

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	18 October 2022
Title:	Draft Hampshire Minerals & Waste Plan Partial Update
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to provide an overview of the Hampshire Minerals & Waste Plan: Partial Update - Draft Plan including what changes have been made, why these have occurred and what this means for Hampshire. This will form the basis of the public consultation which is scheduled for winter 2022.

Recommendation

2. That Cabinet:
 - a. notes the Hampshire Minerals and Waste Plan: Partial Update Plan as set out in this report, and agrees to the proposed arrangements for public consultation on the Draft Plan; and
 - b. gives delegated authority to the Director of Economy, Transport and Environment to agree minor amendments to the Draft Plan prior to consultation.

Executive Summary

3. This paper seeks to
 - explain why a partial update of the Hampshire Minerals & Waste Plan has been undertaken;
 - set out what proposed changes have been made, why they have been recommended and what they mean for minerals and waste development in Hampshire;
 - outline the proposed consultation process to encourage Hampshire's residents to have their say on the changes; and
 - provide an overview of how the project is financed.

Background to the Partial Update

4. The National Planning Policy Framework (2021) requires that Local Plans be reviewed to assess whether they require updating at least once every five years¹.
5. The Hampshire Minerals & Waste Plan (the 'Plan' or 'HMWP') was adopted in October 2013. The Plan was produced in partnership with Portsmouth and Southampton City Councils and the New Forest and South Downs National Park Authorities. Since adoption, there has been an on-going relationship between Hampshire County Council and these Authorities regarding the monitoring and implementation of the Plan.
6. A Review was undertaken in 2018 and concluded that an update of the Plan was not required at that time. However, the 2018 Review also concluded that some of the issues should be kept under review and a commitment was made for a further review of the Plan in 2020.
7. The 2020 Review highlighted that some of the issues remained and needed addressing and also outlined other updates that were required.
8. The 2020 Review recommended that:
 - an update of the HMWP is undertaken to ensure compliance with national policy but also to ensure that the Plan is delivering a steady and adequate supply of minerals and enabling sustainable waste management provision;
 - the Vision, Plan Objectives, Spatial Strategy and Key Diagram will need to be further reviewed to ensure that all requirements of the Plan are delivered but also that the Vision aligns with the 2050 principles for Hampshire and the climate change agenda; and
 - to support the partial Plan update, an assessment of mineral and waste site options would ensure any suitable sites for enabling sustainable minerals and waste development are included in the Plan helping provide certainty to the industry and local communities.
9. The revised Development Scheme which sets out the timetable and programme for a partial update of the Plan was approved by Full Council on 21 July 2022. The revised timetable for the partial update of the Plan is outlined as follows:

HMWP Key Milestones	Timescale	Description
Regulation 18 (Preparation)	March 2021 – August 2022	Call for Sites (Fixed period) Preparation of Evidence Base

¹ National Planning Policy Framework (Para. 33) - [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92526/nppf-2021.pdf)

Regulation 18 (Consultation)	September 2022 – December 2022	Consultation on the Draft Plan Update and Evidence
Regulation 19 (Proposed Submission) Document Preparation)	January 2023 – May 2023	Update Evidence Base Revise Plan based on Evidence Base and Consultation
Regulation 19 (Proposed Submission Document Consultation)	June 2023 – October 2023	Consultation on the Updated Plan to be submitted to the Secretary of State
Regulation 22 (Preparation)	November 2023 – February 2024	Update Evidence Base Proposed Modifications based on Evidence Base and Consultation
Regulation 22 (Submission to SoS)	February 2024	Submitting the Plan to the Secretary of State who appoints a Planning Inspector
Regulation 24 (Public Examination)	Autumn 2024	Planning Inspector examines the Plan Consultation on proposed Main Modifications to the Plan
Regulation 25 (Inspector's Report)	Spring 2025	Planning Inspector delivers his report on the Plan
Regulation 26 (Adoption)	Summer 2025	All authorities adopt the Plan, as modified by Planning Inspector

10. To support the partial update of the Plan, several studies and assessments have been prepared.
11. The Development Scheme was revised following the need to delay the original timetable (approved March 2021) due to the plethora of Government consultations that have been issued and relate to the Plan, the need to take account of the advice issued by Natural England on nutrient impacts on habitats, the evolving international situation which has elevated the political priority of energy prices and supply as well as implications of case law on climate change policy and decision-making.

Draft Plan

12. The work to update the Hampshire Minerals & Waste Plan commenced with a 'call' for minerals and waste site nominations from industry, landowners, and agents between 7 April and 4 June 2021, to explore suitable site options for allocation. The site nominations have been assessed by the technical specialists within the Department to determine their suitability.
13. A Scoping Report and Baseline was prepared to support the Integrated Sustainability Appraisal which incorporated Strategic Environmental Assessment and a Methodology and Baseline was prepared to support the Habitats Regulation Assessment. These reports were sent to Statutory Consultees for comment.

14. Interviews and/or surveying has been undertaken with operators to inform the Wharves and Depots Needs Assessment and the Aggregate Recycling Topic Paper.
15. In addition, forecasting work for both future minerals demand and provision, and waste management arisings and capacity has been undertaken.
16. This work has informed the preparation of the Draft Plan. It should be noted that the Draft Plan does not form a material consideration in decision-making at this stage, but can be referenced in case officer reports. The Plan will be a material consideration when it reaches Proposed Submission Stage, but the adopted Plan remains the dominant Policy Statement until the Partial Update Plan is adopted.

Plan Vision and Objectives

17. Five options were considered for updating the Plan Vision and Plan Objectives including keeping the Vision and Plan Objectives as they currently stand. The other options were formed from updates to national policy, a focus on climate change, the 2050 Commission recommendations and the emerging Local Transport Plan 4 (LTP4).
18. Following assessment of these options, the Vision and Plan objectives which aligned with the aspirations of the LTP4, and 2050 Commission recommendations were considered the most suitable option. Whilst the Vision looks to 2050, this period was considered too great for meaningful forecasting of mineral demand and waste management capacity requirements. As such, the Plan period is up to 2040. This meets the requirement of a minimum 15 years at the point of adoption and aligns with other relevant Local Plans.
19. It is intended that the updated Vision and Plan objectives will help towards meeting the UK target of carbon neutrality by 2050 and the plan-making Authorities' own climate change targets.

Development Management Policies

20. All of the Development Management Policies and supporting text have been reviewed and updated to ensure that they comply with changes to the National Planning Policy Framework (NPPF) and, where relevant, references have been made to recent and emerging policy. For example, reference is made to the Environment Act. With regards to designated landscapes, reference is made to the Glover Review in the supporting text as it is considered that this could lead to future changes in policy, including the setting of National Parks.
21. Policy 1 (Sustainable minerals and waste development) has not been updated as this still aligns with the NPPF. Policy 14 (Community benefits) has been removed from the Plan as this could not be implemented. However, the principle of the policy wording is picked up in the supporting text to Policy 1.
22. Policy 2 (Climate change – mitigation and adaptation) has been significantly updated to recognise the climate change emergency declared by the plan-making partners and the need to minimise carbon emissions.

23. An additional policy has also been included in the Plan to address the importance of the water in Hampshire. This covers not only water quality and supply, but also recognises the importance of river corridors and the issue of nitrate neutrality. This policy has been inserted as the new Policy 8 (Water resources) and therefore, subsequent Development Management policies have new reference numbers.
24. The changes to the remaining Development Management Policies seek to remove any ambiguity and improve implementation rather than change the original direction and intent of the current adopted policies. It is intended that the revised and updated Development Management Policies will strengthen the protection of Hampshire's environment and communities.

Minerals Policies

25. The policies relating to safeguarding mineral resources and infrastructure remain unchanged, with the exception that reference has been made to the Safeguarding Supplementary Planning Document (SPD) in the supporting text as this was adopted in 2016.
26. Policy 17 (Aggregate supply – capacity and source) has been updated to reflect current data and forecasts for demand in Hampshire. The policy now states that an adequate and steady supply of aggregates will be provided until 2040 at rates of 1.15 million tonnes per annum (mtpa), of which 0.23 mtpa will be soft sand (meaning a total of 0.92 mtpa of sharp sand and gravel). This is a reduction from a total of 1.56 mtpa in the 2013 adopted Plan. These revised figures take into account past sales but also forecast demand established prior to the pandemic. Due to current high levels of demand and long-term uncertainties, a caveat has been added which states that should sales exceed the stated provision rate by more than 10% for a period of three years, the Local Aggregate Assessment rate which is produced annually will be considered the provision rate until such time that the Plan is updated. This will ensure that there is no under provision. The capacity figure for Recycled and Secondary Aggregates has been increased from 1mtpa to 1.8mtpa based on the existing capacity and allowing for future growth. The capacities of alternative sources of aggregate remain unchanged as these generally align with current sales and allow for growth.
27. Policy 18 (Recycled and secondary aggregate development) has incorporated the support for proposals to enable capacity for recycled aggregate previously set out in Policy 30 (Construction, demolition and excavation waste).
28. Policy 19 (Aggregate wharves and rail depots) has been updated to remove those aggregate wharves that are inactive as they are not currently providing capacity but are safeguarded under Policy 16 (Safeguarding – minerals infrastructure) and/or Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure). Rail depots have been proposed as allocations to allow for flexibility in capacity and support more sustainable movement of minerals.
29. Policy 20 (Local land-won aggregates) has been updated to reflect the current status of permissions. Those sites that have closed have been removed and those that have been permitted are listed as existing reserves. In addition,

new allocations have been included to help meet demand up to 2040. Any known issues associated with these sites will be mitigated in line with the development considerations which would need to be addressed as part of any planning application.

30. Not all sites were taken forward for allocation due to the significant issues identified which it was considered could not be adequately mitigated. The proposed allocations set out in the Draft Plan provide sufficient capacity to meet the forecasted level of provision to meet demand up to 2040. However, it is recognised that following the Draft Plan consultation, additional information gathered through the process may determine that some sites cannot be progressed. The Draft Plan also reports on the level of unplanned provision since 2013, which averages 250,000 tonnes per year. This provides flexibility in supply (supported by Part 4 of Policy 2) and could address any shortfall.
31. Policy 22 (Brick-making clay) has also been updated to reflect the current status of permissions and active sites. The allocation set out in the 2013 Plan has been permitted and is being worked. No further extensions were put forward through the call for sites. Selborne Brickworks has not been operational for a number of years and the existing allocation is not being promoted. Therefore, the allocation has been removed as a consequence of being unviable.
32. Policy 23 (Chalk development) remains unchanged.
33. Policy 21 (Silica sand development) and Policy 24 (Oil and gas) have been amended to improve application of the policies in conjunction with Policy 4 (Protection of the designated landscape) where proposals are located in a National Park. Reference has also been made to the Hampshire Oil and Gas SPD in the supporting text of Policy 24.

Waste Policies

34. As with the minerals policies, some of the waste policies have been subject to amendment and others have remained as they are in the adopted Plan.
35. Policy 25 (Sustainable waste management) remains largely unchanged except the provision of non-hazardous waste arisings has been updated to reflect current targets of 65% for recycling and 95% diversion from landfill. The policy also strengthens provisions regarding the waste hierarchy.
36. Policy 26 clarifies that it refers to non-waste development, while the supporting text now refers to the 'agent of change principle' and the Safeguarding SPD.
37. Policy 27 (Capacity for waste management development) has been updated to address the current level of arisings and the minimum level of capacity required to support management of the waste volumes forecast up to 2040. This includes at least 1.99mtpa of non-hazardous recycling capacity, up to 0.95mtpa of non-hazardous recovery capacity and up to 3.8 million tonnes of non-hazardous landfill void. These figures are an increase from the 2013 adopted Plan and are aimed at supporting an increase in recycling capacity

over further recovery capacity. The provision on past performance has also been strengthened in the supporting text.

38. Policy 28 (Energy recovery development) has been updated to reflect the Government's current position on energy from waste and the need for combined heat and power as a minimum. This strengthens the existing 2013 policy which only requires power as a minimum and the capacity to deliver heat in the future.
39. Policy 29 (Locations and sites for waste management) has been amended to avoid any ambiguity, but the principle remains unchanged. Ancillary development is now specifically mentioned, to be able to distinguish these smaller applications for facility improvements. In addition, strategic waste proposed allocations have been included within the policy. Any known issues associated with these sites will be mitigated in line with the development considerations which would need to be addressed as part of any planning application.
40. Policy 30 (Construction, demolition and excavation waste development) seeks to maintain the existing recycling and recovery capacity levels. References to capacity to support the production of high-quality recycled/secondary aggregate has been moved to Policy 18 to avoid duplication. Further proposals for inert recycling have been proposed for allocation and these are outlined in Policy 29.
41. Reference has been made to the need to comply with the Environment Act treated waste-water phosphorous targets in Policy 31 (Liquid waste and waste-water management).
42. Policy 32 (Non-hazardous waste landfill) has been updated to reflect the current status of sites and permissions. Blue Haze is now the only remaining non-hazardous landfill. Squabb Wood landfill has closed so the allocation for additional capacity is no longer deliverable. The proposal for non-hazardous landfill at Purple Haze has been excluded from the current planning application and therefore is no longer considered deliverable. A new policy position regarding the re-working of existing landfills has been put forward. Whilst this is not a common activity in Hampshire, neighbouring waste planning authorities have dealt with a number of such proposals. As such, the policy has been amended to address proposals to re-work landfills to ensure there is a beneficial outcome.
43. The remaining policies which address Hazardous and Low Level Radioactive Waste development (Policy 33) and Safeguarding potential minerals and waste wharf and rail depot infrastructure (Policy 34) are unchanged, other than factual updates in the supporting text.

Monitoring & Implementation

44. The Monitoring indicators have been reviewed to ensure they align with the revised policies and that the data is obtainable and measurable. The Triggers have also been reviewed and updated, where necessary.
45. The Implementation text has also been updated to reflect the changes made to the policies and to ensure that they are compliant with national policy.

Consultation arrangements

46. Hampshire County Council and the plan-making partner Authorities are required to undertake a public consultation of the Draft Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
47. The consultation will be carried out in line with the Hampshire's Statement of Community Involvement² (SCI) (2017) and those of the partner Authorities. However, it should be noted that Hampshire's SCI is also scheduled to be updated.
48. The Draft Plan will be accompanied by a 'Have Your Say' consultation paper which sets out what changes have taken place, why and what this means for Hampshire.
49. The consultation will commence in early November, subject to approval by County Council, and will run for 12 weeks, ending in January 2023.
50. The consultation will include notification of neighbouring properties and, subject to any government restrictions, local events in areas where new development is proposed. This will allow residents to provide feedback on the proposals to help inform the next stages of plan-making.

Financial Implications

51. Hampshire County Council has contractual arrangements with the plan-making partner authorities. The partners pay 8% each of the yearly cost for these services, with Hampshire County Council covering the remaining 68%.
52. An initial total budget estimate for the partial Plan update is approximately £816,750. Based on the current distribution of costs, partner authorities would be contributing approximately £261,360 to the estimated total budget, leaving the County Council to meet the remaining £555,390 in costs.
53. The cost of the partial Plan update is being funded from monies previously identified and earmarked for a Plan update (£230,000 which remained from the preparation of the adopted (2013) Plan) with the remaining resource requirements met through re-prioritisation of work programmes and activities within ETE Planning budgets, subject to appropriate contributions being made by the partner authorities.

Next steps

54. Following approval by the plan-making partners, the Draft Plan will be subject to public consultation from early November 2022 to January 2023 for a period of 12 weeks.

² Statement of Community Involvement (2017) - <https://documents.hants.gov.uk/planningstrategic/HampshireStatementofCommunityInvolvementAdoptedNovember2017>

55. The responses received will be reviewed and a consultation summary report will be prepared and made available as soon as possible after the consultation has closed.
56. The comments received will be used to inform the Proposed Submission Plan which will be subject to consultation during spring/summer 2023. It is intended that the Partial Update Plan will be submitted to the Secretary of State by February 2024.

Consultation and Equalities

57. A consultation has not taken place in advance of the preparation of the Draft Plan as this is the first stage of plan-making. However, subject to approval, the Draft Plan will be subject to public consultation in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and Hampshire's SCI.
58. The Equality Impacts of the Draft Plan has been assessed to be neutral as the Plan enables decision-making on what development is needed, where it should take place and contains policies for protecting the environment and communities. It does not impact on any particular section of the community. Whilst development has been identified in specific locations, the policies apply county-wide.

Climate Change Impact Assessments

59. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation

60. The main vulnerabilities to climate change variables identified for the Hampshire Minerals & Waste Plan (HMWP) Partial Update – Draft Plan include risk to coastal infrastructure to sea level rises and storm events. These include wharves and waste facilities (located in Portsmouth and Southampton), some of which deal with hazardous waste. The Draft Plan also considers minerals and waste infrastructure which is vulnerable to heat events due to the materials, such as waste, which could pose a risk of fire or lead to a rapid deterioration of waste and an increase in odours. However, mineral extraction may also provide an opportunity for flood water storage in heavy rain events.
61. The Partial Update aims to reduce its vulnerabilities to climate change by taking into account the findings of a Strategic Flood Risk Assessment which is being prepared to support the Draft Plan. The 2013 HMWP currently includes

a climate change policy (Policy 2: Climate change – mitigation and adaption). The Partial Update – Draft Plan aims to strengthen this policy and ensure climate change is addressed suitably throughout the Plan.

62. Adaptations to climate change have not been addressed so far because these would need to be considered and implemented as part of any planning application.

Carbon Mitigation

63. The climate change mitigation tool cannot be applied to the Partial Update of the HMWP as it is policy for decision-making rather than a project. In addition, the carbon mitigation tool does not currently calculate emissions for all minerals and waste developments. However, as noted, the HWMP Partial Update does seek to further strengthen the existing climate change policy which outlines that “minerals and waste development should minimise their impact on the causes of climate change” by requiring that new minerals and waste proposals include a Climate Change Assessment.
64. The HWMP Partial Update is important for meeting Hampshire County Councils’ strategic priorities: 1. Green Economic Growth & Prosperity, as the Plan provides a framework for decision-making on minerals and waste development which supports the economy and encourages sustainable management of waste; and 3. Enhancing the Natural & Built Environment, as the Plan contains a number of policies to protect and enhance the natural and built environment as part of the development process, for example through restoration.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes/⦶
People in Hampshire live safe, healthy and independent lives:	yes/no
People in Hampshire enjoy a rich and diverse environment:	yes/⦶
People in Hampshire enjoy being part of strong, inclusive communities:	yes/no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=706&MId=6033	14.01.2021
https://democracy.hants.gov.uk/documents/s65918/2020%20Review%20of%20the%20Hampshire%20Minerals%20Waste%20Plan%20and%20revised%20Development%20Scheme-2021-02-09-Cabinet.pdf	09.02.2021
https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&MId=6561	25.02.2021
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
National Planning Policy Framework: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004408/NPPF_JULY_2021.pdf	2021
Planning Policy for Waste: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf	2014

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Hampshire Minerals & Waste Plan: Partial Update – Draft Plan (2022)	[ADD]
Sustainability Appraisal (incorporating Strategic Environmental Assessment) Interim Report (2022)	[ADD]
Habitats Regulation Assessment Screening Report (2022)	[ADD]

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The Hampshire Minerals & Waste Plan: Partial Update - Draft Plan is intended to ensure that the planning framework by which minerals and waste developments come forward in Hampshire is consistent with national policy, whilst also delivering a steady and adequate supply of minerals and enabling sustainable waste management provision. It is considered that there will be no additional impact on people with protected characteristics and therefore has been assessed as having a neutral impact overall.