

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	13 November 2018
Title:	2018 Review of the Hampshire Minerals & Waste Plan
Report From:	Director of Economy, Transport and Environment

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1. Recommendations

- 1.1. That it is recommended to the County Council that an update to the Hampshire Minerals & Waste Plan (2013) is not required at this time, but that a further Review takes place in 2020.
- 1.2. That it is recommended to the County Council that a summary of the review process and the decisions be consolidated and published as a publicly available report, to be entitled the '*2018 Review of the Hampshire Minerals & Waste Plan*'.
- 1.3. That it is recommended to the County Council that a programme of on-going engagement with interested parties commences following publication of the '*2018 Review*' and prior to the further Review in 2020.
- 1.4. That it is recommended to the County Council that authority is delegated to the Director of Economy, Transport, and Environment, in consultation with the Executive Member for Environment and Transport, to update the Minerals & Waste Development Scheme to reflect the decisions of the County Council.

2. Executive Summary

- 2.1. The purpose of this paper is to provide the reasons for not updating the Hampshire Minerals & Waste Plan (2013) following the completion of a Review as required by the National Planning Policy Framework (NPPF).
- 2.2. This paper seeks to
 - Provide the background to why a Review of the Hampshire Minerals & Waste Plan is required;
 - Highlight the findings of the Review;
 - Look at factors which influence the future of the Hampshire Minerals & Waste Plan;
 - Outline the financial status of the Hampshire Minerals & Waste Plan (2013) and budgeting implications of an update to the Plan; and

- Outline the timetable for a future Review of the Hampshire Minerals & Waste Plan (2013).

3. Background to the Review

- 3.1. The National Planning Policy Framework (2018) requires that Local Plans should be reviewed to assess whether they require updating at least once every five years¹. The Hampshire Minerals & Waste Plan (the 'Plan') was adopted in October 2013. Therefore, a Review has been undertaken of the Plan to determine whether it requires to be updated.
- 3.2. A recent update to the Planning Practice Guidance suggests that if a local planning authority decides not to update their policies, they should publish the reasons within 5 years of the adoption date of the plan².
- 3.3. 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. Therefore, a decision on the future of Hampshire Minerals and Waste Plan needs to be made by each authority.

4. Findings of the Review

- 4.1. The Review assesses each policy to determine its effectiveness based on the data contained within the relevant Monitoring Reports³ produced since the adoption of the Plan. Each policy was provided with a RAG (Red, Amber or Green) Monitoring Summary to determine how it has performed against the relevant monitoring indicator. The Hampshire Minerals & Waste Plan contains 34 policies. Of these, seven policies were initially categorised as 'Monitoring shows some issues to be reviewed' (Amber) and seven as 'Monitoring shows issues to be reviewed and may need to be addressed' (Red). The remaining 20 policies were categorised as 'Monitoring shows no issues' (Green).
- 4.2. The Development Management policies (Policies 1 – 14) which control the impacts of development are considered to be working effectively; with only one Amber and one Red rating amongst them. Policy 14 (Community benefits) was categorised as Red as implementation of this policy has highlighted that it does not relate directly to work done by the Minerals and Waste Planning Authority (MWPA), as it refers to bilateral agreements that do not include the MWPA. Should the Plan be updated, it is considered that this

¹ National Planning Policy Framework (2018) (Para. 33): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

² Planning Practice Guidance (Paragraph: 051 Reference ID: 61-051-20180913) (Revision date: 13 09 2018): <https://www.gov.uk/guidance/plan-making>

³ Hampshire Minerals & Waste Plan – Monitoring Reports (2013-2017): <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

policy could be removed and support for community benefits provided in the supporting text of Policy 1.

- 4.3. The mineral development policies (Policies 15 - 24) have a number that were initially categorised as Red relating to the landbank or permitted reserves of several minerals.
- 4.4. The NPPF requires 25 years of permitted reserves of brick-making clay and 10 years of permitted reserves of individual silica sand sites⁴. Whilst it is recognised that these permitted reserves are not currently provided, the existing policy wording for these minerals (Policy 21: Silica sand development and Policy 22: Brick-making clay) seek to enable development in order to reach the necessary requirements. Indeed, a recent application has been submitted for an extension to Kingsley Quarry for the provision of silica sand.
- 4.5. The NPPF also requires a minimum landbank of seven years for sand and gravel to maintain a steady and adequate supply⁵. Again, monitoring data highlights that this landbank is not currently being achieved. However, more detailed investigation shows a number of large sand and gravel sites are either in the planning process pipeline or likely to be submitted in the next two years. Where the landbank falls short, the existing wording of Policy 20 (Local land-won aggregates) enables development to come forward subject to criteria. Therefore, it is considered that this policy does not require updating at this time.
- 4.6. An issue that is of regional, if not national, interest is that of soft sand supply. It is being considered regionally through a position statement being drafted by the South East Minerals Planning Authorities which will form the basis of Statements of Common Ground. Soft sand supply is also considered under Policy 20, and therefore development required to address a shortfall in the landbank can be enabled subject to criteria. The soft sand allocations contained within the Plan are coming forward on the timescales proposed by their developers with a significant resource (4 million tonnes) still due to come forward at Purple Haze, Ringwood Forest site allocation beyond 2018⁶.
- 4.7. The waste management development policies (Policies 25 – 34) have a number categorised as Amber relating to variations in the type of waste facilities that have come forward (with more recovery than recycling than expected) and to the usability of the waste criteria policy which has been shown to lack clarity in certain instances.
- 4.8. Policy 32 (Non-hazardous waste landfill) has been categorised as Red due to the very low level of capacity (permitted void space) caused by an existing site closing early and not taking up the option to develop an extension allocated in the Plan. A further reserve landfill site is allocated at Purple Haze.

⁴ National Planning Policy Framework (2018) (Para. 208c):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

⁵ National Planning Policy Framework (2018) (207f)

⁶ Hampshire Minerals & Waste Plan (2013) (Para. 6.77):
<http://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

As the policy allocates landfill space which has not yet been taken up by commercial operators and contains criteria for the consideration of any unplanned opportunities, it is considered that the policy has the necessary flexibility to still enable the required landfill development to come forward. The issue of landfill provision and the changes in this waste management area are being considered regionally through a position statement.

- 4.9. Following further investigation into the policies that were initially highlighted through the Monitoring Status, each policy was categorised with a RAG Review Status. Seven policies were categorised as 'Green' (Review shows that the policy does not need to be updated), nine policies were categorised as 'Amber' (Review shows that the policy does not need to be updated but should be kept under review), none of the policies were categorised as 'Red' (Review shows that the policy triggers the need for the Plan to be updated).
- 4.10. The Review also sets out the relevant policy drivers such as government policy publications or announcements which are relevant to the Plan since it was adopted. There are also current government consultations on oil and gas development which may have implications for the Plan. It is recognised that these drivers would need to be taken into account should an update to the Plan be undertaken.
- 4.11. The 2018 Review of the Hampshire Minerals & Waste Plan concludes that the policies themselves enable the development Hampshire needs, while having a raft of well functioning development management policies that protect the environment and residents.
- 4.12. The reasons for not updating the Plan are summarised as follows:

Waste

- In general, the waste forecasts have been relatively accurate;
- Landfill capacity is identified as not meeting the forecasted need, however, Policy 32 allows for additional landfill capacity and there is also reserve capacity; and
- The implications of Britain's exit from the European Union ("Brexit") on the waste industry and waste management services are potentially nationally significant but cannot be assessed without more details of Brexit, and until any post-Brexit arrangements are known.

Minerals

- The landbank and permitted reserves of sand and gravel, silica and brick-making clay are not meeting their required levels. However, review of the mineral supply policies has highlighted that these do not exclude further development proposals to come forward and would be supported where a shortfall in supply is identified. The policies are considered to be flexible and enable development, where required;
- The allocations in the HWMP are coming forward (relatively to the timescales set out in the Plan) as well as unplanned opportunities; and

- The landbank is being affected by a delay in decision-making which is not the result of policy.

5. Financial Implications

- 5.1. Hampshire County Council has a Service Level Agreement with the partner authorities regarding the monitoring and implementation of the Plan. The services provided range from producing the monitoring report and Local Aggregate Assessment to preparing any new agreed documents. The partners pay 8% each of the yearly cost for these services, with Hampshire County Council covering the remaining 68%. Any new work is agreed in advance and previous projects have included the Oil and Gas and Safeguarding Supplementary Planning Documents, and this Review.
- 5.2. Estimates of the cost of an update to the Plan have not been drawn up as it would be highly dependant on the scope of the update, in particular, whether it includes both minerals and waste policies and whether new site allocations would be required. If an update was agreed with the partners, discussions on the continuation of the current financial arrangement would also need to be agreed.

6. Next Steps

- 6.1. The findings of the Review along with the decision on up-dating the Plan need to be published⁷ and it is proposed to do this by making the '2018 Review of the Hampshire Minerals & Waste Plan' public as soon as possible.
- 6.2. As some of the issues related particularly to Brexit uncertainty may resolve themselves, or the circumstances around them become clearer in the near future, it is proposed that a further Review is conducted in 2020. The shorter time frame will also allow for the close monitoring of issues and prevent any problems from escalating to unmanageable levels.
- 6.3. Because some of the issues are closely related to changes in industry and issues that industry faces, regionally and nationally, it is also proposed to have an on-going process of exploring these matters in a collaborative way, beginning with a workshop early in 2019.
- 6.4. As all the partners will need to agree to this approach, any proposals will wait for the approval by all partners before action is taken.

⁷ Planning Practice Guidance (Paragraph: 051 Reference ID: 61-051-20180913) (Revision date: 13 09 2018): <https://www.gov.uk/guidance/plan-making>

CORPORATE OR 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>Title</u> Adoption of the Hampshire Minerals & Waste Plan (Full Council decision).	<u>Date</u> 15 October 2013
Direct links to specific legislation or Government Directives	
<u>Title</u> National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf	<u>Date</u> July 2018

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>
2018 Review of the Hampshire Minerals & Waste Plan (2013)	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) 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.

1.2. Equalities Impact Assessment:

As the plan is not to be updated at this time, the impact has been assessed as neutral.

2. Impact on Crime and Disorder:

2.1. No direct impact

3. Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

The Hampshire Minerals & Waste Plan (2013) contains Policy 13 (High-quality design of minerals and waste development) which requires minerals and waste development to demonstrate, amongst others, opportunities for recycling heat, energy and water consumed as part of the operation. Policy 28 (Energy recovery development) states that relevant development should, where practicable, provide combined heat and power. It is not proposed that these policies are updated at this time.

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The Hampshire Minerals & Waste Plan (2013) contains Policy 2 (Climate change – mitigation and adaption) which seeks to reduce the vulnerability and provide resilience of minerals and waste development, where applicable. It is not proposed that this policy is updated at this time.