

Agenda Item 10

Report 26/12 Appendix 1: Summary of main changes to Hampshire Minerals and Waste Plan

CHANGE 1 (dC15) Revised Vision

- 1.1. The vision has been amended to provide greater clarity on the links between this and the strategic aims of the HMWP.

CHANGE 2 (dC17, dC18) Revised Spatial Strategy

- 1.2. The spatial strategy section has been revised to include links to the NPPF requirements for collaborative working on strategic priorities and additional text on the importance of recycled aggregates, clarifying the position on landfill provision and hazardous waste management capacity.

CHANGE 3 (dC23) New Policy 1 - Sustainable Minerals and Waste Development

- 1.3. The HMWP clearly states its aim to protect Hampshire's environment, maintain Hampshire's communities and support Hampshire's economy.
- 1.4. The National Planning Policy Framework (NPPF) was issued on 27 March 2012, following the submission of the HMWP on 29 February 2012. The Inspector considered that following advice from the Department for Communities and Local Government, the guidance contained within the NPPF regarding the presumption in favour of sustainable development should be included in the plan.
- 1.5. The NPPF states "the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that local planning authorities should positively seek opportunities to meet the development needs of their area; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."
- 1.6. Providing it is made clear that a local interpretation of this policy for Hampshire is devised through additional supporting text, then this can only strengthen the plan and its objectives.
- 1.7. It is recommended that change dC23 be made to the HMWP in order to bring this guidance into effect.
- 1.8. It is further recommended that this forms part of the public consultation during the next stage of the process.

CHANGE 4 (dC28) Revise policy on designated landscapes

- 1.9. The policy on protection of designated landscapes, such as the National Parks and AONB's has been amended to ensure that HMWP is consistent with national policy

CHANGE 5 (dC30) Clarify criteria for protection of the Countryside

- 1.10. The policy which provides the basis for protection of the wider countryside has been revised to provide clarity on the criteria for development.

CHANGE 6 (dC34) Revise policy on development in the Green Belt

- 1.11. The policy on protection of the South West Hampshire Green Belt has been revised to ensure compliance with the NPPF.

CHANGE 7 (dC43) Revise policy on Protecting Public Health, Safety and Amenity.

- 1.12. The policy on protecting public health, safety and amenity has been revised to ensure compliance with the NPPF, clarify the development criteria and to highlight the importance of cumulative impacts.

CHANGE 8 (dC58) Deletion of Policy on planning conditions and obligations

- 1.13. The policy covering development management through the use of planning conditions and obligations is deleted as this is now covered in new Policy I Sustainable minerals and waste development.

CHANGE 9 (dC80) Revise policy on Aggregate wharfs and rail depots

- 1.14. The policy on Aggregate wharfs and rail depots has been revised to ensure compliance with the NPPF and to provide development criteria for new wharf proposals.

CHANGE 10 (dC97) new Policy 21 – Silica sand

- 1.15. As part of the preparation for the public hearing, the operator of Kingsley Quarry in East Hampshire provided evidence to the Inspector that stated that the mineral at that quarry was silica sand based on its uses. Despite several opportunities and ongoing dialogue with the operator, this information has never previously been submitted the planning authorities at any stage of the process.
- 1.16. Silica sand is a particular high quality type of soft sand that has a very high Silica (SiO₂) content, such that it can be used in industrial processes, specifically for glass-making.
- 1.17. In this regard, mineral deposits of this type enjoy a different and more stringent planning protection than those types of sand and gravel which are used for construction.
- 1.18. The NPPF states that “Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes by providing a stock of permitted reserves of at least 10 years for individual silica sand sites 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”
- 1.19. The Inspector has requested that the planning authorities review the HMWP to make provision for silica sand in accordance with the NPPF.
- 1.20. The technical guidance to the NPPF provides helpful advice by defining industrial minerals, and clarifying that silica sand is a mineral “necessary to support industrial and manufacturing processes”.
- 1.21. Furthermore it identifies the method by which the landbank for a silica sand site is calculated; the average of the last three years for which sales are available.
- 1.22. It is accepted that the mineral extracted from Kingsley Quarry and potentially other sites in the vicinity, satisfy the physico-chemical properties of silica sand and that the mineral extracted from the site is used for both construction and non-construction uses.
- 1.23. The NPPF clearly equates the protection afforded silica sand sites, to the need for its use as an industrial mineral. The sand from Kingsley Quarry is not used for industrial uses, but predominantly used for recreation and horticulture with a minority used for construction.
- 1.24. To that end, it is suggested that:
- a) a new policy on silica sand is included in the HMWP (new Policy 21)
 - b) the status of the current Frith End and Kingsley sites are amended to include reference to silica sand
 - c) the levels of supply of soft sand (aggregate) for construction be revised accordingly.
- 1.25. The operator of Kingsley Quarry has also been promoting an extension to the current site, however this was not allocated as a sustainable extension site in the HMWP.

- I.26. This remains the case as, in the view of the planning authorities there is no need for an extension to the current site; the site already has a landbank in excess of the NPPF requirement
- I.27. The operational extraction site at Frith End, East Hampshire produces similar material to the Kingsley site and the operator has confirmed that not only does the material satisfy the physical requirements of Silica sand, but it is also used for similar purposes such as recreation and horticulture as the Kingsley Quarry material.
- I.28. Therefore in accordance with paragraph 146 of the NPPF, it is suggested that a new Policy 21 – Silica sand, is inserted into the HMWP which incorporates criteria to guide further silica sand development.
- I.29. It is further recommended that this forms part of the public consultation during the next stage of the process.

CHANGE 11 (dCI00dCI86) Brick Clay site revision

- I.30. New information from the operator of Michelmersh Brickworks was received following the publication of the HMWP, that the areas allocated in the Plan have very low workable reserves.
- I.31. The Inspector indicated that the supply of brick-making clay for Michelmersh should be reviewed, taking into account the new information. Further site appraisal work and an assessment of geological constraints and potential community impacts have indicated that a new area should be put forward for allocation.
- I.32. The NPPF requires a 25 year landbank for brick-making clay. The existing permitted reserves alongside a proposed new allocated site would provide for an estimated 22 year landbank. It has been acknowledged by the operator that there are no other viable options for extraction in this locality at this time, and it has been agreed that the new allocation is sufficient for their needs.
- I.33. It has been concluded therefore, that due to the geological constraints and the problematical nature of the areas surrounding the brickworks and the impacts on residents, that Area A (comprising School House Field and Hillside Field) are allocated.
- I.34. It is also suggested that Inset Map 7 is revised to include the new proposed areas and that suitable development management criteria be added to the wording of Policy 22
- I.35. It is further recommended that this forms part of the public consultation during the next stage of the process.

CHANGE 12 (dC86) Shortfall in provision of land-won aggregates

- I.36. Policy 17 of the HMWP specified that land-won provision of aggregates should be at the rate of 1.56million tonnes per annum (mtpa). Policy 20 of the HMWP then identified how this requirement would be met; from a mixture of the permitted reserves, extensions to existing sites, new sites and criteria for other sites.
- I.37. This is in accordance with the NPPF which states “Minerals planning authorities should plan for a steady and adequate supply of aggregates... Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria”.
- I.38. Policy 20 provides for such a supply through permitted reserves, suitable extensions, new sites and such criteria to allow for unallocated sites.
- I.39. The HMWP noted that this approach is sufficient until late 2028. The Inspector has requested that the planning authority should review this situation with a view to eliminating any shortfall in provision.
- I.40. The HMWP describes how unallocated sites have previously been forthcoming, and have provided 4.76mt of supply capacity in the last 15 years.
- I.41. Based on this assumption it is considered that Policy 20, with some minor amendments to remove an internal inconsistency in the criteria is sound.

- I.42. Consequently it is suggested that Policy 20 should be amended by clarifying the criterion for unallocated sites being deliverable.
- I.43. It is further recommended that this forms part of the public consultation during the next stage of the process.

Conclusions relating to Extension Sites

- I.44. The Inspector has also requested that the findings reached on several extension sites to current sand and gravel quarry operations be similarly reviewed. These conclusions were based on an assessment of the sites through the Integrated Sustainability Appraisal process.
- I.45. The ISA and conclusions on the extension sites have been reviewed, updated and are considered sound.

CHANGE 13 (dCI42, dCI43, dCI44) Clarification on location of waste management development

- I.46. The policy and supporting text on locating waste management development has been revised as a consequence of the hearing sessions to provide greater clarity and strengthen the guidance for a wider range of waste management land uses.

CHANGE 14 (dCI49) Revise policy on CDE Waste development

- I.47. The policy on Construction, Demolition and Excavation waste development has been revised to clarify the target capacity requirements and the beneficial uses of inert waste.

CHANGE 15 (dCI58, dCI59) Remove references to London's Waste.

- I.48. The references to London's waste are deleted from the HMWP as this requirement is part of the SE Plan which is due to be revoked.

CHANGE 16 (dCI73, dCI74, dCI75) Safeguarding of potential minerals and waste wharf and rail depot infrastructure

- I.49. During the hearing there was substantial discussion on this matter and alternative wording to that submitted was proposed for Policy 33.
- I.50. This policy aims to ensure that potential future opportunities for wharves and rail depots are safeguarded, that is they are "safeguarded from unnecessary sterilisation from non-mineral development" as defined by the NPPF. This policy does not therefore presume development.
- I.51. New Forest District Council sought legal opinion relating to the matter, specifically in challenging the process undertaken by the planning authorities relating to Habitats Regulation Assessment. This legal advice suggested that the planning authority had not carried out the process correctly and that an Appropriate Assessment should be carried out.
- I.52. The planning authorities have also sought expert legal opinion from a specialist planning barrister on this matter. It is suggested that although some minor rewording of Policy 34 (previously 33) is required, in order to ensure clarity with respect to the purpose of the safeguarding, it is otherwise a sound policy and the due process with respect to HRA has been followed. Therefore it is still considered that an Appropriate Assessment on this matter is not required.
- I.53. It is further recommended that this forms part of the public consultation during the next stage of the process.

CHANGE 17 (dCI91) Update list of safeguarded sites.

- I.54. The list of Safeguarded minerals and waste sites has been updated to include concrete batching plants and sites identified for potential minerals and waste wharf and rail depot infrastructure.

CHANGE 18 (dCI93) Revise implementation and monitoring plans.

- I.55. The separate implementation and monitoring plans have been combined to provide a cohesive and improved framework to guide minerals and waste development, and monitor progress

against the policies in the HMWP to ensure the right development in the right place at the right time.