

Agenda item:

**Decision maker:** The Cabinet 7<sup>th</sup> October 2013  
City Council 15<sup>th</sup> October 2013

**Subject:** Adoption of the Hampshire Minerals and Waste Plan

**Report by:** City Development Manager

**Wards affected:** All

**Key decision (over £250k):**

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**1. Purpose of report**

- 1.1 The purpose of this report is to seek City Council approval to formally adopt the Hampshire Minerals and Waste Plan (HMWP).

**2. Recommendations**

**The City Council is recommended to:**

- 1. Formally adopt the Hampshire Minerals and Waste Plan as part of the city's development plan; and**
- 2. Authorise the City Development Manager to make editorial amendments to the Hampshire Minerals and Waste Plan prior to final publication, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development, so long as they do not alter the meaning of the plan.**

**3. Background**

- 3.1 As a Minerals and Waste Planning Authority, the city council is required to produce a development plan that sets out the principles for dealing with minerals and waste development.
- 3.2 The city council has formed a partnership with Hampshire County Council, Southampton City Council, the New Forest and South Downs National Park Authorities for the purpose of producing a Minerals and Waste Plan. The partner authorities have researched, produced, consulted on and taken through an independent examination a joint plan. Subject to some modifications, the Inspector has found the plan sound, and it can now be adopted.

### Examination of the Plan & Inspector's Recommendations

- 3.3 Following an extensive preparation, consultation and testing process, the five partner authorities approved the draft plan in October 2011. Following a subsequent public consultation on the soundness of the Plan, the HMWP was submitted to the Secretary of State on 29 February 2012. An independent Public Examination into the soundness of the Plan was conducted, with hearings held in June 2012 and March 2013. In May 2013, the partners received the Inspector's report which concluded that all the legal requirements had been met, and that, subject to modifications, the plan was sound.
- 3.4 Officers propose to make all the recommended changes before adoption, as they serve to overcome objections to the plan and make the plan sound. The plan cannot be adopted without making the modifications. A copy of the Inspector's report and the full schedule of modifications are available on the County Council's website.

### Overview of the final Minerals & Waste Plan

- 3.5 The HMWP covers the period up to 2030. It aims to deliver sustainable minerals and waste development in Hampshire ensuring the right development, in the right place, at the right time. The aim is to supply sufficient minerals to support the economy and to deal with waste effectively, while protecting Hampshire's environment and communities from the impacts of such development.
- 3.6 A large part of the plan sets out proposals for land won minerals, which affect the more rural parts of Hampshire. It also proposes sites for strategic waste management facilities, none of which are in Portsmouth. There are, however, some elements of the plan, which relate directly to sites in Portsmouth:
- The policy on aggregates wharves and rail depots lists those existing sites where capacity is to be maximised where possible, which could include improved infrastructure or expansion. Kendalls Wharf is on that list, while Tipner Wharf is excluded. The plan recognises that some existing sites offer important opportunities for regeneration.
  - Land in the dockyard and the commercial port has the potential to contribute to capacity for transporting waste and/or minerals by water. For this reason, a policy safeguards any land that might become available in these areas, so that consideration can be given to its use for minerals and waste wharf infrastructure. There was some debate over the status of this policy during the hearings, sparked largely by concerns over land at Dibden Bay in the west of the plan area, but the Inspector clarified that the policy does not presume development of any land mentioned in the policy. The policy does not mean that the land is allocated for minerals and waste use, or that other uses should not be considered or permitted; it is simply a safeguarding to allow minerals and waste use to be considered as one possible option.

- The industrial areas in the north of the city are shown to be potential areas for new waste management facilities (waste transfer, recycling and recovery and enclosed / industrial activities). Activities involving open areas will only be supported if they do not have adverse environmental impacts, and if noise and emissions are controlled by effective enclosure and other techniques. Any facility will be subject to further assessment regarding its suitability for the specific site proposed.
- Existing strategic facilities are safeguarded against redevelopment and inappropriate encroachment. This includes the Portsmouth Incinerator and the Paulsgrove Household Waste Recycling Centre. The plan also allows for extensions of such safeguarded sites, where suitable.

3.7 The full plan can be viewed on the Hampshire County Council website at [http://consult.hants.gov.uk/portal/pdpp/hmwp -  
draft for consideration at cabinet july 2013?tab=files](http://consult.hants.gov.uk/portal/pdpp/hmwp_-_draft_for_consideration_at_cabinet_july_2013?tab=files)

3.8 Since the public examination of the HMWP, the issue of 'fracking' has come to the forefront of public attention. Adopting this plan will help provide the City Council with a robust framework for dealing with any such applications, as it specifically considers oil and gas development, (including fracking), through Policy 24 (Oil and Gas Development). The plan clearly sets out the expectation that the environment and communities will be protected from the impacts of Minerals and Waste development,(including fracking) through Policy 10 (Protecting Health, Safety and Amenity). Without the plan, the council would not have these policies to back up any decisions on planning applications and instead would have to rely on the Hampshire Minerals and Waste Core Strategy which is out of date and not as robust in its policies with regards to protecting the environment and communities.

3.9 It is considered that the provisions of the plan are appropriate and are consistent with agreed plans for development in the city. Finalising the HMWP will ensure that the city and its partners have an up-to-date planning framework for minerals and waste development. It is therefore recommended that the plan be adopted.

#### **4. Reasons for recommendations**

4.1 The recommendations are made to accord with legal requirements governing the production of Development Plans, and to make the Hampshire Minerals and Waste Plan part of the development plan for the area.

4.2 It is important that the work on the HMWP is completed through the adoption of the plan, so that future planning applications for mineral and waste development can be assessed against a robust and up to date set of planning policies.

4.1 The HMWP has been devised jointly by 5 planning authorities and it is intended that each will adopt the Plan. However, the process for each authority to adopt the Plan will be undertaken separately by the authorities and as each

progresses with adoption, it may become apparent that minor textual changes are necessary. To allow for such changes to be made, so that each authority has a version of the HMWP on adoption that is consistent with the others, it is recommended that the City Development Manager be authorised to make editorial amendments in consultation with the Cabinet Member for Planning, Regeneration and Economic Development, so long as they do not alter the meaning of the plan and achieve consistency with the Plan to be adopted by the joint authorities.

## **5. Equality impact assessment (EIA)**

- 5.1 The Equalities Duty and its three aims has been considered as the plan has been put together. It has been concluded that the adoption and implementation of the plan would not result in a disproportionately negative impact on any equality group. As such, a full equalities impact assessment is not required.

## **6. Legal comments**

- 6.1 The Inspector has concluded that, with the main modifications set out in his report, the Hampshire Minerals and Waste Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004, as amended, and the associated Regulations, and meets the tests of soundness set out in the National Planning Policy Framework.
- 6.2 The HMWP is an important development plan document which is a material consideration in determining planning applications, and in regard to other development control, planning and regeneration initiatives. The Council should move to formal adoption as soon as possible to ensure that developers, businesses and residents affected by the HMWP proposals and policies have clarity regarding the impact the details of the HMWP may have on their own plans and proposals.

## **7. Finance comments**

- 7.1 There are no immediate financial implications arising from the adoption of the HMWP plan.

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Signed by City Development Manager

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Inspectors report	<a href="http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm">http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm</a>
Schedules of main and minor modifications	<a href="http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm">http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

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Signed by: