

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	13 June 2023
Title:	Hampshire Minerals & Waste Plan Development Scheme Revision
Report From:	Director of Hampshire 2050

Contact name: Melissa Spriggs

Tel: 0370 779 7153

Email: melissa.spriggs@hants.gov.uk

Purpose of this Report

1. The purpose of this paper is to provide the reasons why the partial update to the Hampshire Minerals and Waste Plan has been delayed and the revised timetable for completing the update.

Recommendation

2. That Cabinet recommends that the County Council resolves that the revised Hampshire Minerals and Waste Development Scheme, which sets out the timetable and programme for the partial update of the Hampshire Minerals and Waste Plan, comes into effect from July 2023.

Executive Summary

3. This paper seeks to:
 - provide the background to why a partial update of the Hampshire Minerals and Waste Plan is being undertaken;
 - highlight the reasons to why the partial update to the Hampshire Minerals and Waste Plan has been delayed;
 - set out the revised timetable for the partial Plan update; and
 - outline the financial status of the Hampshire Minerals and Waste Plan (2013) and budgeting implications of the revised timetable for the partial update to the Plan.

Background to the Partial Update

4. The National Planning Policy Framework (2021) requires Local Plans to be reviewed to assess at least once every five years¹. The Hampshire Minerals and Waste Plan (the 'Plan') was adopted in October 2013. It was first reviewed in 2018 and then, following a conclusion that an update of the Plan was not required at that time, it was reviewed again in 2020. The 2020 Review recommended that an update of the Plan is undertaken to ensure compliance with national policy, but also to ensure that it is delivering a steady and adequate supply of minerals and enabling sustainable waste management provision.
5. 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. The decision to undertake a partial update of the Plan was made by each authority and work commenced in 2021.
6. The initial Development Scheme, which set out the timetable and programme for a partial update of the Plan, was approved in March 2021. However, this was subsequently revised due to delays and approved by the County Council on 21 July 2022.
7. The first public consultation (Regulation 18) on the Draft Plan was recently completed. The consultation ran for 12 weeks from 8 November 2022 to 31 January 2023. Approximately 2,500 responses were received. A consultation summary report is currently being prepared and will be made publicly available in due course.

Reasons for delay

8. The partial update commenced in March 2021 as scheduled in the initial Development Scheme.
9. The Development Scheme was subsequently revised in July 2022 following the need to delay the original timetable due to the plethora of Government consultations that had been issued and related to the Plan, the need to take account of the advice issued by Natural England on nutrient impacts on habitats, the international situation which elevated the political priority of energy prices and supply as well as implications of case law on climate change policy and decision-making.
10. There is now a need to further update the timetable to reflect current progress but to also ensure that the delivery of the Plan aligns with the proposed plan-making transitional arrangements outlined in the recent Levelling Up and Regeneration Bill (LURB) consultation².

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/91261/nppf-2021.pdf)

² [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

11. The current delay to plan preparation has occurred due to the decision to extend the Regulation 18 consultation to 12 weeks. The statutory requirement for Regulation 18 is a minimum of six weeks. However, as the consultation was held over the Christmas period this was required to be extended by two weeks, but it was considered that 12 weeks would provide sufficient time for relevant interested stakeholders to respond.
12. Due to the high number of responses received, it has taken the team several weeks to process and analyse the comments. The comments will be used to inform the further development of the plan policies and formulate decisions on the proposed allocations set out in the Plan. As such, sufficient additional time needs to be allowed to update the Plan.
13. The next public consultation stage will be on the Proposed Submission Plan (Regulation 19) which will be the Plan that is intended to submit to the Planning Inspectorate for examination.

Revised Partial Update Plan Timetable

14. The revised timetable for the partial update set out in the new Local Development Scheme (see Appendix 1) is outlined as follows (previous dates are include in *[italics]*):

Key Milestones	Timescale	Description
Regulation 18 (Preparation)	<i>March 2021 – August 2022</i>	Call for Sites (Fixed period) Preparation of Evidence Base
Regulation 18 (Consultation)	September 2022 – March 2023 <i>[September 2022 – December 2022]</i>	Consultation on the Draft Plan Update and Evidence
Regulation 19 (Proposed Submission Document Preparation)	April 2023 – September 2023 <i>[January 2023 – May 2023]</i>	Update Evidence Base Revise Plan based on Evidence Base and Consultation
Regulation 19 (Proposed Submission Document Consultation)	October 2023 – March 2024 <i>[June 2023 – October 2023]</i>	Consultation on the Updated Plan to be submitted to the Secretary of State
Regulation 22 (Preparation)	April 2024 – June 2024 <i>[November 2023 – February 2024]</i>	Update Evidence Base Proposed Modifications based on Evidence Base and Consultation
Regulation 22 (Submission to SoS)	July 2024 <i>[February 2024]</i>	Submitting the Plan to the Secretary of State who appoints a Planning Inspector
Regulation 24 (Public Examination)	Spring 2025 <i>[Autumn 2024]</i>	Planning Inspector examines the Plan Consultation on proposed Main Modifications to the Plan
Regulation 25 (Inspector's Report)	Autumn 2025 <i>[Spring 2025]</i>	Planning Inspector delivers the report on the Plan

Regulation 26 (Adoption)	Spring 2026 <i>[Summer 2025]</i>	All authorities adopt the Plan, as modified by Planning Inspector
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15. The recent LURB planning reforms consultation outlined proposed changes to plan-making including timescales. There is a cut-off date of 30 June 2025 for 'old style' plans to be submitted before being required to comply with the new plan-making arrangements. The revised timetable ensures submission of the partial update of the Plan to the Planning Inspectorate in July 2024, prior to this deadline. Should the deadline not be met, a new style plan would have to be prepared, meaning significant changes to the current format. It is also not yet clear how the proposed changes to Plans will impact minerals and waste plans.
16. Lastly, the LURB consultation states that all 'old style' plans will be examined by 31 December 2026. The revised timetable fits within this period. However, it should be noted that minerals and waste plans require specialist inspectors and the issue of enabling suitable resources are available to meet this deadline has been raised with the Department for Levelling Up, Communities and Housing.

Financial Implications

17. Hampshire County Council has contractual arrangements with the plan-making partner Authorities regarding the monitoring and implementation of the Plan. The partners pay 8% each of the yearly cost for these services, with Hampshire County Council covering the remaining 68%.
18. The total budget estimate for the partial Plan update is £816,750. Based on the current distribution of costs, partner authorities are contributing approximately £261,360 to the estimated total budget. The remaining £555,390 will be paid by Hampshire County Council.
19. 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 existing budgets and income generation.
20. Hampshire County Council is leading the technical preparation of the partial Plan update, working with officers from each of the partner Authorities as required.

Next Steps

21. The revised Development Scheme outlines the programme for the partial update of the Plan and will come into effect following resolution by each partner Authority.
22. As the transitional arrangements set out in the LURB consultation have been considered, it is not expected that the future outcome of the consultation will impact the timetable.

23. Once completed, the decision to agree and adopt the updated Plan will be taken to the County Council.

Consultation and Equalities

24. An Equalities Impact Assessment (EqIA) has not been carried out to support the Development Scheme as this is a procedural document. However, the timetable is for the preparation of the partial update of the Hampshire Minerals & Waste Plan which has been subject to EqIA. The impact of the Development Scheme is considered to be neutral.

Climate Change Impact Assessments

25. 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.
26. The carbon mitigation tool and climate change adaptation tool were not applicable to this decision as the Development Scheme is a programme of work not a project. The Partial Update of the Hampshire Minerals and Waste Plan will be subject to decisions where a Climate Change Impact Assessment will be applicable. The Plan contains a climate change policy and a greater emphasis has been placed on climate change mitigation and adaptation as part of the update.

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:	no
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>2018 Review of the Hampshire Minerals & Waste Plan</u> https://democracy.hants.gov.uk/documents/s25501/Report.pdf	<u>13 November 2018</u>
<u>2020 Review of the Hampshire Minerals & Waste Plan and revised Development Scheme</u> Decision - 2020 Review of the Hampshire Minerals & Waste Plan and revised Development Scheme About the Council Hampshire County Council (hants.gov.uk)	<u>9 February 2021</u>
Direct links to specific legislation or Government Directives	
<u>National Planning Policy Framework</u> National Planning Policy Framework (publishing.service.gov.uk)	<u>2021</u>

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.)

Document

Location

Hampshire Minerals & Waste
Development Scheme

Appendix 1

2020 Review of the Hampshire Minerals &
Waste Plan

[Microsoft Word - HMWP_2020
Review of the HMWP_Final Version
December 2020 \(hants.gov.uk\)](#)

2018 Review of the Hampshire Minerals &
Waste Plan

[2018 Review of the Hampshire
Minerals & Waste Plan \(2013\)
\(hants.gov.uk\)](#)

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 revised Development Scheme sets out the programme and timetable for the partial Update but not the outcomes. Therefore, any impacts are unknown at this stage and are considered neutral. The update will be supported by an Equalities Impact Assessment.