

<b>Title of meeting:</b>	Cabinet Member for Planning, Regeneration and Economic Development
<b>Date of meeting:</b>	26 <sup>th</sup> February 2019
<b>Subject:</b>	Review of the Hampshire Minerals and Waste Plan
<b>Report by:</b>	Assistant Director of City Development, Regeneration
<b>Wards affected:</b>	All
<b>Key decision:</b>	Yes
<b>Full Council decision:</b>	Yes

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## **1. Purpose of report**

- 1.1. To consider the report on the review of the Hampshire Minerals and Waste Plan (HMWP) and endorse the decision to not to review the HMWP at this time, as per the Council's statutory responsibilities as a minerals and waste planning authority.

## **2. Recommendations**

- 2.1 It is recommended that the Cabinet Member for Planning, Regeneration and Economic Development:
- Agrees that a review of the Hampshire Minerals and Waste Plan is not necessary at this time, as per the recommendations of Hampshire Minerals and Waste Plan Review report (attached in Appendix 2 and summarised in this report).
  - Recommends that this decision is reported for future consideration by Full Council, in accordance with the requirements of sections 15(8) and 16 of the Planning and Compulsory Purchase Act 2004 and National Planning Practice Guidance on plan making.

## **3. Background**

### **Introduction**

- 3.1 Portsmouth City Council, as a minerals and waste planning authority, has a statutory duty to prepare a Local Plan to guide the need for, and locations of, minerals and waste management development. The Council has worked jointly on minerals and waste matters with Hampshire County Council, Southampton City Council, New Forest National Park Authority and the South Downs National Park Authority ('the Hampshire authorities') over many years; culminating in the adoption of the *Hampshire Minerals and Waste Plan* in October 2013.

- 3.2 The HMWP (2013) covers the period up to 2030 and the geographical areas of the Hampshire authorities; it forms part of the Development Plan for Portsmouth alongside the Portsmouth Local Plan. The HMWP seeks to ensure the Plan area has the right development to maintain a reliable and timely supply of minerals and efficient management of Hampshire's waste, whilst protecting the environment and communities. It contains policies to enable minerals and waste decision-making as well as minerals and waste site allocations (for rail depots, wharves, quarries and landfill sites).
- 3.3 Portsmouth contains a small number of safeguarded minerals and waste processing and transfer facilities, an Energy from Waste facility, a mineral importation wharf and an identified future, potential site for an importation wharf at the HM Naval Base, as well as some safeguarded mineral resource areas. The HMWP seeks to protect these assets from replacement, encroachment or sterilisation by alternative development. There are no site allocations for new minerals and waste development within the City Council area, with the exception of the potential wharf at the Naval Base should be site become available. Portsmouth heavily relies on the wider provision in the county (as well as nationally) to be able to meet its growth needs.

### **Review of the Plan**

- 3.4 Although the HMWP covers development needs up to 2030, it is recommended to undertake reviews to ensure that Local Plan policies remain up-to-date and effective. The revised *National Planning Policy Framework* (NPPF) published in July 2018, and accompanying *National Planning Policy Guidance* (NPPG) updated on 13 September 2018, clarifies that a review should be undertaken within five years of adoption. Local planning authorities must complete a review and decide either:
- that their policies do not need updating, and publish the reasons for this decision; or
  - that one or more policies do need updating, and update their Local Development Scheme to set out the timetable for this revision.
- 3.5 Hampshire County Council (HCC) undertook an initial review to consider whether the HMWP is still in-line with national planning policy and remains effective in the delivery of the Plan's objectives (See Appendix 2 for a copy of the report). Each of the HMWP's 34 policies were considered and given a RAG (Red, Amber, Green) monitoring status with a summary of what actions, if any, may be required for a more extensive review and revision to the Plan policies. The effectiveness of the HMWP policies has also been reviewed through Monitoring Reports on an annual basis since the adoption of the Plan, and since 2014, complemented by Local Area Aggregates Assessments (LAAs). The LAA sets out detailed monitoring of the demand and supply of construction aggregates across the Plan area.

- 3.6 Officers from Portsmouth City Council and the partner authorities have jointly considered the outcomes and recommendations of the report. The key issues arising from the initial review are outlined below:

Shortages in permitted mineral reserves

- 3.7 HMWP Policy 20, in-line with national policy, seeks to maintain a landbank of 7 years of permitted reserves of sand and gravel (construction aggregate). Monitoring found that provision had fallen below the 7-year landbank (due to a shortage in permitted soft sand reserves). However, HCC confirm that there are planning applications in the pipeline plus on-going discussions with New Forest and Eastleigh councils regarding prior extraction opportunities at their housing allocation sites. The report therefore concluded that the current landbank shortage is more due to delays in progressing these applications rather than a lack of potential supply.
- 3.8 Similarly, the permitted reserves of silica sand (Policy 21) and clay for brick-making (Policy 22) are currently not meeting their respective 10-year and 25-year targets. Again it is thought that the existing policies would not preclude further development proposals from coming forward and receiving support where a shortfall in supply is identified.

Declining recycling rates and shortage in landfill capacity

- 3.9 HMWP Policy 25: Sustainable Waste Management, seeks to make provision for the management of non-hazardous waste arisings based on the expectation of achieving 60% recycling and 95% diversion from landfill by 2020. Monitoring of the policy concluded that the recycling of non-hazardous wastes has declined since 2014/15, and fell below 50% in 2016. However, it is important to note that while increased recycling rates are the overall aim, the provisions of Policy 25 actually relate to waste management capacity, as this is what the Waste Planning Authority (WPA) can influence<sup>1</sup>. The approach is supplemented by Policy 27: Capacity for Waste Management Development, which sets out the required provisions for managing particular waste streams. In this case monitoring found that sufficient capacity has been delivered within the plan period to date, albeit more focused on recovery than recycling. The types of waste management provision coming forward are market driven, which is not something that the WPAs can influence. The required capacity levels in Policy 27 are also the minimum targets.
- 3.10 The need for landfill capacity is considered by Policy 32: Non-Hazardous Waste Landfill, which supports landfill development to enable the necessary capacity to deal with Hampshire's residual waste to 2030; whilst the majority (93%) of household waste is diverted from landfill, the remaining amount needs to be landfilled. Monitoring of the policy suggests that the remaining landfill capacity in 2018 will be less than two years, falling below the policy threshold of four years. There is some uncertainty over potential delivery at HMWP's identified sites for

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<sup>1</sup>Campaigns to change behaviour of local residents to increase recycling rates have been put in place by the partner authorities and although these are hoped to influence the level of recycling, these are not directly spatial planning issues.

landfilling following one early closure and unknown quarry restoration (backfilling) plans for a reserve site. However, the shortage of non-hazardous landfill capacity is recognised as a regional issue and is being addressed by Waste Planning Authorities (WPAs) through the creation of a Position Statements and Statements of Common Ground. Additional provision for landfill could potentially be met elsewhere in the region.

- 3.11 Overall the report concluded that waste forecasts have been relatively accurate and additional capacity is coming available, albeit focused more on recovery than recycling.

#### Other considerations

- 3.12 The report also recognised that there are currently a number of uncertainties which may have an impact on future minerals and waste supply and capacity requirements, including:
- China's recent ban on imported plastics; the UK exports almost two-thirds of its waste to China, and waste management companies lack the capacity in the UK to dispose of recyclable materials appropriately.
  - Britain's exit from the European Union; there are significant mineral and waste movements between Britain and Europe and any future alterations could impact local supply.
  - The impacts of the Government's drive to boost the housing market on construction aggregate demand; timescales and quantities can be difficult to define.
  - The outcomes of evidence studies from neighbouring authorities' Local Plans, particular with regards to soft sand provision.

#### Review conclusion and next steps

- 3.13 The recommendation of the initial review is that the HMWLP does not require review at this time. It was considered that the effectiveness of the HMWLP should be reviewed again in the near future to test whether the delays in decision-making can be overcome, and if the additional allocations are submitted for planning permission as expected.
- 3.14 It is therefore proposed to review the HMWP in 2020 to determine the effectiveness of the policies, as per national planning policy, and whether there is a need to amend the site allocations. During this period a clearer understanding may emerge around the key issues expected to impact capacity and demand.
- 3.15 On behalf of the partners, officers from Hampshire County Council will continue to attend regular regional meetings with officers from across the South East to address minerals and waste issues with cross-boundary implications and availability and capacity of resources across the region. Some of the key issues raised by the initial review of the Hampshire Minerals and Waste Plan are being considered on a regional basis, including the identified shortage of landfill capacity and soft sand reserves.

- 3.16 The conclusions of the draft report, and robustness of the proposed approach with regard to the recently updated national planning policy guidance, have been discussed at two officer level meetings attended by the Hampshire authorities (28<sup>th</sup> June and 3<sup>rd</sup> October 2018); the conclusions of the review were informally agreed (subject to member approval) and considered to be sound at that time.
- 3.17 Rather than halting all work on the HMWP for the next two years, discussions on minerals and waste matters in the Plan area will continue to be on-going. A Stakeholder Workshop will take place in 2019 to investigate the issues raised within the initial Review, and how the trends within minerals supply and sustainable waste management provision are developing. As soft sand studies are currently being undertaken neighbouring areas, including West Sussex and West Berkshire, it is hoped that the timing of the workshop can be arranged to allow the findings of these studies to be fed into the discussion.
- 3.18 It is proposed to update the HMWP Local Development Scheme to reflect the commitment to a future review in 2020 and to schedule in the 2019 Stakeholder event

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

##### **Recommendations:**

- **Agrees that a review of the Hampshire Minerals and Waste Plan is not necessary at this time.**
- **Recommends that this decision is reported for future consideration by Full Council.**

- 4.1 The initial review of the HMWP (attached in Appendix 1) concluded that the Plan is considered effective at this time; proposals are expected to come forward to address some identified shortfalls in supply, and the policies are thought to be sufficiently flexible to enable minerals and waste development where required.
- 4.2 Reviewing the HMWP in two years' time would allow time for a number of uncertainties affecting market conditions to be realised and for further discussion with neighbouring authorities on issues affecting the wider region.
- 4.3 The partnership authorities are, informally, in agreement on the recommendations of the report.

#### **5. Equality impact assessment**

- 5.1 No issues arising. The decision to not review the HMWLP at this time isn't anticipated to impact on the protected characteristics under the Equality Act 2010. The HMWP 2013 was subject to equality impact assessment throughout its preparation.

## **6. Legal implications**

- 6.1 This review complies with Portsmouth City Council's obligation to conduct a review of the Minerals and Waste Plan for the Portsmouth in accordance with sections 15(8) and 16 of the Planning and Compulsory Purchase Act 2004. Part 17 of the National Planning Policy Framework envisages that certain criteria are met by a Minerals and Waste Plan but does not recommend a period for such reviews to take place, while the Planning Practice Guidance suggests that such a review should be undertaken every five years<sup>2</sup>.

## **7. Director of Finance's comments**

- 7.1 The adoption of the recommendations in this report will not result in any additional costs being incurred by the Planning Service.

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Signed by:

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<sup>2</sup> PPG 'Plan-making' (HCLG, 2018) Paragraph: 042, Ref ID: 61-042-20180913, revision date: 13-09-2018

**Appendices:**

**Appendix 1: 2018 Review of the Hampshire Minerals & Waste Plan (2013)**

**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>
Hampshire Minerals and Waste Plan (2013)	<a href="https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan">https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan</a>
National Planning Policy Framework (2018)	<a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>
National Planning Policy Guidance: Local Plans	<a href="https://www.gov.uk/guidance/local-plans--2">https://www.gov.uk/guidance/local-plans--2</a>
Hampshire Authorities (Oct 2012) Hampshire Minerals & Waste Plan Equality Impact Assessment (July 2011-Sept 2012)	<a href="http://documents.hants.gov.uk/mineralsandwaste/HMWP134aEqualityImpactAssessment-Submission-revisedOct2012.pdf">http://documents.hants.gov.uk/mineralsandwaste/HMWP134aEqualityImpactAssessment-Submission-revisedOct2012.pdf</a>

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

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 Signed by: