



SDNPA report 27/10

8th November 2010

HAMPSHIRE COUNTY COUNCIL HAMPSHIRE MINERALS AND WASTE PLAN

Report by: Interim Head of Planning

Purpose of the report – *This report relates to the proposed process, mechanism and timetable for the preparation of the Hampshire Minerals and Waste Local Plan which, as currently proposed, will include part of the South Downs National Park*

Resource implications – Member and staff time, potential financial contribution from April 2011 if the National Park Authority becomes a partner in the preparation of the Hampshire Minerals and Waste Plan

1. Recommendations

1. The Committee agrees that the National Park Authority be a formal partner as from 1st April 2011 in the preparation of a joint Hampshire Minerals and Waste Local Plan (with Hampshire County Council, the New Forest National Park Authority and Southampton and Portsmouth City Councils).
2. The Committee notes and approves the proposed process, mechanism, timetable and consultation arrangements for the preparation of the joint Hampshire Minerals and Waste Plan.
3. The Committee agrees that the Joint Minerals and Waste Plan be incorporated into a future South Downs National Park Minerals and Waste Development Scheme, in accordance with the requirement of Section 15 of the Planning and Compulsory Purchase Act 2004.
4. The Committee comments on the draft Hampshire Minerals and Waste Plan Statement of Intention (as set out in Appendix 1 to this report) on its failure to acknowledge the special circumstances for the National Parks in the County and to clarify that the Plan is intended as a joint Development Plan Document.
5. The Committee agrees an internal procedure for considering specific policy issues and providing member support to member representatives e.g. through a series of workshops on policy issues and/or a member “sounding board” to provide guidance and feedback on

plan preparation and content, both for the Authority's own LDF and for joint Development Plan Documents.

6. The Committee authorises the Chief Executive, in consultation with the Chairman of the Planning Committee, to appoint a representative of the Authority, as a representative in member-level discussions with Hampshire County Council.

2. Introduction

- 2.1 The preparation of Minerals and Waste Development Frameworks (comprising Development Plan Documents (DPDs) which set the overall policy context (the Core Strategy) and subsequent site allocation documents detailing proposals for minerals extraction and processing, landfill and key waste management operations) is a statutory duty for Minerals and Waste Planning Authorities (County Councils and National Park Authorities).
- 2.2 Until the South Downs National Park Authority becomes the planning authority for the Park in April 2011, the responsibility for the preparation of Minerals and Waste Development Plan Documents for the Park rests with the current four Minerals and Waste Planning Authorities across the Park – Hampshire County Council, West Sussex County Council, East Sussex County Council and Brighton & Hove City Council.
- 2.3 The South Downs National Park Authority (Establishment Order) confers a power under Article 18(2) for the Authority to adopt emerging Core Strategies. While this is not a duty or obligation, it is important for the Authority to have regard to the plan-making mechanism of the Planning and Compulsory Purchase Act 2004. Under S.23 of this Act, local planning authorities have discretion whether or not to adopt DPDs that have been approved by an Inspector following an Examination in Public. If it is decided not to adopt where it has been approved by an Inspector following the Examination then the Secretary of State will often intervene. Therefore, there need to be strong reasons for a DPD not to be adopted and, if the DPD is to be adopted, then it must be adopted in accordance with the modifications made by the Inspector.
- 2.4 Therefore, Development Plan Documents (DPDs) covering areas of the Park that have reached the post-examination stage but not adopted before 1st April 2011 should, unless there are compelling reasons why they should not be, be adopted jointly by the Authority and the submitting authority (no DPDs are known to be in this position).
- 2.5 DPDs covering the Park in the course of preparation but which have not reached that stage by 1st April will become, if the Authority chooses to exercise its power under Article 18(2) of the Establishment Order to adopt emerging Documents, become the statutory plans affecting the areas of the relevant planning authorities, which in this case would be the National Park Authority and the relevant local or minerals and waste

planning authority (i.e. joint documents). If the National Park Authority had significant concerns with the Document it could reasonably make submissions to the Examination In Public as to why or how the DPD should be further modified for the purposes of the National Park or even, provided that the Document had not been submitted to the Government, withdraw the Document under S.22(1) of the Planning and Compulsory Purchase Act 2004.

- 2.6 New DPDs commenced after 1st April 2011 may be joint Documents or prepared solely by the Authority (these will be set out, together with a timetable for their production, in the Authority's Local Development Scheme, to be adopted by June 2011).
- 2.7 In preparation for the Authority's role as sole local planning authority for the Park, officer-level discussions have been held with a number of the existing local planning authorities across the Park, including Hampshire County Council. As members will be aware, Mrs Holyome has been invited to represent the Authority in member-level discussions with the County Council, as an equal partner in the preparation of the Plan, and will be attending a briefing with the County Council's lead member for the Environment on 11th November.
- 2.8 The South Downs National Park Authority is invited to become a formal partner with Hampshire County Council and Portsmouth City Council, Southampton City Council and the New Forest National Park Authority as from 1st April 2011. At this stage, however, the Authority is being invited to agree the proposed process, mechanism, timetable and consultation arrangements for the preparation of the joint Hampshire Minerals and Waste Plan. (The content of the Plan is to be agreed at a later date).

3. Background

- 3.1 Hampshire County Council became only the second authority across the South Downs to adopt a Core Strategy when it adopted a Minerals and Waste Core Strategy in July 2007. This had been prepared with and adopted by partner authorities (Portsmouth City Council, Southampton City Council and the New Forest National Park Authority).
- 3.2 The site allocation document for minerals extraction and processing, the Hampshire Minerals Plan, was published for public consultation in 2007/08 and was in the process of being finalised for submission to Government when Policy M3 (provision of land-won aggregates) of the South East Plan underwent a review. This delayed any further progress on the Hampshire Minerals Plan.
- 3.3 At that time, local development plans were required to be in conformity with the South East Plan. Policy M3 set the level of expected extraction of land-won aggregate in Hampshire, known as the 'Apportionment'. This is included in the adopted Hampshire Minerals and Waste Core Strategy – Policy S8 - at the level set at the time by the region: 2.63 million tonnes per annum (mtpa). During the course of the review of Policy

M3 the County Council lobbied for a reduced apportionment of 1.62mtpa. The outcome of the review was that Hampshire was allocated a reduced apportionment of 2.05mtpa.

- 3.4 The new Government has, of course, revoked the South East Plan which has removed the regional apportionment for land-won sand and gravel. However, the Chief Planner at the Department for Communities and Local Government (DCLG) has stated that Minerals Planning Authorities in the South East '*should work from the apportionment set out in the 'proposed changes' to the revision of Policy M3*', i.e. 2.05 mtpa. The Chief Planner has also stated that '*Planning authorities can choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base*'.
- 3.5 These changes in national planning policy and the recent revocation of the South East Plan therefore offer the County Council and its partners an opportunity to review its approach to the preparation of these documents.

4. The proposed approach

- 4.1 Instead of three separate DPDs (the Minerals and Waste Core Strategy and separate Minerals and Waste Site Allocation Documents), Hampshire County Council is proposing a new approach which consolidates the three proposed DPDs into a single document, providing a comprehensive single plan which will define the context and criteria for development of Minerals and Waste infrastructure. The consolidation of the development plan documents into one plan is considered to be more efficient, provide cost savings and result in a more cohesive planning framework.
- 4.2 The proposed timetable provides for extended community engagement commencing in December 2010, with the statutory options consultation proposed for January to March 2011. Following revision in the light of public comments, the Plan will be drafted and presented to members of each partner authority and, in the case of the National Park Authority, to the Planning Committee, for approval for publication. If approved, the Plan will be published in October 2011 and the public offered the opportunity to make representations on the soundness of the Plan. The aim is to submit the plan to Government for Examination by a Planning Inspector early in 2012 with adoption by the partner authorities later that year.
- 4.3 In the meantime, in order to set a strategic context in which the Hampshire Minerals and Waste Development Plan will operate given the revocation of the South East Plan, Hampshire County Council is proposing to publish a "Statement of Intention" detailing the draft criteria it intends to use in setting the strategic context for development. This is set out in Appendix 1 to this report, although members should note that this is not yet the final version as agreed by the County Council.

5. Assessment

- 5.1 The Hampshire Minerals and Waste Plan is at an early stage in its production, and there is therefore a significant opportunity for the National Park Authority to influence its development. One option for the Authority would be to exercise its discretion under Article 18(2) of the Establishment Order not to adopt the emerging Document (see paragraph 2.5 of this report) and instead seek to influence its development as an outside body.
- 5.2 However, a partnership approach with the Authority as an equal partner alongside Hampshire County Council and the other partner authorities would, prima facie, be a greater opportunity to exercise that influence, and would not preclude the Authority from taking a different view should an agreed approach with the other partners prove not possible. At this time, this would also appear to be the most effective use of resources and expedient way to provide sound planning policy on minerals and waste in the short/medium term, given the Authority's current transitional situation and the advantages of using the capacity of the Minerals and Waste Planning Authorities. The Park Authority can decide in due course whether to pursue a Joint Minerals and Waste Plan with these Authorities or prepare its own Core Strategy.
- 5.3 The current draft of the proposed Statement of Intention does give rise to some concerns in its failure to acknowledge the need to protect the National Parks in the County from harmful development, or to reflect the statements of national planning policy in PPS 7 regarding major development, and in MPS 1 regarding the exploitation of minerals, in National Parks, and a lack of clarity that the Hampshire Minerals and Waste Plan would be a joint document.

6. Conclusion

- 6.1 The need for the National Park Authority to engage in minerals and waste planning matters is an exciting challenge. The preparation of a joint Minerals and Waste Plan with Hampshire County Council and its other partners is considered to be the most appropriate course of action.
- 6.2 The Committee is therefore recommended to agree: that the National Park Authority be a formal partner as from 1st April 2011 in the preparation of a joint Hampshire Minerals and Waste Local Plan; the proposed process, mechanism, timetable and consultation arrangements for the preparation of that Plan; the incorporation of these into a future South Downs National Park Minerals and Waste Development Scheme; and that concerns be expressed to Hampshire County Council on the draft Hampshire Minerals and Waste Plan Statement of Intention for its failure to acknowledge the National Parks in the County and to clarify that the Plan will be a joint document.

6.3 The Committee is also recommended to agree an internal procedure for considering specific policy issues and providing member support to member representatives e.g. through a series of workshops on policy issues and/or a member “sounding board” to provide guidance and feedback on plan preparation and content, both for the Authority’s own LDF and for joint Development Plan Documents.

7. Resource implications

6.1 There are implications for member and staff time and finances. However, these implications are inherent in the National Park Authority’s role as sole local planning authority for the Park, not solely as a result of the course of action recommended. The recommended partnership approach should lead to greater efficiency and resource savings.

8. Risk management

7.1 There is risk in not taking a strategic approach to National Park planning policy at the present time. The best way to do this is considered to be by working in partnership to prepare a Joint DPD. If the National Park Authority did not join in the process now, there is a risk that come April 2011 when the Park Authority becomes the sole local planning authority for the National Park, this Plan, which will be part way through preparation, might not be acceptable to the Authority. As the Plan would still be at a very early stage of production, the severity of the risk would be low, but an early engagement in the process would reduce this risk still further.

7.2 Other risks identified with the proposals in this report are a failure to adhere to the proposed timetable and a failure amongst the partners to agree the proposed Hampshire Minerals and Waste Plan. For the Authority, the first risk is not considered to be significant and the second risk is considered to be low.

9. Human rights, equalities, health and safety

9.1. There are not considered to be any human rights, equalities, or health and safety issues arising from this report.

Author: Martin Small
Position: Interim Planning and Policy Manager

Contact: 01243 558708
martin.small@southdowns.gov.uk

Draft Statement of Intention

Hampshire Minerals and Waste Plan Statement of Intention (Draft)

Introduction

Hampshire County Council with its partners, Portsmouth and Southampton City Councils and the New Forest and South Downs National Park Authorities, is currently preparing a review of the Hampshire Minerals and Waste Core Strategy, adopted in 2007. The review is being progressed as the Hampshire Minerals and Waste Plan (“the Plan”) and it is anticipated that the Plan will be adopted in 2012.

This **Statement of Intention** sets out the Council's position on key policy aspects of minerals and waste planning in the absence of the South East Plan. It is not a part of the ‘Development Plan’, but is designed to provide guidance for development management - particularly the processing of planning applications – and would be a material consideration in those decisions in the interim. The policy intentions will form the basis of the consultation process for the Plan.

Vision

It is the County Council's intention for the Plan to continue to support its overall priority for Hampshire of

“Enhancing our quality of place - making the county a good place to be by protecting local distinctiveness and diversity, ensuring excellent facilities, respecting Hampshire's heritage and planning proactively for the future.”

Which in turn is supported by the adopted vision of the current Minerals and Waste Core Strategy;

“Hampshire will have a world class and sustainable resources system that maximises both the efficient use of primary material and the reuse and recycling of waste and minimises the need for disposal.”

Accordingly, it is the intention to manage Hampshire's natural resources to meet social and economic needs without jeopardising the environment for future generations. The Plan will balance needs against the Council's sustainability policies including those relating to climate change, energy security and environmental protection. Community engagement will be at the heart of the decision making process to ensuring that local views on this balance are taken into account.

The Plan will provide for a balanced and sustainable supply of minerals and a framework for the development of a new waste infrastructure to deliver a sustainable waste management service for Hampshire, covering both public and private needs. It will safeguard existing sites fulfilling those requirements as well

as making additional provision where necessary.

Sustainable Development

The County Council will prepare proposals for minerals and waste development to balance the need for development against the impacts of climate change, seeking to;

- minimise the use of natural resources by ensuring efficient use and reuse;
- minimise the transportation of materials by applying principles of net self sufficiency, and local supply wherever possible;
- maximise the opportunities for sustainable transport solutions.

The Plan will seek to safeguard community interests by incorporating a clear policy for the release of land and a framework of strong and locally relevant development management policies, enabling ongoing community engagement on development applications.

Minerals – Aggregates

The adopted Core Strategy set an apportionment for land won aggregate extraction in the County based on level dictated by the South East Plan. This apportionment figure was set at 2.63 million tonnes per annum (mtpa), to be maintained across the plan period to 2020.

With the abolition of regional targets, the County Council is able to make a local decision on its provision of land won aggregates, provided the decision is based upon sound evidence. It will therefore prepare a framework which seeks to provide only for that material that is required and at the right time, and in the right place. The framework will aim to maintain a sustainable, adequate and balanced supply of aggregates for Hampshire and, as appropriate, the surrounding Counties.

The County Council will apply the following guidelines for the provision of aggregates;

- firstly, by giving priority to alternative supplies such as recycled material, marine dredged aggregates and importation of aggregates;
- secondly, by maintaining a landbank of at least seven year's supply for land won aggregates.

The basis The basis of the consultation in the Plan will be that the calculation of the landbank requirement will be derived from annual monitoring of the supply of all aggregates supplied in the County combined with a locally based forecast of the overall future need. This calculation will be made on annual basis, using a truncated mean of the last ten years' sales figures for aggregates in Hampshire. This currently equates to some 1.7 mtpa, but may rise or fall during the plan period, according to need.

Other Minerals

The plan will support the provision for the following minerals, subject to pl planning applications meeting relevant development management policies;

Brick Clay

Maintaining reserves of brick making clay sufficient to last 25 years at current rates of supply and at existing and other advantageous locations associated with use of the material

Chalk

Enabling small scale extraction for agricultural and industrial uses only, but with no specific site or area allocations.

Oil and Gas

In exceptional circumstances, the Plan will support proposals for the exploration, appraisal and commercial production of on shore oil and gas.

Waste

The main context for waste is to contribute towards meeting the County Council's Waste Framework Directive obligations and national guidelines for the sustainable management of all waste streams. The Plan will provide a robust framework for provision of waste facilities to enable management of waste in accordance with the waste hierarchy and meet locally agreed targets for recycling and recovery. These targets will aim to reinforce the County Council's leading performance for diversion from landfill of household waste and enable similar performance levels to be achieved for commercial and industrial waste. This will require development of a range of new waste facilities and provision of landfill for the limited amount of waste that cannot be recycled or used for energy recovery.

The majority of the new infrastructure will be provided by the private sector and the Plan will provide guidance to enable and encourage appropriate development of waste facilities and facilitate investment decisions. The guidance will be based upon the following key principles;

- To fully assess impacts for the local community and local environment
- Net self sufficiency - that is provision of sufficient capacity within the County to manage an amount of waste equivalent to that generated within it. Guidance will assume that cross-boundary flows of materials will continue where other principles of the Plan are met.
- Meeting the appropriate stage of the waste hierarchy.
- Maximising recycling, but recovering energy from waste that cannot practicably be recycled.
- Aiming for zero waste to landfill, but recognising the need for some landfill, particularly residues from other technologies.
- Planning for waste facilities as close as possible to local markets to minimise travel and energy needs.