

Report to	Planning Committee
Date	10 October 2011
By	Head of Planning
Title of Report	Draft Hampshire, Portsmouth, Southampton, New Forest and South Downs National Park Minerals and Waste Plan
Purpose of Report	That Planning Committee recommends to the National Park Authority that the Draft Hampshire Minerals and Waste Plan be approved for publication; consultation on its soundness; and subsequent submission to the Secretary of State in accordance with Regulations 27-30 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.

Recommendation: That Planning Committee recommends to the National Park Authority that:

- 1) the draft Hampshire Minerals and Waste Plan attached to this report be approved by the National Park Authority at its meeting on 25 October 2011 for publication; consultation on its soundness; and subsequent submission to the Secretary of State in accordance with Regulations 27-30 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- 2) the Head of Planning, in consultation with the Chair of the Planning Committee, be authorised to finalise the text, plans and diagrams in the Hampshire Minerals and Waste Plan and supporting documents, provided that these do not materially change the direction, shape and emphasis of the Plan, and do not raise new issues.
- 3) during the pre-submission period to the Secretary of State and during the public examination itself, the Head of Planning be authorised, in consultation with the Chair of the Planning Committee, to make minor changes to the Hampshire Minerals and Waste Plan to respond to consultation comments, legislative and national policy changes, provided that these do not materially change the direction, shape and emphasis of the document, and do not raise new issues.

1. Introduction

- 1.1 At the South Downs National Park Authority meeting held on 21 June 2011 the Authority agreed to the preparation of a Joint Minerals and Waste Plan for Hampshire County (including Southampton, Portsmouth and the New Forest). The Plan will be adopted by the South Downs National Park Authority and the other partner authorities.
- 1.2 Having had thorough consultation in the early stages of preparation (the 'Have Your Say' document, and subsequent addendum consultation) and the preparation of a large and robust evidence base, (**Appendix 1**) the draft Hampshire Minerals and Waste Plan (dHMWP) (**Appendix 2**) is now at the proposed submission stage.
- 1.3 This report sets out the key issues with particular reference to those relating to areas within the South Downs National Park.

2. Background

- 2.1 The South Downs National Park Authority, as a minerals and waste planning authority, has a statutory responsibility to prepare a minerals and waste plan.

- 2.2 The draft Hampshire Minerals and Waste Plan will provide protection for Hampshire's environment and communities whilst ensuring that Hampshire's economy is supported by providing a framework for sustainable minerals and waste development to 2030.
- 2.3 The Plan will help shape Hampshire in accordance with objectives set by the minerals and waste planning authorities in response to the needs of local communities and businesses.
- 2.4 The Plan will replace the adopted Hampshire Minerals and Waste Core Strategy which was the subject of a legal challenge and required updating. The Plan will identify potential minerals sites and landfills together with comprehensive criteria for minerals and waste development. This will enable the minerals and waste planning authorities to ensure the right development in the right place at the right time.
- 2.5 The introduction to the draft Plan makes it clear that, whilst the term 'Hampshire' is used throughout, that this includes the partner authorities and the part of the South Downs National Park located in Hampshire. Whilst Hampshire County Council has taken the lead on preparing the Plan, officers from the SDNPA have been involved and are satisfied that the Plan will deliver the right outcomes for the South Downs National Park.

3. Overview of the Plan and key relevant policies

- 3.1 The Plan is divided into three main sections: Protecting Hampshire's Environment; Maintaining Hampshire's Communities; and Supporting Hampshire's Economy. The policies in these sections are aimed at delivering the vision and objectives in Chapter 2. The vision is: 'Over the next 20 years, minerals and waste development in Hampshire will help to meet the present and future needs of Hampshire's environment, communities and businesses. Guidance on implementation and monitoring of the Plan is set out in an appendix to the Plan.

Protecting Hampshire's Environment

- 3.2 Objective 9 aims to '...protect the integrity of National Parks and Areas of Outstanding Natural Beauty in Hampshire from the adverse impact of mineral and waste development and conserve and enhance the special qualities for which these areas are designated.
- 3.3 Policy 3: 'Protection of the landscape' (see below) is strongly worded to ensure that, in line with national policy, minerals and waste development should not be located within the National Parks unless there are exceptional circumstances which would need to be demonstrated through meeting the criteria in the policy.

Policy 3: Protection of the landscape

Minerals and waste development should not be located in the New Forest or South Downs National Parks, or in the North Wessex Downs, the Cranborne Chase and West Wiltshire Downs, and Chichester Harbour Areas of Outstanding Natural Beauty, unless:

- i) **there is a need for the development, including in terms of any national considerations; and**
- ii) **the impact of permitting or refusing the development upon the local economy is acceptable; and**
- iii) **the need cannot be met in another way or by developing outside the designated area; and**
- iv) **any detrimental effects on the environment, landscape and / or recreational opportunities can be satisfactorily mitigated.**

Minerals and waste development should reflect and where appropriate enhance the character of the surrounding landscape and natural beauty, wildlife and cultural heritage of the designated area. Moreover it should be subject to requirement for restoration in the event it is no longer required for minerals and waste use.

- 3.4 Other relevant policies cover 'Climate change' (Policy 1), 'Protection and enhancement of habitats and species' (Policy 2), 'Conserving our heritage' (Policy 6), 'Protecting Hampshire's Soils' (Policy 7) and 'Restoration of minerals and waste developments' (Policy 8).

Soft Sand

- 3.5 The main issue for the National Park is ensuring that the supply of aggregates is met, where possible, from sites outside the Park. The spatial strategy for minerals illustrates the approach to be taken in the Plan area. Policy 17: 'Aggregate supply' sets out the yearly apportionment for sand and gravel (1.56mtpa) and sets a separate apportionment for soft sand (0.28mtpa). The apportionment figure is used to calculate how many sites to allocate over the plan period (up to 2030) and also to calculate the landbank (how many years of permitted reserve are remaining). The figure for the apportionment has been derived locally, based on average sales of sand and gravel. This approach results in a lower figure than the 2.05mtpa figure advised by Government but reflects the constrained nature of the resource in the Plan area.
- 3.6 Policy 20: 'Making provision for land won sand and gravel extraction' proposes that the total requirement for soft sand (5.4mt) is to be met from existing permitted sites outside the South Downs National Park (Frith End Quarry and Kingsley Quarry = 2.2mt) and new site allocations at Forest Lodge Farm (0.4mt) and Purple Haze (3.6mt) – also both outside the South Downs National Park. The soft sand resource at Whitehill-Bordon (also outside the South Downs National Park) cannot be included in the site allocations as there is uncertainty about deliverability. The resource, however, has been included in the Mineral Safeguarding Area (MSA) (Policy 15) which seeks to protect mineral resources from sterilisation from non-mineral development.

Other minerals

- 3.7 In order to ensure a 10 year landbank for local brickmaking clay at the Selborne Brickworks, Policy 21 allocates an extension to the clay extraction area at Selborne. The area to be allocated reflects a previous permission which has now expired and the detail of the proposed allocation is shown on Inset Map 7.(appendix 1) The existing clay pit is outside the National Park but part of the proposed extension is within the Park.
- 3.8 Policy 22: 'Chalk sites and chalk extraction' only supports the small scale extraction of chalk for agricultural and industrial uses. Oil and gas exploration and appraisal is considered in Policy 23 and seeks to direct development to outside the National Parks except in exceptional circumstances.

Waste

- 3.9 The Plan aims, in the long term, to divert 100% of waste from landfill (Policy 24). Any waste development within the National Park would have to meet the criteria in Policy 3 (see above) as well as the other waste policies in the Plan. Existing waste management facilities are proposed to be safeguarded (Policy 25) to ensure that the network of facilities is maintained.
- 3.10 Policy 26: 'Provision of waste recycling, recovery and landfill capacity' identifies a need for at least an additional 250,000tpa of recycling capacity and 400,000tpa of recovery capacity for non-hazardous waste to achieve a 95% diversion from landfill and additional non-hazardous landfill void-space sufficient for 1.1mt.
- 3.11 The new waste management development needed will be guided towards the indicative areas on the waste strategic diagram, apart from open air activities involving biological treatment (such as composting) which are more suited to rural locations away from sensitive receptors (housing etc.).
- 3.12 The disposal of inert waste to land is considered in Policy 31 which supports the use of construction, demolition and excavation waste for restoring mineral workings, landfill engineering and or other infrastructure and engineering projects. This will ensure that inert material that cannot be used in any other way is diverted to mineral workings with agreed restoration schemes. There are no non-hazardous or inert landfill sites proposed within the South Downs National Park.

Maintaining Hampshire's Communities

- 3.13 In order to ensure that the impacts of minerals and waste development on communities are minimised, policies have been included which cover the following issues:
- Protecting public health, safety and amenity (Policy 9)
 - Flood risk and prevention (Policy 10)

- Managing impacts from road transport (Policy 11)
- High quality design of minerals and waste development (Policy 12)
- Mitigating impacts (Policy 13)

4. Conclusion and recommendation

- 4.1 The dHMWP is based on a robust evidence base and thorough consultation and provides a logical set of policies which will provide a comprehensive planning policy framework for minerals and waste development within the part of the National Park in Hampshire's administrative boundary.
- 4.2 Therefore the Planning Committee are advised to recommend to the National Park Authority that the dHMWP be approved by the National Park Authority for publication, consultation on soundness and subsequent submission and that the Head of Planning, in consultation with the Chair of the Planning Committee, be authorised to make any minor amendments and finalise the Plan.

5. Next Steps

- 5.1 If, following a recommendation from the Planning Committee, the dHMWP is approved by the National Park Authority and also approved by its partners, the draft will then be published in November 2011, for public comment on its soundness (this means whether it has been positively prepared, is effective, justifiable and in conformity with national policy).
- 5.2 Any comments received will then be collated by Hampshire County Council and, together with the Plan and evidence base, will be submitted to the Secretary of State in the early Spring of 2012 for scrutiny by an independent planning inspector at a Public Examination. In the run up to, and during the Examination hearing, the Inspector may wish to resolve minor issues of dispute, or seek further clarification from the Planning authorities on particular issues which are felt to potentially impact on the 'soundness' of the Plan. In order to ensure that any such minor issues can be dealt with expeditiously, it is recommended that authority is delegated to the Head of Planning to respond, in consultation with the Chair of the Planning Committee.
- 5.3 The Inspector will report after the Public Examination whether the HMWP is 'sound'. Following this Hampshire County Council, the South Downs National Park Authority and the other partners will decide whether or not to adopt the plan.

6. Resources

- 6.1 The joint consultation and submission of the Core Strategy DPD will require staff and Member time. Any financial costs incurred by the consultation, publication, publicity and submission and public examination of the Joint Minerals and Waste Plan have been met from the planning budget as agreed in the emerging Joint Working Protocol. As set out in the Protocol, the costs that may be subject to increases are the cost of legal and consultancy fees and the cost of the public examination.

7. Risk management

- 7.1 Without a comprehensive, sound and robust planning policy framework for the National Park underpinned by up-to-date evidence the Authority risks losing control over inappropriate new development, which may be allowed on appeal, and losing opportunities to guide and facilitate appropriate new development. This will become more important when the draft National Planning Policy Framework (NPPF) is finalised as the NPPF will be the 'default' planning policy in the absence of an up-to-date plan.
- 7.2 These risks are significantly reduced by the timely preparation of a sound joint Minerals and Waste Plan and associated Development Plan Documents for the South Downs National Park. In order for joint adoption to be successful, there has to be a clear understanding of and commitment to pursuing a joint approach by equal partners.

- 7.3 It is also appropriate to bring to Members' attention the main risks of achieving the timetable:
- (i) The Localism Bill proposes to revoke the South East Plan. It would be unwise to submit the HMWP to the Secretary of State before this happens as it is not in conformity with the SE Plan. It is anticipated that the Localism Bill will be enacted before the end of the year and the South East Plan will be revoked simultaneously. This will be well before the anticipated date for submission of HMWP to the Secretary of State. However, in the event there is a delay in the completion of the Bill or revocation of the South East Plan the submission of the HMWP will have to be delayed accordingly. Advice from Counsel is being sought how to proceed in the mean time and this can be reported on orally at the meeting.
 - (ii) It has been the practice of Inspectors in recent public examinations to ask planning authorities to do additional work with regard to their Plans to make them 'sound'. These are often minor points and can be addressed within the principles of the delegation recommended. It is not anticipated that any major issues will arise with the HMWP. If an unforeseen issue does emerge that may require an Authority decision, the timetable for the Plan adoption may be delayed.

8. Human Rights, Equalities, Health and Safety

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

9. External Consultees

- 9.1 There are no external consultees

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Appendices	Appendix 1 Draft HMWP supporting evidence Appendix 2: draft Hampshire Minerals and Waste Plan
SDNPA Consultees	Director of Corporate Services, Monitoring Officer, Deputy Chief Financial Officer, Solicitor.
Background Documents	Planning Committee Report (13/06/11) - Joint Working Protocol Planning Committee Report (13/06/11) – Have Your Say Addendum Consultation Planning Committee Report (14/02/11) – Have Your Say consultation Planning Committee Report (8/11/10) – Principle of joint working with Hampshire County Council