

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	12 December 2023
<b>Title:</b>	Hampshire Minerals and Waste Plan - Approval for Consultation
<b>Report From:</b>	Director of Hampshire 2050

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### Purpose of this Report

1. The purpose of this report is to provide an overview of the Hampshire Minerals and Waste Plan: Partial Update – Proposed Submission Plan including what changes have been made following the consultation on the Draft Plan. The Proposed Submission Plan will form the basis of the public consultation which is scheduled for Winter 2023.

### Recommendations

2. That Cabinet:
  - a. approves the Hampshire Minerals and Waste Plan: Partial Update – Proposed Submission Plan as set out in this report and will be subject to public consultation; and
  - b. gives delegated authority to the Director of Hampshire 2050 to agree minor amendments to the Proposed Submission Plan prior to consultation.

### Executive Summary

3. This paper seeks to
  - explain why a partial update of the Hampshire Minerals and Waste Plan has been undertaken;
  - set out what proposed changes have been made, following the Draft Plan consultation;
  - 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 years<sup>1</sup>.
5. The Hampshire Minerals and Waste Plan (the 'Plan') 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. The Plan was reviewed in 2018 but was found to not require an update at that time. However, a number of issues were noted and monitored. A further review was undertaken in 2020 which concluded that parts of the Plan needed to be updated to reflect changes in policy and to address issues with mineral and waste management provision.
7. A Draft Plan was prepared which was subject to consultation for 12 weeks from 8 November 2022 to 31 January 2023. A total of 2,500 responses were received with the majority focusing comments on the proposed site allocations.
8. The responses have all been reviewed and a response has been provided to the issues raised. The Proposed Submission Plan takes into account the comments and issues raised, where appropriate. An Update Report is appended which sets out how the key issues have been addressed and the implications for the Plan. The remaining timetable for plan-preparation is set out in the Development Scheme.
9. A revised Development Scheme was approved by Council on 20 July 2023. The revised timetable for the partial update of the Plan is outlined as follows:

Key Milestones	Timescale	Description
Regulation 18 (Preparation)	March 2021 – August 2022	Call for Sites (Fixed period) Preparation of Evidence Base
Regulation 18 (Consultation)	September 2022 – March 2023	Consultation on the Draft Plan Update and Evidence
Regulation 19 (Proposed Submission) Document Preparation)	April 2023 – September 2023	Update Evidence Base Revise Plan based on Evidence Base and Consultation
Regulation 19 (Proposed Submission Document Consultation)	October 2023 – March 2024	Consultation on the Updated Plan to be submitted to the Secretary of State
Regulation 22 (Preparation)	April 2024 – June 2024	Update Evidence Base Proposed Modifications based on Evidence Base and Consultation
Regulation 22 (Submission to SoS)	July 2024	Submitting the Plan to the Secretary of State who appoints a Planning Inspector
Regulation 24 (Public Examination)	Spring 2025	Planning Inspector examines the Plan

<sup>1</sup> 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)

		Consultation on proposed Main Modifications to the Plan
Regulation 25 (Inspector's Report)	Autumn 2025	Planning Inspector delivers the report on the Plan
Regulation 26 (Adoption)	Spring 2026	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.

### **Proposed Submission Plan**

11. Responses were received regarding all aspects of the Draft Plan and therefore, nearly all parts of the Proposed Submission Plan have been updated in some form.
12. In addition, the supporting documents have been updated where necessary. The Interim Environmental Report for the Sustainability Appraisal which incorporated Strategic Environmental Assessment has been updated including a revision to some of the assessment criteria and the baseline. The Habitats Regulation Assessment Screening Report has also been updated and the Appropriate Assessment has been prepared.
13. Since the Draft Plan was prepared, new minerals and waste data has become available and therefore, the forecasting work for both future minerals demand and provision, and waste management arisings and capacity has been updated.
14. This work has informed the preparation of the Proposed Submission Plan. The remainder of this report sets out what changes have been made to the Plan. It should be noted that the Plan becomes 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.

### Vision, Plan Objectives and Spatial Strategy

15. The focus of comments on the Vision, Plan Objectives and Spatial Strategy were regarding how carbon neutrality was going to be achieved, a lack of appreciation of the impacts minerals and waste development can have on local communities but also recognition of how the Plan relates to neighbouring areas and their communities and designated areas.
16. As such, there has been a focus on increasing the recognition of potential impacts and highlighting the need for considering wider landscape-scale issues which can go beyond the Plan boundary. Climate change comments were a general focus on the planning policies in general and therefore, careful consideration has been given to how this issue can be addressed in the policies but also how this translates, most notably in the Plan Objectives which set out how the Vision will be achieved.

### Development Management Policies

17. All of the Development Management Policies and supporting text have been reviewed and updated.

18. Policy 1 (Sustainable minerals and waste development) has been updated to ensure that it aligns with the NPPF but also emphasises that the Plan should be considered as a whole with policies not viewed in isolation. The supporting text has been updated to provide additional information on how decision-making is undertaken.
19. Policy 2 (Climate change – mitigation and adaptation) has been updated to require developments to prepare Climate Change Assessments giving consideration to measures that can be applied to mitigate and adapt but also for development to demonstrate how they will support the transition to carbon neutrality in 2050.
20. Policy 3 (Protecting habitats and species) has been updated to reflect the requirements for biodiversity net gain and the need for wider strategic-scale consideration for ecological protection and enhancement which highlights the important relationship between the Plan and the emerging Local Nature Recovery Strategy.
21. Policy 4 (Protection of the designated landscape) has been retitled 'Nationally protected landscapes' as the policy regards both National Parks and Areas of Outstanding Natural Beauty. Policy 5 (Protection of the countryside) has also been retitled 'Protection of the countryside and valued landscapes' and considers other landscapes of value such as Areas of Special Landscape Quality.
22. Policy 6 (South West Hampshire Green Belt) and Policy 7 (Conserving the historic environment and heritage assets) have not required further change to their content.
23. Policy 8 (Water resources) has been renamed 'Water management' to clarify that the policy addresses both water quality and water supply.
24. Policy 9 (Protection of soils) has been updated to recognise the important role soils have in carbon management (release and absorption).
25. Policy 10 (Restoration of minerals and waste developments) has been updated to strengthen the requirement for climate change mitigation and adaptation to be taken into account.
26. Policy 11 (Protecting public health, safety, amenity and well-being) has been amended to strengthen protection and how this is considered. The supporting text has been updated regarding the reference to the application of buffers between development and sensitive receptors.
27. Policy 12 (Flood risk and prevention) now references the County Council's recently prepared Catchment Management Plans.
28. Policy 13 (Managing traffic) has been updated to provide greater clarity on the detail of what is expected as part of a Transport Assessment or Statement.
29. The supporting text to Policy 14 (High-quality design of minerals and waste developments) has been updated to provide improved signposting to other relevant policies.
30. It is intended that the revised and updated Development Management Policies will strengthen the protection of Hampshire's environment and communities.

#### Minerals Policies

31. Policy 15 (Safeguarding – mineral resources) remains unchanged but Policy 16 (Safeguarding – minerals infrastructure) has been amended to clarify its implementation and strengthen the policy in relation to protection of capacity.
32. Policy 17 (Aggregate supply – capacity and source) has been updated to reflect more recent 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 0.9 million tonnes per annum (mtpa), of which 0.16 mtpa will be soft sand (meaning a total of 0.74 mtpa of sharp sand and gravel). This is a reduction from a total of 1.56 mtpa in the 2013 adopted Plan and 1.15 mtpa in the Draft Plan. These revised figures take into account past sales but also forecast demand. The landbank requirement has also been included in the Policy as well as the total aggregate requirement. 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.
33. Policy 18 (Recycled and secondary aggregate development) has remained unchanged from the Draft Plan version and Policy 19 (Aggregate wharves and rail depots) has been amended further to reflect those wharves which are actively contributing to capacity.
34. 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. Allocations have been included to help maintain the provision. However, these have been updated from the Draft Plan and some sites have not been taken forward into the Proposed Submission Plan due to issues of deliverability or potential for significant impacts which could not be suitably mitigated. Any known issues associated with the allocations will be mitigated in line with the development considerations (outlined within Appendix A of the Plan) which would need to be addressed as part of any planning application.
35. The allocations set out in the Proposed Submission Plan provide sufficient capacity to meet the forecasted level of provision up to around 2033/34. However, unplanned provision which averages 250,000 tonnes per year provides flexibility in supply (supported by Part 4 of Policy 2) and is expected to address the shortfall.
36. Policy 21 (Silica sand development), Policy 22 (Brick-making clay) and Policy 23 (Chalk development) remain largely unchanged.
37. Policy 24 (Oil and gas) has had the emphasis amended and further considerations where proposals are located in a National Park. The supporting text has been amended to reflect the need for proposals to comply with Policy 2 (Climate change – mitigation and adaptation) and demonstrate how they support the transition to carbon neutrality by 2050.

#### Waste Policies

38. 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.

39. 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.
40. Policy 26 clarifies that it refers to non-waste development and refers to the 'agent of change principle'.
41. Policy 27 (Capacity for waste management development) has been updated to address the current level of arisings and the minimum level of additional capacity required to support management of the waste volumes forecast up to 2040. This includes at least 0.11 of non-hazardous recycling capacity, up to 0.37 mtpa of non-hazardous recovery capacity and up to 2.3 million tonnes of non-hazardous landfill void. The recycling and recovery figures are a decrease from the 2013 adopted Plan and the Draft Plan. However, the landfill void is an increase from the adopted Plan which reflects the need to reduce reliance on other areas to provide the required capacity. The ambition is still 100% diversion from landfill.
42. 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.
43. Policy 29 (Locations and sites for waste management) has been amended to avoid any ambiguity, but the criteria-based approach remains unchanged. Ancillary development is now specifically mentioned, to be able to distinguish these smaller applications for facility improvements. The strategic waste allocations included within the Draft Plan have been discounted from inclusion within the Proposed Submission Plan due to issues of deliverability, the potential for significant impacts which cannot be suitably mitigated or the proposal was an extension to an existing site with permission and therefore, it was not considered necessary to allocate the site.
44. Policy 30 (Construction, demolition and excavation waste development) seeks to increase by 0.4mtpa recycling capacity and maintain the existing recovery capacity levels.
45. 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) which remains unchanged from the Draft Plan.
46. Policy 32 (Non-hazardous waste landfill) has been updated to reflect the current status of sites and permissions. The policy has been amended to address proposals to re-work landfills to ensure there is a beneficial outcome.
47. Policy 33 (Hazardous and Low Level Radioactive Waste development) remains unchanged, other than factual updates. Similarly, Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure) has been updated but also strengthens the safeguarding of potential wharves and rail depots.

#### Monitoring & Implementation

48. The Monitoring indicators have been updated 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.
49. 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**

50. Hampshire County Council and the plan-making partner Authorities are required to undertake a public consultation of the Proposed Submission Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
51. The consultation will be carried out in line with the Hampshire's Statement of Community Involvement<sup>2</sup> (SCI) (2023) and those of the partner Authorities.
52. The consultation will commence in January, subject to approval by County Council, and will run for 8 weeks, ending in February 2024.
53. The consultation will include notification of neighbouring properties and advertisements via newspapers and social media. All respondents to the Draft Plan consultation that expressed an interest in being kept informed will also be contacted. This will allow residents to provide feedback on the proposals to help inform the next stages of plan-making.

### **Financial Implications**

54. 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%.
55. 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.
56. 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 budgets, subject to appropriate contributions being made by the partner authorities.

### **Next steps**

57. Following approval by the plan-making partners, the Proposed Submission Plan will be subject to public consultation from January to February 2024 for a period of 8 weeks.

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<sup>2</sup> Statement of Community Involvement (2023) - <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/statement-community-involvement>

58. The responses received will be reviewed and collated. Approval for Submission of the Plan to the Secretary of State will be sought by the County Council in the summer and subject to approval, the responses will be submitted with the Submission Plan to the Secretary of State in July 2024.
59. It is anticipated that the Public Examination of the Submission Plan will take place in Spring 2025. Those that expressed an interest in participating in the hearing sessions as part of their Regulation 19 response will be invited to do so by the Inspector. Following the Examination, the Inspector writes their report on whether the Plan is “sound” or not i.e. whether it passes the necessary legal tests. Should the Plan be found sound, Hampshire County Council and the partner Authorities can adopt the Plan.

### **Consultation and Equalities**

60. The Proposed Submission 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.
61. The Equality Impacts of the Proposed Submission Plan has been assessed [EIA 448] 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**

62. 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**

63. The main vulnerabilities to climate change variables identified for the Hampshire Minerals & Waste Plan (HWMP) Partial Update – Proposed Submission 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 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.
64. 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 Plan. The 2013 HMWP currently includes a climate change policy (Policy 2: Climate change – mitigation and adaption). The Partial Update – Proposed Submission Plan strengthens this policy and ensures climate change is addressed suitably throughout the Plan.

65. 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**

66. 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.
67. 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>
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=706&amp;MId=6033">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=706&amp;MId=6033</a>	14.01.2021
<a href="https://democracy.hants.gov.uk/documents/s65918/2020%20Review%20of%20the%20Hampshire%20Minerals%20Waste%20Plan%20and%20revised%20Development%20Scheme-2021-02-09-Cabinet.pdf">https://democracy.hants.gov.uk/documents/s65918/2020%20Review%20of%20the%20Hampshire%20Minerals%20Waste%20Plan%20and%20revised%20Development%20Scheme-2021-02-09-Cabinet.pdf</a>	09.02.2021
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=6561">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=6561</a>	25.02.2021
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=9941">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=9941</a>	14.07.2022
<a href="#">Decision - Draft Hampshire Minerals &amp; Waste Plan Partial Update   About the Council   Hampshire County Council (hants.gov.uk)</a>	18.10.2022
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=10798">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=10798</a>	20.07.2023
Direct links to specific legislation or Government Directives	
<u>Title</u>	
National Planning Policy Framework: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004408/NPPF_JULY_2021.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004408/NPPF_JULY_2021.pdf</a>	
Planning Policy for Waste: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf</a>	

## 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 – Proposed Submission Plan (2023)	[ADD link]
Sustainability Appraisal (incorporating Strategic Environmental Assessment) Environmental Report (2023)	[ADD link]
Habitats Regulation Assessment Revised Screening Report & Appropriate Assessment (2023)	[ADD link]

## **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. Provision for ensuring that any impact is limited is made through the completion of an Equalities Impact Assessment which is undertaken specifically on the Plan and which are completed as part of any planning application decision for which the Hampshire Minerals & Waste Plan provides the framework for decision-making.