

Report to	Planning Committee
Date	09 November 2023
By	Director of Planning
Title of Report	Hampshire Minerals and Waste Plan: Partial Update – Proposed Submission Plan for Regulation 19 Consultation
Purpose of Report	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, so Planning Committee can make recommendations to the National Park Authority about whether the Proposed Submission Plan should form the basis of the public consultation which is scheduled for January 2024.

Decision

Recommendation:

That the Planning Committee recommends the National Park Authority:

- 1. Approve the consultation draft of the Hampshire Minerals and Waste Plan: Partial Update – Proposed Submission Plan and Policies Map, as set out at Appendix 1 of this report, and its supporting documents, as set out at Appendices 2 and 3, for Regulation 19 consultation commencing in January 2024, subject to any comments made by the Planning Committee being addressed, and subject to any minor changes that arise prior to the start of the Regulation 19 publication being agreed by the Director of Planning in consultation with Hampshire County Council**
 - 2. Delegate authority to the Director of Planning, in consultation with the Chair of the Authority, Hampshire County Council, Portsmouth City Council, Southampton City Council, and New Forest National Park Authority, to make any minor changes arising from the consultation and then submit the Hampshire Minerals and Waste Plan: Partial Update to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning)(England) Regulations 2012 for examination.**
 - 3. Note that if major changes are required to the Hampshire Minerals and Waste Plan: Partial Update a further consultation and decision by the Authority may be required.**
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Executive Summary

This report 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; and
- outline the proposed consultation process to encourage people to have their say on the changes.

Of particular relevance to the South Downs National Park Authority are the following proposed changes to policies:

- 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.
- Policy 24 (Oil and gas) has had the emphasis amended from ‘support’ to permit’ and further considerations added 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.

There are no proposed new allocation sites within the South Downs National Park but the Plan does safeguard the following existing sites:

- John Huntley, Buriton - Recycling (metals) & End of Life Vehicles (ELV)
- Horndean (X) Wellsite, Horndean - Oil and Gas
- Horndean (C) Wellsite, Rowlands Castle – Oil and Gas
- Off Harrier Way, Petersfield – Waste Water Treatment Works
- Bedford Road, Petersfield - Household Waste & Recycling Centre
- Claylands Road, Bishop's Waltham - Household Waste & Recycling Centre
- Avington Matterley Farm, Temple Valley – Oil and Gas

If agreed the consultation on the revised Plan will take place from 9 January to 5 March (provisional dates). All representations will be sent to the Planning Inspectorate for consideration during the examination of the Plan.

I. Background

- I.1 The National Planning Policy Framework (2023) requires that Local Plans be reviewed to assess whether they require updating at least once every five years.
- I.2 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.
- I.3 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.
- I.4 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.
- I.5 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. The remaining timetable for plan-preparation is set out in the Hampshire Local Development Scheme (utilised by all the Authorities involved in this Local Plan).
- I.6 A revised Development Scheme was approved by Hampshire County 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 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

1.7 To support the partial update of the Plan, several studies and assessments have been prepared. These are available to view at <https://www.southdowns.gov.uk/planning-policy/minerals-and-waste/minerals-waste-plans/hampshire-minerals-and-waste-plan/>

2. Proposed Submission Plan

2.1 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.

2.2 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.

2.3 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.

2.4 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.

3. Vision, Plan Objectives and Spatial Strategy

3.1 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.

3.2 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.

4. Development Management Policies

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

4.2 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.

4.3 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.

4.4 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 Hampshire Local Nature Recovery Strategy.

4.5 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.

4.6 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.

4.7 Policy 8 (Water resources) has been renamed ‘Water management’ to clarify that the policy addresses both water quality and water supply.

4.8 Policy 9 (Protection of soils) has been updated to recognise the important role soils have in carbon management (release and absorption).

4.9 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.

4.10 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.

- 4.11 Policy 12 (Flood risk and prevention) now references Hampshire County Council's recently prepared Catchment Management Plans.
- 4.12 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.
- 4.13 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.
- 4.14 It is intended that the revised and updated Development Management Policies will strengthen the protection of Hampshire's environment and communities.

5. Minerals Policies

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 Policy 21 (Silica sand development), Policy 22 (Brick-making clay) and Policy 23 (Chalk development) remain largely unchanged.
- 5.7 Policy 24 (Oil and gas) has had the emphasis amended from 'support' to 'permit' and further considerations added 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.

6. Waste Policies

- 6.1 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.
- 6.2 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.

- 6.3 Policy 26 clarifies that it refers to non-waste development and refers to the 'agent of change principle'.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 Policy 30 (Construction, demolition and excavation waste development) seeks to increase by 0.4mtpa recycling capacity and maintain the existing recovery capacity levels.
- 6.8 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.
- 6.9 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.
- 6.10 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.

7 Sites

- 7.1 There are no proposed new allocation sites within the South Downs National Park but the Plan does safeguard the following existing sites:
- John Huntley, Buriton - Recycling (metals) & End of Life Vehicles (ELV)
 - Horndean (X) Wellsite, Horndean - Oil and Gas
 - Horndean (C) Wellsite, Rowlands Castle – Oil and Gas
 - Off Harrier Way, Petersfield – Waste Water Treatment Works
 - Bedford Road, Petersfield - Household Waste & Recycling Centre
 - Claylands Road, Bishop's Waltham - Household Waste & Recycling Centre
 - Avington Matterley Farm, Temple Valley – Oil and Gas

8. Monitoring & Implementation

- 8.1 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.
- 8.2 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.

9. Further Information

- 9.1 Further information about the draft Plan and consultation is in a Communications Paper appended to this report, including information about the allocated sites outside of the South Downs National Park. Links to the draft Plan itself and its supporting documents are included under Background Documents.

10. Consultation arrangements

- 10.1 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.
- 10.2 The consultation will be carried out in line with the South Downs National Park Authority’s Statement of Community Involvement and those of the partner Authorities.
- 10.3 Subject to approval by all the partner Authorities, provisional dates for the consultation are 9 January to 5 March 2024 (8 weeks).
- 10.4 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 people to provide feedback on the proposals to help inform the next stages of plan-making.

11. Next steps

- 11.1 The South Downs National Park Authority is the first partner to consider agreeing to the consultation – considered firstly by Planning Committee on 9 November and then by the full National Park Authority on 12 December. Hampshire County Council will consider the matter on 12 December; Portsmouth City Council on 28 November and 12 December; Southampton City Council on 19 December; and New Forest National Park Authority on 21 November and 19 December.
- 11.2 Subject to approval by all the partner Authorities, provisional dates for the consultation are 9 January to 5 March 2024 (8 weeks).
- 11.3 The responses received will be reviewed and collated. Approval for Submission of the Plan to the Secretary of State will be sought in the summer and subject to approval, the responses will be submitted with the Submission Plan to the Secretary of State in July 2024.
- 11.4 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, the partner Authorities can adopt the Plan.

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	The final decision for the SDNPA will be taken by the National Park Authority on 12 December 2023.

Implication	Yes*/No
Does the proposal raise any Resource implications?	<p>There are contractual arrangements between all the plan-making partner authorities. The South Downs National Park Authority pays 8% of the yearly cost of the plan, as do the City Councils and the New Forest National Park Authority, with Hampshire County Council covering the remaining 68%.</p> <p>The Resources required to progress this Joint Local Minerals and Waste Plan are incorporated in the medium term budget.</p>
How does the proposal represent Value for Money?	The costs for all joint waste and minerals planning work are reviewed on a yearly basis to assess Value for Money. Working in partnership and sharing costs is better value for money than the SDNPA undertaking plan-making on its own.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Local Plans in the SDNPA seek to support the vision of the PMP and the Corporate Plan higher level targets and objectives.
Links to other projects or partner organisations	Hampshire County Council, Portsmouth City Council, Southampton City Council and New Forest National Park Authority.
How does this decision contribute to the Authority's climate change objectives	A sustainability appraisal was undertaken which included a consideration of climate change impact.
Are there any Social Value implications arising from the proposal?	None
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard, where relevant, has been taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. The consultation exercise will comply with equalities requirements.
Are there any Human Rights implications arising from the proposal?	The WMLP Partial Review has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA	A sustainability appraisal was undertaken which will be published for consultation alongside the Plan.

Implication	Yes*/No
<p>Sustainability Strategy?</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	

12. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
<p>A legal challenge to a Local Plan can be launched by way of judicial review within six weeks of the LPA publishing a decision to adopt the Plan.</p>	<p>Low</p>	<p>Medium</p>	<p>Officers at the SDNPA are satisfied the Proposed Submission Plan meets the legal requirements for Development Plans and the proposed consultation is part of these requirements.</p>

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Appendices

1. Proposed Submission Plan and Policies Map
2. Sustainability Appraisal
3. Habitats Regulations Assessment
4. Communications Paper

SDNPA Consultees Director of Planning; Legal Services
 External Consultees None
 Background Documents None

