SDNP'), the boundary of which abuts the eastern edge of Small Dole approximately 220m to the west of the site.

1.10 There are few designated heritage assets within the village of Small Dole and in close proximity to the site. The nearest is the Grade II listed New Hall and the wall which surrounds it that is also Grade II listed which are approximately 260m to the west of the site.

1.11 As noted above, the River Adur is situated around 1km to the west of the site, with a small tributary running directly adjacent to the southern edge of the site. Nevertheless, the site is wholly within Flood Zone 1 according to the Environment Agency's Flood Map for Planning.

1.12 The site is safeguarded for brick clay and soft sand. The location of the safeguarded mineral deposits that occur within the site are shown on drawing ICP/SD/001.

Structure of this Mineral Safeguarding Assessment

1.13 This assessment has been prepared following a review of the available information produced by the British Geological Survey ('BGS'), West Sussex Joint Minerals Local Plan ('WSJMLP') and background papers and West Sussex Local Aggregate Assessment.

1.14 The rest of this assessment is structured in the following sections:

- Section 2 – Planning Policy
- Section 3 – The Mineral Resource
- Section 4 – Planning Policy Assessment
- Section 5 – Conclusion

IC Planning minerals experience

1.15 IC Planning ('ICP') have prepared this report and have an extensive track of providing planning advice within the minerals, energy and waste sectors nationwide. The ICP team includes members who have appeared as an expert mineral planning witnesses at a number of high profile nationally significant extraction proposals supporting their development. The team has also provided several mineral safeguarding specific Continuing Professional Development events for both the Royal Town Planning Institute (RTPI) and the Royal Institute of Chartered Surveyors (RICS).

1.16 Prior to working as a mineral planning consultant, members of the ICP team also worked for minerals developers identifying new sites for extraction and gaining consent for them through the planning process.

1.17 ICP currently represent a number of mineral operators nationwide including those who extract sand and gravel and limestone. Alongside this, ICP are also the retained minerals planning adviser for Stone Federation Great Britain who are an industry body that represents the majority of dimension building stone operators within the country.

1.18 The ICP team have undertaken numerous mineral safeguarding assessments nationwide for a wider variety of mixed use and renewable energy developments.

2. Planning Policy

2.1 The following section sets out the relevant national and local planning policies that are applicable to safeguarding mineral resources that are affected by the proposed scheme.

National Planning Policy Framework (NPPF) – December 2024

2.2 Chapter 17 of the NPPF entitled "Facilitating the sustainable use of minerals" provides several policy details covering a wide range of matters relating to mineral planning. Paragraph 222 outlines the overall policy approach to mineral supply, recognising that mineral resources are finite and limited:

''222. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.''

2.3 Following this overarching policy position statement, the NPPF then outlines the specific measures that mineral planning policies should cover in paragraph 223. In relation to the safeguarding of mineral resources, the following clarification is made in sub section c) of paragraph 223:

''223. c) [Mineral Planning Authorities] *safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);''*

2.4 The prescribed approach to mineral safeguarding is further explained within paragraph 225, which states:

''225. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.''

2.5 National planning policy is clear that any potentially viable mineral working should not be needlessly sterilised by permanent alternative development. The NPPF sets out the broad principles against which the local minerals policies must be set against.

West Sussex Joint Minerals Local Plan – Adopted July 2018 (reviewed March 2021)

2.6 The WSJMLP provides a vision and strategic objectives for sustainable minerals development, policies to help achieve these objectives, policies for the purposes of development management and finally site allocations to ensure the need for minerals is met.

2.7 The WSJMLP reflects the policy position that is set out in the NPPF. The WSJMP acknowledges that mineral resources are finite and can only be worked where they naturally occur. The WSJMLP notes that with increased pressure on land use, economically viable minerals should be protected from permanent sterilisation where possible.

2.8 The WSJMLP goes on to state that the sterilisation of mineral resources can occur as a result of surface development directly overlying the mineral resource, or by development that is situated on or close to the boundary of a resource.

2.9 The WSJMLP reflects the points by declaring that Strategic Objective 5 of the Plan is to ‘’*safeguard potential economically viable mineral resources from sterilisation’’*.

2.10 Policy M9 sets out the WSJMLP position in relation to assessing non minerals developments on safeguarded land which has the potential to sterilise a resource. The policy states the following:

a) Existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.

b) Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

i. Mineral sterilisation will not occur; or

ii. it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or

iii. the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.’’

2.11 The supporting text to Policy M9 states that where non-mineral development is proposed, developers will need to produce an assessment to help satisfy the MPA that the requirements of policy M9 can be met.

WSJMLP – Minerals and Waste Safeguarding Guidance – Adopted March 2020

2.12 The above-mentioned document was produced to provide guidance to applicant in relation to the interpretation and compliance with Policy M9 of the WSJMLP. The guidance includes Mineral Safeguarding Areas (MSA) for each of the relevant mineral resources. The MSA maps for the Horsham District Council area is included in Appendix B.

2.13 The safeguarding guidance states that defining a MSA does not mean that there is a presumption that minerals will be worked. The MSA indicate where Policy M9 will apply and is a tool to protect the resource from potential unnecessary sterilisation from non-mineral development.

2.14 The safeguarding guidance advises that the threshold for assessing non-mineral development within the Weald Clay formation is the highest within the guidance, with only sites above 3ha needing to be assessed. This is opposed to applications above 0.5ha as per soft sand sites. This higher threshold reflects the relatively widespread nature of the clay resource within West Sussex.

2.15 The safeguarding guidance states in paragraph 2.6 that unless the MRA can prove that there is no economically viable resource present, sterilisation will occur.

2.16 Paragraph 2.8 of the guidance also states that the MRA should be proportional to the size of the site and the scarcity of mineral. The guidance also lists a series of details that a mineral safeguarding assessment may want to include as part of its assessment. Those details are addressed in more detail in section 4 of this report.

3. The Mineral Resource

3.1 The adopted WSJMLP is accompanied by a series of Mineral Safeguarding maps which identify the anticipated extent for each mineral resource. The site is within an area safeguarded for brick clay and soft sand (including potential silica sand) resources. A copy of these maps is provided in Appendices C and D.

3.2 The full extent of the above-mentioned safeguarding areas has been overlaid with the Project's boundary and is shown on drawing which is appended to this report in Appendix E. The application site occupies a position on the edge of both mineral resource areas, where there is a significant overlap between the two resources. Due to the scale and resolution of the Mineral Safeguarding plans it has not been possible to accurately map the extent of the minerals to the site level.

3.3 The authors of this report are not aware of any formal expressions of interest by any minerals operators in extracting either of the resources indicated as being present on site.

Brick Clay Deposits in West Sussex

3.4 The WSJMLP states that West Sussex contains regionally important brick-making raw materials. This brick clay is split into two different resources, the Weald (which is found partially beneath the site) and the Wadhurst formations. Due to its broader extent and lesser demand, the MSA for the Weald Clay excludes urban areas.

3.5 According to the British Geological Society ('BGS') the site is made up of Weald clay which is said to comprise dark grey thinly-bedded mudstones and mudstones with subordinate siltstones, fine to medium-grained sandstones, including calcareous sandstone, shelly limestones and clay ironstones[1].

3.6 The WSJMLP states that there are five active brickworks within West Sussex, with their own supplies of clay, which have a total permitted reserve of 18.7mt. Three of these active brickworks have more than 25 years of clay reserves, one has 24 years and the brickworks at West Hoathly have less than 10 years' reserves (2016 data). In order to maintain an adequate supply of the clay, the WSJMLP sets out that the strategy is to allocate an extension to the West Hoathly brickworks.

[1] https://webapps.bgs.ac.uk/lexicon/lexicon.cfm?pub=WC

3.7 The implementation of the WSJMLP is subject to annual monitoring reports which updates the mineral extraction and supply data referenced within the plan. The most recent monitoring report that is publicly accessible is the covers the 2022/23 period[2].

3.8 The 2022/23 monitoring report states that the total permitted reserves of brick clay (it does not distinguish between different clay formations) has reduced since the adoption of the WSJMLP. The 2022/23 figures state that there is a total permitted reserve of 12.8mt across five sites (four active and one inactive). The monitoring report notes that brick clay supply is not subject to an apportionment figure but still has an important role to play in West Sussex and the wider economy.

3.9 The monitoring report notes that Paragraph 220 of the NPPF states that MPAs should plan for maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. For brick clay reserves should be at least 25 years. There are estimated to be two brickworks in West Sussex with at least 25 years of reserves. Therefore, on that basis the supply of brick clay in West Sussex complies with the NPPF requirements.

Soft Sand Deposits in West Sussex

3.10 Soft sand is widely used in construction. The WSJMLP recognises that the soft sand resource is ‘’heavily constrained due to its location within or adjacent to the South Downs National Park’’ (paragraph 6.2.13). This is the case with the site in this instance which is directly adjacent to the boundary of the SDNP.

3.11 It goes on to outline that based on average sales of soft sand, the current reserve for soft sand at the time of writing (2021) was 7.3 years. As set out above, the MPA recognise that it is difficult to make up the short fall in supply within the district owing to the aforementioned constraints in terms of the SDNP. Consequently, the WSJMLP sets out that to address this issue, WSCC have engaged in discussions with other MPAs in the south east to prepare a joint Position Statement for Soft Sand under the Duty To Cooperate outlined in the NPPF.

3.12 Furthermore, two existing allocated sites for soft sand extraction are proposed for an extension, namely West Heath Common and Chantry Lane. This is in addition to a new allocation within the SDNP at Ham Farm, Steyning.

[2] https://www.westsussex.gov.uk/media/20447/monitoring_report_2022_2023.pdf

4. Planning Policy Assessment

4.1 The following section assesses the impact of the proposal on the supply of minerals within West Sussex. Furthermore, it will set out the existing constraints on mineral extraction which is also an important material consideration. Finally, it will assess the proposal in the context of Policy M9 of the WSJMLP which is the key test for non-mineral developments on safeguarded land.

Supply of Minerals in the Region

4.2 Section 3 of this report provides an overview of the supply positions of the mineral identified as being present on site. The Weald formation brick clay found within the sub alluvial deposits is a resource that is in demand due to its importance in the construction market. Currently, the active brickworks have a supply of 25 years almost across the board.

4.3 The Weald Clay is one of the few mineral resources to occur across most of northern West Sussex and is found within the districts of Chichester, Horsham, Crawley, and Mid Sussex. The mineral resource is therefore comparatively widespread, meaning that it is reasonable to conclude that alternative opportunities for the extraction of the mineral resource outside of the red line boundary are likely to exist within the County. It is set within this context that the permanent sterilisation of the clay resource should be considered.

4.4 The widespread nature of the mineral deposit is recognised by the MPA's own safeguarding guidance which applies higher thresholds for sites that may sterilise the Weald brick clay resources and unlike other minerals automatically excludes mineral deposits within urban areas.

4.5 Based on this information, it is clear that there is likely adequate supply of brick clay in West Sussex in the medium term and that the loss of the small amount of safeguarded land that will result from the proposed development will therefore be inconsequential in this regard.

4.6 In terms of soft sand, it is recognised that there is a shortfall of soft sand supply in West Sussex and owing to constraints, this shortfall can only be met through working with neighbouring MPAs. This approach recognises that it would not be possible to extract further soft sand from areas in and around the SDNP, which is where the site on this occasion is located. Consequently, it is clear that the MPA recognise that the site in question could not be deemed as appropriate for contributing to the supply of soft sand. Therefore, the proposed development will be inconsequential in terms of the MPA being able to the meet their targets for the supply of soft sand.

Existing Constraints On Mineral Extraction

4.7 The following section of this report highlights features in and around the site that would represent a significant constraint to any potential mineral extraction. It is important to review the existing constraints so that the level of sterilisation which would be associated with the Small Dole Project can be fully understood.

4.8 A key material consideration is whether or not it is feasible both practically and environmentally for minerals extraction to take place before works on the non-mineral development begin. In order to determine this, there are a number of existing constraints that must be taken into account.

4.9 The extraction of the brick clay or soft sand would have the potential to result on impacts upon amenity (dust, noise, vibration and visual impact). As such, the degree to which the site is already effectively sterilised by existing receptors needs to be considered when establishing the potential temporary mineral sterilisation which would occur as a result of the Small Dole scheme.

4.10 This section of the report is accompanied by drawing ICP/SD/002 that has broadly highlighted the extent to which the mineral resources found on-site are already effectively sterilised. The following details and associated standoff distances from any possible mineral extraction scheme have been used:

- Residential properties – 250m standoff in all directions;
- Woodlands – 15m standoff;
- Hedgerows – 10m standoff;
- Roads – 20m standoff;
- Public rights of way – 10m standoff; and
- Overhead power lines – 20m corridor.

4.11 It is accepted that there are no statutory standoffs required for mineral developments. The abovementioned distances are based on experience of the author's involvement with multiple mineral extraction sites nationwide.

4.12 In relation to the 250m distance from residential properties, this distance has been used as within that range it is more likely that the effects of noise, air quality and vibration will need to be significantly controlled and mitigated to avoid having unacceptable impacts.

4.13 The logic of using the 250m standoff distance is consistent with the approach outlined within West Sussex Councils Mineral Safeguarding guidance. The safeguarding guidance uses the 250m distance as a buffer zone around safeguarded minerals sites and infrastructure. Any non-minerals development that is proposed within this 250m buffer zone needs to be assessed to ensure that it will not introduce a new receptor, or receptors, that could impinge upon the operation of that site.

4.14 The SPD advises that unacceptable levels of dust, noise, lighting and vibration could be experienced by receptors within that 250m distance. This is used to ensure that new non-mineral related development brought forward within the 250m buffer zone does not result in any additional mitigation being placed upon minerals operators as they would introduce new sensitive receptors. This approach is consistent with the "agent of change" principle which is outlined in the NPPF[3].

4.15 It is accepted that residential receptors can be located within 250m of an active minerals operation and equally that there can be receptors beyond 250m that do experience unacceptable amenity impacts. For the purposes of this mineral safeguarding assessment, the 250m distance provides a robust indication of an acceptable proximity to a residential receptor.

4.16 The standoff distances noted for the hedgerows and woodlands are based on general working practices and would vary based on each section of vegetation. For the purposes of this assessment, the distance indicated on the plan is from the tree or hedgerow to any potential extraction. Ancillary mineral extraction features such as soil mounds, fencing and drainage channels would be accommodated within that distance.

4.17 The presence of the public highway can also constrain development. Excavation areas generally have to standoff from the public highway to ensure that the roads remain geotechnically stable and they do not present a risk to road users if a vehicle was to leave the carriageway. Typically, a 20m standoff from the public highway is observed.

4.18 Taking account of the above-mentioned existing constraints, the extent to the mineral resources could be recovered is discussed in more detail below.

[3] Paragraph 200

4.19 The main constraint to any potential mineral extraction is the proximity of a number of existing dwellings within Small Dole. The vast majority of the rest of the village and the dwellings therein are within the 250m buffer that WSCC recognises as be required to ensure no detrimental impact on amenity.

4.20 The living conditions of the occupants of these dwellings would potentially all be impacted in a detrimental way owing to the unacceptable levels of dust, noise, lighting and vibration. This would be in direct conflict with the requirements outlined in the Minerals and Waste Safeguarding Guidance document and Objective 6 of the WSJMWLP which aims to ensure the amenity of residents is protected and where possible enhanced.

4.21 As set out in the 'Site Description' section, the site boundaries are heavily landscaped, comprising mature trees and hedgerows. These landscape features can be largely retained by the proposed development, whereas a mineral extraction scheme would likely require their removal or at least have the potential to cause significant harm to their longevity.

4.22 Mineral extraction on the site would have a high probability of being to the detriment of this value outlined above, causing potential harm to the general amenity of the nearby residential properties.

Policy M9

4.23 As already set out, the overall test for whether non-mineral development on safeguarded land is acceptable is set out in policy M9 of the WSJMLP. On this occasion the development would lead to sterilisation of the minerals as the land would have buildings permanently sited on it. Consequently, in order to be acceptable, policy M9 dictates that it must be demonstrated that the minerals will be extracted prior to development, or it is not practical or environmentally feasible for this to happen.

4.24 For the reasons set out above, namely a) the impact on the living conditions of nearby residents and b) the environmental impact of the impact on the surrounding landscaping and habitats, it is considered that it is both impractical and environmentally unfeasible for the extraction of the minerals in question to take place.

4.25 As a result, the development of this safeguarded site is in line with the exceptions outlined in both sections ii) and iii) of policy M9 of the WSJMLP.

5. Conclusion

5.1 The report has provided a description of the site's context and current land use. The assessment has also described the nature of the Weald brick clay and soft sand resource that is found on site alongside providing a description of the current supply and demand of that mineral reserve.

5.2 The MPA have identified in its most recent monitoring report that there is a 25-year supply of brick clay within the county of West Sussex.

5.3 The MPA's own guidance acknowledges that the Weald brick clay resource is widespread across the county. As a result of its widespread nature, the brick clay resource is not subject to stringent mineral safeguarding criteria when compared to other mineral resources.

5.4 The MPA have also identified that the majority of the safeguarded land in the area that contains soft sand will not be able to contribute to the supply in the future owing to the SDNP. This is particularly relevant with regard to the site owing to the boundary to the SDNP being directly adjacent to Small Dole. As a result, it is deemed that the site could not contribute to the overall supply of soft sand in any event.

5.5 Nevertheless, this assessment and its accompanying plans have demonstrated that the mineral resource is already significantly sterilised by the presence of existing residential properties within 250m of the site and mature landscape features such as tree lines, hedgerows and watercourses.

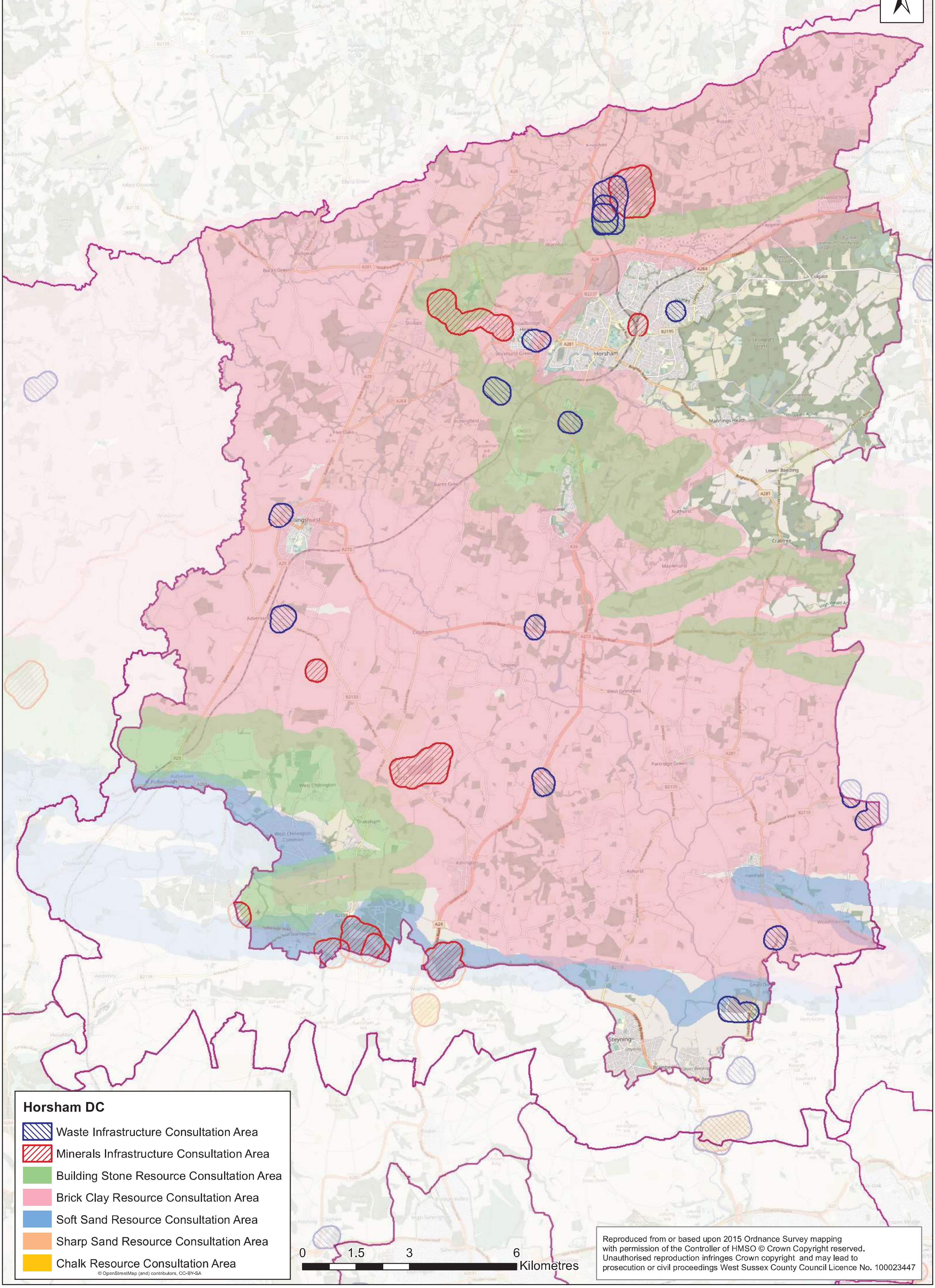
5.6 The permanent loss of the remaining small parcel of safeguarded land would not have a material effect upon the long-term supply of brick clay or soft sand within West Sussex.

5.7 The proposal is consistent with the MPA mineral safeguarding policies which are set out in both Policy M9 of the WSJMLP and the supporting Mineral Safeguarding Guidance.

Appendix A

Horsham Mineral Safeguarding Area

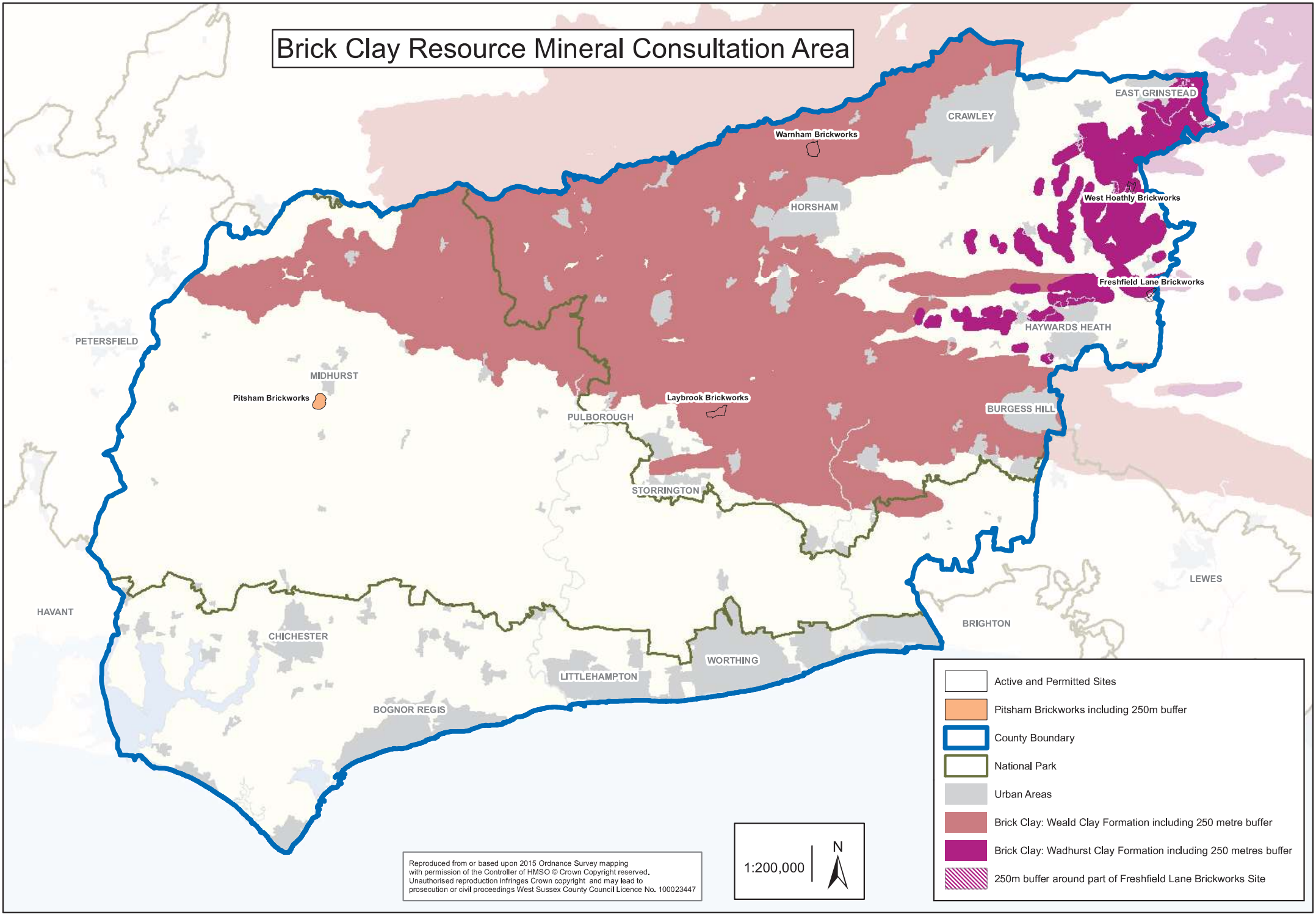
Minerals and Waste Consultation Areas in Horsham District (excluding SDNP)



Appendix B

Brick Clay Mineral Safeguarding Area

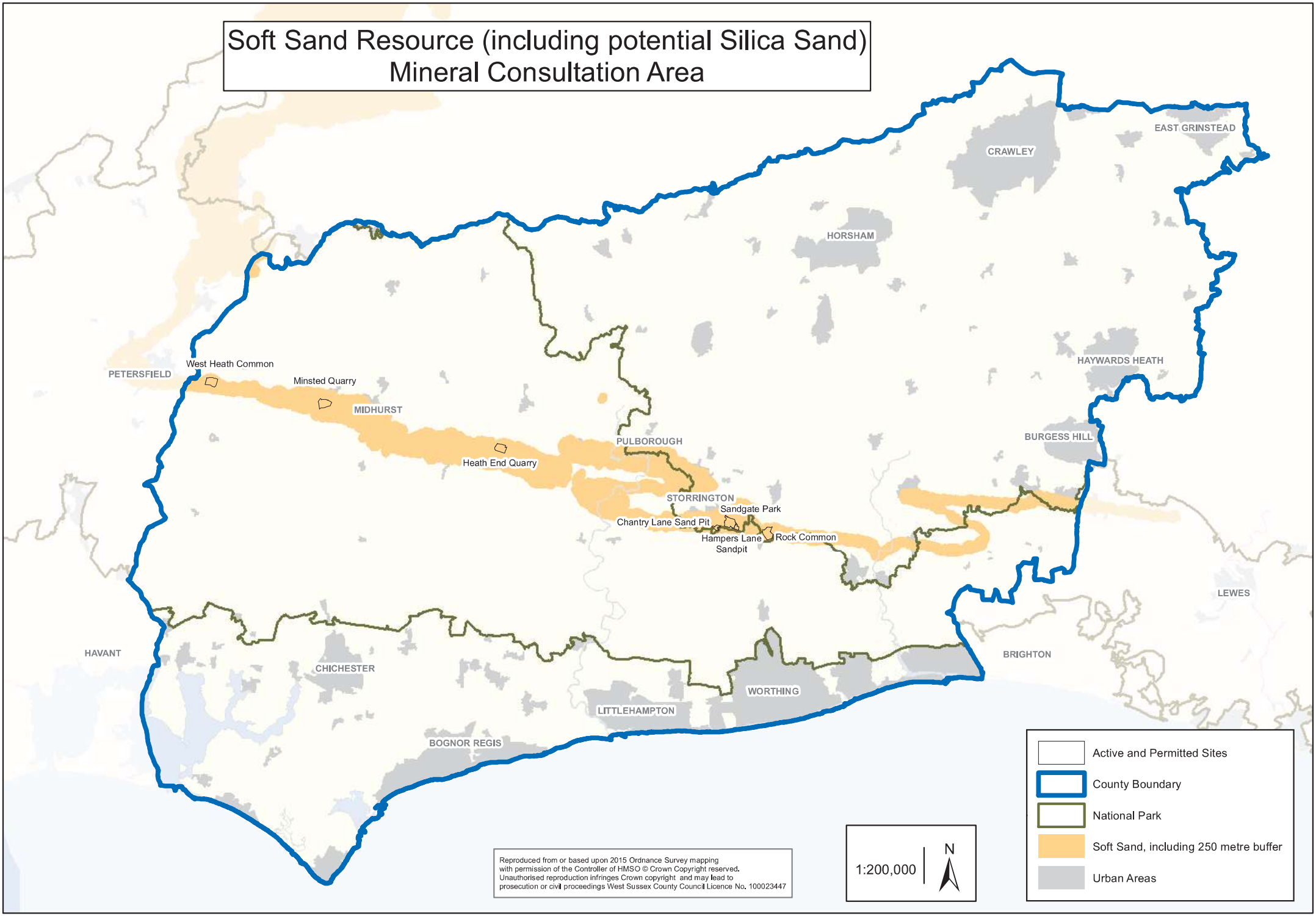
Brick Clay Resource Mineral Consultation Area



Appendix C

Soft sand Mineral Safeguarding Area

Soft Sand Resource (including potential Silica Sand) Mineral Consultation Area



Appendix D

Existing Constraints Plan

0m 25m 50m

LEGEND

SITE BOUNDARY

BRICK CLAY AND SOFT SAND MINERAL CONSULTATION AREA

GT Brace CAD Services
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Rev	Date	Details	Chkd

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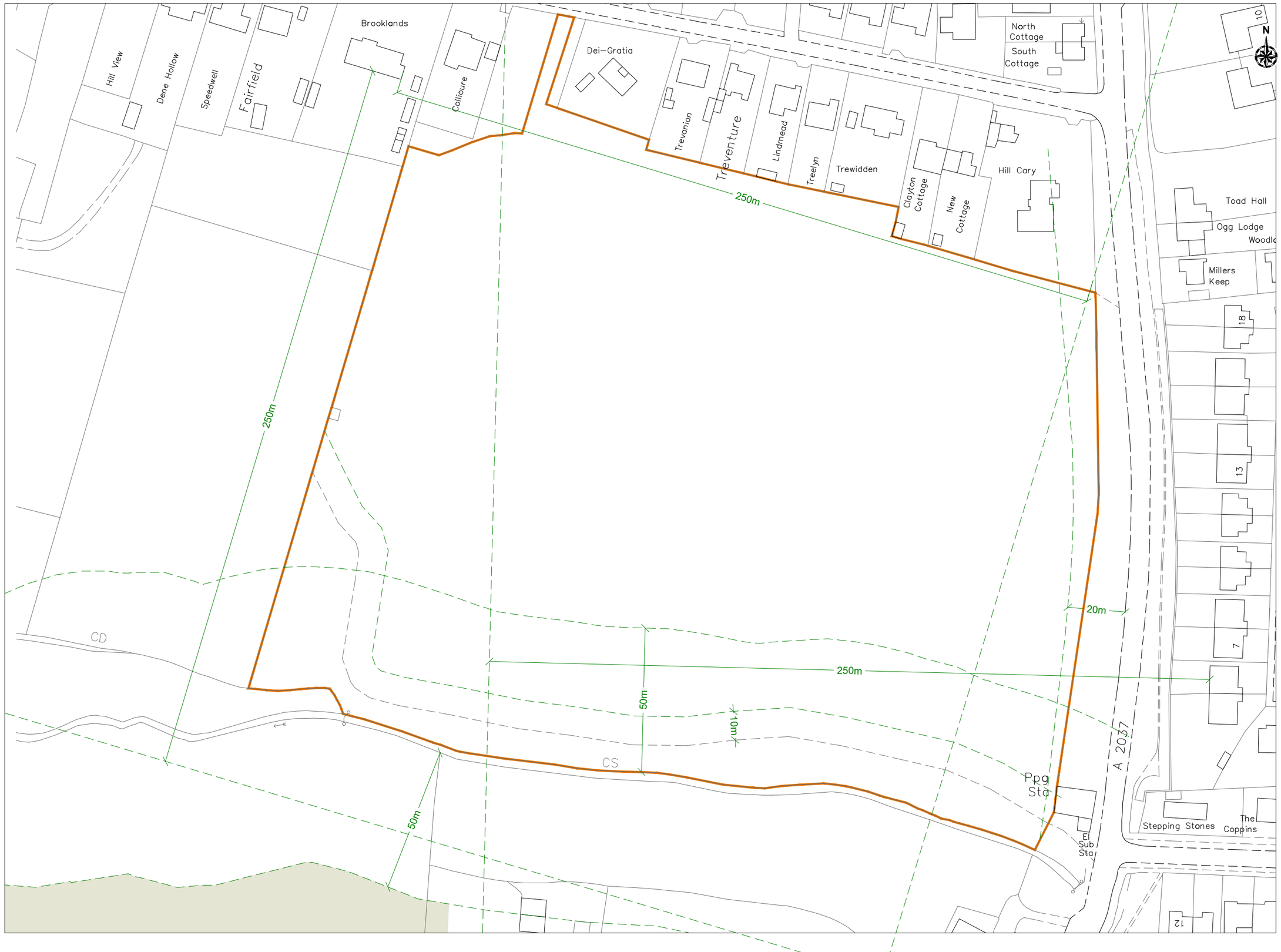
Date	Scale	Drawn by	Checked by	Approved by
28/03/2025	1:1250 @ A3	GTB	ST	ST

Drawing Status: WORKING DRAWING

Project Title:
SHOREHAM ROAD
SMALL DOLE
BN5 9YH

Drawing Title:
MINERAL SAFEGUARDING PLAN

Drawing Number	Rev
ICP/SD/001	-



GT Brace CAD Services

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LEGEND

- SITE BOUNDARY
- BRICK CLAY AND SOFT SAND MINERAL CONSULTATION AREA
- TYPICAL STERILISED STAND OFF

NOTE

MINERALS SAFEGUARDING AREAS ALREADY STERILISED BY EXISTING LANDSCAPE FEATURES

- 250m from any residential property in all directions
- 10m from any hedgerows
- 20m from any roads

Rev	Date	Details	Chkd

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Date	Scale	Drawn	Checked	Approved
28/03/2025	1:1250 @ A3	by GTB	by ST	by ST

Drawing Status: WORKING DRAWING

Project Title:
SHOREHAM ROAD
SMALL DOLE
BN5 9YH

Drawing Title:
EXISTING MINERAL EXTRACTION CONSTRAINTS PLAN

Drawing Number	Rev
ICP/SD/002	-