



Title of meeting:	Cabinet
Date of meeting:	25 th October 2022
Subject:	Consultation of the draft revised Hampshire Minerals and Waste Plan
Report by:	Ian Maguire, Assistant Director of Planning and Economic Growth
Wards affected:	All
Key decision:	Yes
Full Council decision:	No

1. Purpose of report

- 1.1. The purpose of this report is to provide an overview of the Hampshire Minerals & Waste Plan: Partial Update - Draft Plan including what changes have been made, why these have occurred and what this means for Hampshire. This will form the basis of the public consultation which is scheduled for winter 2022.

2. Recommendations

2.1 That Cabinet:

- a. approves the Hampshire Minerals & Waste Plan: Partial Update Draft Plan as appended to this report, the details of which are set out in this report;
- b. agree that Hampshire County Council carry out that Regulation 18 consultation on the Hampshire Minerals & Waste Plan: Partial Update Draft Plan on our behalf; and
- c. give the Assistant Director of Planning and Economic Growth delegated authority to agree with the Director of Economy, Transport and Environment at Hampshire County Council to any minor amendments as necessary to the Draft Plan prior to consultation.

3. Background

Introduction

- 3.1 The National Planning Policy Framework (2021) requires that Local Plans be reviewed to assess whether they require updating at least once every five years.
- 3.2 The Hampshire Minerals & Waste Plan (the 'Plan' or 'HMWP') was adopted in October 2013. The Plan production of the plan was led by Hampshire County Council 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 the City Council, Hampshire County Council and the other Authorities regarding the monitoring and implementation of the Plan.

3.3 A Review was undertaken in 2018 and concluded that an update of the Plan was not required at that point. A commitment was made for a further review of the Plan in 2020.

3.4 The 2020 Review recommended that:

- an update of the HMWP is undertaken to ensure compliance with national policy but also to ensure that the Plan is delivering a steady and adequate supply of minerals and enabling sustainable waste management provision;
- the Vision, Plan Objectives, Spatial Strategy and Key Diagram will need to be further reviewed to ensure that all requirements of the Plan are delivered but also that the Vision aligns with the 2050 principles for Hampshire and the climate change agenda; and
- to support the partial Plan update, an assessment of mineral and waste site options would ensure any suitable sites for enabling sustainable minerals and waste development are included in the Plan helping provide certainty to the industry and local communities.

3.5 To support the partial update of the Plan, several studies and assessments have been prepared.

3.6 The Hampshire Local Development Scheme was revised following the need to delay the original timetable (and included in the recently updated PCC Local Development Scheme) due to the many Government consultations that have been issued relating to the Plan. There was also a need to take account of the advice issued by Natural England on nutrient impacts on habitats as well as the evolving international situation which has elevated the political priority of energy prices and supply as well as implications of case law on climate change policy and decision-making.

Draft Plan

3.7 The work to update the Hampshire Minerals & Waste Plan commenced with a 'call' for minerals and waste site nominations from industry, landowners, and agents between 7 April and 4 June 2021, to explore suitable site options for allocation. The site nominations have been assessed by the technical specialists within Hampshire County Council to determine their suitability.

3.8 A Scoping Report and Baseline was prepared to support the Integrated Sustainability Appraisal which incorporated Strategic Environmental Assessment and a Methodology and Baseline was prepared to support the Habitats Regulation Assessment. These reports were sent to Statutory Consultees for comment.

- 3.9 Interviews and/or surveying has been undertaken with operators to inform the Wharves and Depots Needs Assessment and the Aggregate Recycling Topic Paper. In addition, forecasting work for both future minerals demand and provision, and waste management arising and capacity has been undertaken.
- 3.10 Officers at Portsmouth City Council and the other partner authorities were given the opportunity to review these background papers and respond with any comments.

Plan Vision and Objectives

- 3.11 Five options were considered for updating the Plan Vision and Plan Objectives including keeping the Vision and Plan Objectives as they currently stand. The other options were formed from updates to national policy, a focus on climate change, the 2050 Commission recommendations and the emerging Hampshire Local Transport Plan 4 (LTP4).
- 3.12 Following assessment and consultation of these options with Portsmouth City Council officers and the officer of the other partner authorities, the Vision and Plan objectives which aligned with the aspirations of the LTP4, and 2050 Commission recommendations were considered the most suitable option.
- 3.13 Whilst the Vision looks to 2050, this period was considered too great for meaningful forecasting of mineral demand and waste management capacity requirements. As such, the Plan period is up to 2040. This meets the requirement of a minimum 15 years at the point of adoption and aligns with other relevant Local Plans.
- 3.14 It is intended that the updated Vision and Plan objectives will help towards meeting the UK target of carbon neutrality by 2050 and the plan-making Authorities' own climate change targets.

Development Management Policies

- 3.15 In addition to the Vision and Objectives the plan contains development management policies to guide minerals and waste development within the city.
- 3.16 All of the Development Management Policies and supporting text have been reviewed and updated to ensure that they comply with changes to the National Planning Policy Framework (NPPF) and, where relevant, references have been made to recent and emerging policy. For example, reference is made to the Environment Act. With regards to designated landscapes, reference is made to the Glover Review in the supporting text as it is considered that this could lead to future changes in policy, including the setting of National Parks.
- 3.17 Policy 1 (Sustainable minerals and waste development) has not been updated as this still aligns with the NPPF. Policy 14 (Community benefits) has been removed from the Plan as this could not be implemented. However, the principle of the policy wording is picked up in the supporting text to Policy 1.

- 3.18 Policy 2 (Climate change – mitigation and adaptation) has been significantly updated to recognise the climate change emergency declared by the plan-making partners and the need to minimise carbon emissions.
- 3.19 An additional policy has also been included in the Plan to address the importance of the water in Hampshire. This covers not only water quality and supply, but also recognises the importance of river corridors and the issue of nitrate neutrality. This policy has been inserted as the new Policy 8 (Water resources) and therefore, subsequent Development Management policies have new reference numbers
- 3.20 The changes to the remaining Development Management Policies seek to remove any ambiguity and improve implementation rather than change the original direction and intent of the current adopted policies. It is intended that the revised and updated Development Management Policies will strengthen the protection of Hampshire's environment and communities.

Minerals Policies

- 3.21 Whilst there is limited Minerals development within the City there is some minerals infrastructure in the form of aggregate wharves. Policies relating to safeguarding mineral resources and infrastructure remain unchanged, with the exception that reference has been made to the Safeguarding Supplementary Planning Document (SPD) in the supporting text as this was adopted in 2016.
- 3.22 Policy 17 (Aggregate supply – capacity and source) has been updated to reflect current 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 1.15 million tonnes per annum (mtpa), of which 0.23 mtpa will be soft sand (meaning a total of 0.92 mtpa of sharp sand and gravel). This is a reduction from a total of 1.56 mtpa in the 2013 adopted Plan. The Plan also anticipates a supply of 2.0mtpa of marine aggregates during the plan period.
- 3.23 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.
- 3.24 Policy 19 (Aggregate wharves and rail depots) has been updated to remove those aggregate wharves that are inactive as they are not currently providing capacity but are safeguarded under Policy 16 (Safeguarding – minerals infrastructure) and/or Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure). There has been no changes to this policy which apply to Portsmouth.

Waste Policies

- 3.25 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. The following policies apply to waste development within the city.

- 3.26 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.
- 3.27 Policy 26 clarifies that it refers to non-waste development, while the supporting text now refers to the 'agent of change principle' and the Safeguarding SPD.
- 3.28 Policy 27 (Capacity for waste management development) has been updated to address the current level of arisings and the minimum level of capacity required to support management of the waste volumes forecast up to 2040. This includes at least 1.99mtpa of non-hazardous recycling capacity, up to 0.95mtpa of non-hazardous recovery capacity and up to 3.8 million tonnes of non-hazardous landfill void. These figures are an increase from the 2013 adopted Plan and are aimed at supporting an increase in recycling capacity over further recovery capacity. The provision on past performance has also been strengthened in the supporting text.
- 3.29 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.
- 3.30 Policy 29 (Locations and sites for waste management) has been amended to avoid any ambiguity, but the principle remains unchanged. Ancillary development is now specifically mentioned, to be able to distinguish these smaller applications for facility improvements. In addition, strategic waste proposed allocations have been included within the policy. There have been no allocations identified within PCC however the location criteria will apply to any future proposals for waste sites within the City.
- 3.31 Policy 30 (Construction, demolition and excavation waste development) seeks to maintain the existing recycling and recovery capacity levels. References to capacity to support the production of high-quality recycled/secondary aggregate has been moved to Policy 18 to avoid duplication. Further proposals for inert recycling have been proposed for allocation and these are outlined in Policy 29.
- 3.32 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).
- 3.33 The remaining policies which address Hazardous and Low Level Radioactive Waste development (Policy 33) and Safeguarding potential minerals and waste wharf and rail depot infrastructure (Policy 34) are unchanged, other than factual updates in the supporting text.

Monitoring & Implementation

- 3.34 The Monitoring indicators have been reviewed 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.
- 3.35 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.

Consultation arrangements

- 3.36 Portsmouth City Council, Hampshire County Council and the other plan-making partner Authorities are required to undertake a public consultation of the Draft Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.37 The consultation will be carried out by Hampshire County Council in line with their Statement of Community Involvement (SCI) (2017) and Portsmouth's SCI as well as those of the other partner Authorities. Portsmouth City Council officers will also work with Hampshire County Council to promote the consultation to residents and businesses within the city.
- 3.38 The Draft Plan will be accompanied by a 'Have Your Say' consultation paper which sets out what changes have taken place, why and what this means for Hampshire.
- 3.39 The consultation will commence in early November, subject to approval by the City Council and partner authorities, and will run for 8 weeks, ending in early January 2023.

4. Reasons for recommendations

- 4.1 As the Local Planning Authority, the Council is required to publish a consultation document on the proposed direction of the draft Hampshire Minerals and Waste Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in-line with the timetable in Council's Local Development Scheme.

5. Integrated impact assessment

- 5.1 An integrated impact assessment is not required as the recommendations do not directly impact on service or policy delivery at this stage. While the Regulation 18 consultation document seeks comments on draft proposals that feature a range of environment, social and economic related issues and impacts, an Assessment will be undertaken for the 'Regulation 19' stage consultation which will present the proposed Submission version of the Plan for consultation.

6. Legal implications

- 6.1 The legal requirements for the preparation and consultation of the Local Plan are set out in Planning and Compulsory Purchase Act 2004 (as amended) ("PCPA 2004")

and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("The LPR 2012"). The Council must carry out consultation on the draft local plan in accordance with regulation 18 of The LPR 2012 and take into account representations made in response to the consultation.

7. Director of Finance's comments

- 7.1 There are no additional financial implications as a result of approving the recommendations within this report. The costs associated with the Consultation will be met from the Council's contribution to the Planning Partnership the Council is a member of.
- 7.2 Portsmouth City Council has contractual arrangements with Hampshire County Council and the other plan-making partner authorities. Each partner, including Portsmouth City Council, pay 8% each of the yearly cost for these services, with Hampshire County Council covering the remaining 68%.
- 7.3 An initial total budget estimate for the partial Plan update is approximately £816,750. Based on the current distribution of costs Portsmouth contributes £65,340, the County Council contribute £555,390 and the other partner authorities contributing the remaining £196,020.

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Signed by:

Appendices:

Appendix 1: Draft Hampshire Minerals and Waste Plan 2022 for Consultation

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:

Title of document	Location
National Planning Policy Framework (2021)	National Planning Policy Framework - GOV.UK (www.gov.uk)
Hampshire Minerals and Waste Plan (2013)	Hampshire County Council Website

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

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Signed by: