

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	8 July 2024
<b>Title:</b>	Hampshire Minerals and Waste Plan: Partial Update – Submission
<b>Report From:</b>	Director of Hampshire 2050

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### Purpose of this Report

1. The purpose of this report is to provide an overview of the issues raised in response to the Hampshire Minerals and Waste Plan: Partial Update – Proposed Submission Plan (Regulation 19) consultation.

### Recommendations

2. That Cabinet recommends the Hampshire Minerals and Waste Plan: Partial Update – Submission Plan and associated submission documents (Appendices A and B) for consideration by the County Council for submission to the Secretary of State.
3. That the Director of Hampshire 2050 be given delegated authority to agree minor changes to the Plan submission documents, as set out in Appendix B, prior to County Council.

### Executive Summary

4. This paper seeks to
  - explain why a partial update of the Hampshire Minerals and Waste Plan has been undertaken and what stages of plan-making have been completed
  - outline the issues raised during the Proposed Submission Plan (Regulation 19) consultation
  - set out a general response to the issues raised
  - justify why the Plan meets the necessary requirements for submission
  - provide an overview of how the project is financed.

## **Background to the Partial Update**

5. The National Planning Policy Framework (NPPF) (2023) requires that Local Plans be reviewed to assess whether they require updating at least once every five years<sup>1</sup>.
6. 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. An initial review of the Plan was undertaken in 2018 and concluded that the Plan's policies were deemed to be effective in enabling development and implementation of the Vision. A commitment was made to hold a Review Workshop (which was hosted by Hampshire County Council on 25 September 2019) and to undertake a further Review in 2020.
7. The 2020 Review concluded that the adopted Plan needed to be partially updated, following which a Draft Plan was prepared. This was subject to consultation for 12 weeks from 8 November 2022 to 31 January 2023, in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regs"). A total of 2,500 responses were received with the majority focusing comments on the proposed site allocations.
8. The responses were reviewed, and issues raised were taken into account, where appropriate in the Proposed Submission Plan. To support the partial update of the Plan, several studies and assessments have been prepared. New minerals and waste data was used to update the forecasting work for both future minerals demand and provision, and waste management arisings and capacity.

## **Proposed Submission Plan (Regulation 19 of the Regs)**

9. The Proposed Submission Plan consultation ran for eight weeks from 9 January 2024 to 5 March 2024. A total of 831 responses were received (89 of which were from organisations 742 were personal responses). This is significantly lower than the number received at Regulation 18 of the Regs (Draft Plan) stage. This may in part be due to a number of sites not being taken forward as allocations, and the fact that three of the remaining allocations all have live applications associated with them. Of the responses received, 60% were received via the on-line survey form and 40% were received via email. It should be noted that 66% of responses were received from the Dorset area, 24% were received from the Hampshire area and 10% were received from elsewhere – although these may include central offices for interested organisations which cover the Hampshire area.
10. A detailed breakdown of the comments received, and the Hampshire Authorities' response is provided in the Consultation Statement (Regulation 22) (July 2024), a link to which can be found in Appendix B of this report. In

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<sup>1</sup> National Planning Policy Framework (Para. 33) - [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115122/nppf-2023.pdf)

addition, Appendix B of this report also provides a link to the previously prepared supporting documents for reference purposes.

11. The remainder of this report sets out consideration of some of the key issues raised.

#### Vision, Plan Objectives and Spatial Strategy

12. Of the comments received, 21 were on the Plan Vision, Plan Objectives and Spatial Strategy. A number of comments suggested that the Vision should contain more detail and that the wording should be amended from outlining that the environment would be 'protected' but that it should also be 'enhanced'.
13. Whilst the need to enhance the environment is recognised and this approach is outlined in Policy, the wording of the Vision and elsewhere in the introductory section of the Plan reflects the structure of the Plan and its basis being aligned with the three pillars of sustainability. In relation to the level of the detail, the Vision is supported by Plan Objectives which provide a framework for how the Vision will be met and the Spatial Strategy then provides a spatial description for the application of the policies.
14. Other comments suggested that there was still an under representation of communities outside of the Plan area in the figures.
15. The Proposed Submission Plan was updated to ensure that greater consideration was given to neighbouring communities and the wider environment. However, a balance needs to be struck including ensuring recognition of neighbouring areas and the focus of Hampshire as the Plan area.

#### Development Management Policies

16. Policy 1 (Sustainable minerals and waste development) received 28 responses. Comments received suggested that development should not be considered sustainable unless it could demonstrate that it was carbon neutral or had a positive impact on Policy 2 (Climate change – mitigation and adaptation). Furthermore, it was suggested that insufficient consideration was given to communities which had been subjected to continual focus for mineral extraction.
17. Policy 1 outlines that "*policies in this Plan are to be regarded as a whole and proposals will be expected to conform to all relevant policies in the Plan*". Therefore, Policy 2 will already need to be considered by proposals and the required Climate Change Assessment would inform the decision-making on a planning application and be considered in the judgement on planning balance (see Para. 3.5 of the Plan). In addition, Policy 11 (Protecting public health, safety, amenity and well-being) and Policy 13 (Managing traffic) both require consideration of cumulative impacts. Cumulative impacts are also clearly defined in the Plan Glossary.
18. Policy 2 (Climate change – mitigation and adaptation) received 22 responses. Some comments received suggested that the target of carbon neutrality should be set at 2030 (not 2050) and that the Plan would benefit from clarifying what carbon neutrality means. Furthermore, it was suggested that

proposals should only be supported where they “*enable, and does not impede or delay, the transition to carbon neutrality by 2050*”. An industry representative also did not support the requirement for Climate Change Assessments and consideration of downstream effects. Other representatives supported the proportional approach being taken.

19. The 2050 target for carbon neutrality aligns with the County Council and government target. It is recognised that some parts of the Plan would benefit from clarifications and as such, minor proposed modifications have been identified (as set out in Annex 2 of the Consultation Statement link to in Appendix B) and will be put to the Planning Inspector as part of the Examination process. However, their exclusion does not alter the direction and delivery of the Plan. As previously noted, the Climate Change Assessment required for all minerals and waste proposals in Policy 2 will form part of the planning balance. The Plan needs to support the UK’s target to be carbon neutral by 2050 as enacted in law through the Climate Change Act 2008 (2050 Target Amendment) Order 20191. The requirement for a Climate Change Assessment is the Hampshire Authorities’ proactive approach to ensuring that all new proposals work towards this goal.
20. Policy 3 (Protection of habitats and species) received 52 responses although a significant number were in relation to the supporting text. Comments relating to the policy included a request that lowland heathland was included as an irreplaceable habitat and that a greater than 10% ambition was set for Biodiversity Net Gain (BNG). It was also suggested that the Policy should refer to the Local Nature Recovery Strategies (LNRS).
21. Policy 3 already seeks to protect irreplaceable habitats under Part b. The requirement of at least 10% is the legal requirement and Policy 3: Protection of habitats and species is compliant. There is no evidence to justify a higher figure and therefore, pre-application discussion is encouraged to determine what level can be achieved (see Para. 4.30). The Policy does not prevent a higher percentage from being achieved. Part f also refers to ‘Nature Recovery Networks’ which will be established through the LNRS. Hampshire’s emerging LNRS is referenced throughout the Plan, but it was acknowledged that the fact that the Nature Recovery Networks form part of the LNRS could be clarified.
22. Policy 4 (Nationally Protected Landscapes) received 13 responses. The comments raised focused on the specifics of the wording including a suggestion that “public interest” was too ambiguous and that consideration of development being “limited in scale and extent” was not compliant with the NPPF.
23. However, both references to “public interest” and consideration of “scale and extent” are included in national policy ensuring compliance.
24. Policy 5 (Protection of the countryside and valued landscapes) received 43 responses. A clear definition of a “valued landscape” was sought in some of the responses.
25. The Plan recognises that whilst “valued landscapes” are referenced in the NPPF, these are not defined. As such, the supporting text provides guidance

on how a value can be determined which had been outlined in Guidelines for Landscape and Visual Impact Assessment by the Landscape Institute.

26. Policy 6 (South West Hampshire Green Belt) received two responses none of which related to the Policy.
27. Policy 7 (Conserving the historic environment and heritage assets) received six responses. Historic England provided some minor suggested clarifications to the wording they had requested at Regulation 18 (Draft Plan) stage within the Policy.
28. Policy 8 (Water management) received 16 responses. Most comments related to the supporting text and suggestions were made for clarification. The consistency of terms was raised in relation to the Policy wording and clarification that the Policy referred to all proposals requiring a hydrological/hydrogeological assessment as outlined in the supporting text.
29. It is agreed that clarification of wording may be beneficial as only the term “significant adverse effects” are defined in the Glossary and consistency with requirements of the supporting text ensures clear implementation.
30. Policy 9 (Protection of soils) received nine responses. Most comments related to the supporting text and suggestions were made for clarification. Suggestions were also made that Policy 9 should require details on the re-use of existing soils.
31. It is agreed that clarification on the re-use of soils is beneficial but within the supporting text where this point is addressed, rather than in the Policy itself.
32. Policy 10 (Restoration of minerals and waste developments) received 11 responses. Similarly, most comments related to supporting text, but suggestions were also made that the wording of Policy 10 is amended to clarify that it is consistent with the supporting text by referring to ecological setting of the area, especially where there are relevant strategic priorities for habitats and biodiversity.
33. It is agreed that consistency with the supporting text could provide clarification.
34. Policy 11 (Protecting public health, safety, amenity and well-being) received 33 responses. The majority of comments related to the terminology of the risks outlined in the Policy or the supporting text.
35. The terminology had been updated from the Draft Plan (and adopted Plan) following comments received regarding clarity of judgement. As such, the wording was updated to be more consistent with the terminology within Environmental Assessments which support planning applications. Whilst it was noted that some of the wording was not consistent with that in the NPPF which uses a variety of terms in relation to impacts, this doesn't mean that the relevant national policy requirements won't be met.
36. Policy 12 (Flood risk and prevention) received 12 responses. It was suggested that reference to 1:100-year events was not stringent enough and that specific requirement should be made for natural flood management in the Policy.

37. The Policy is compliant with national policy requirements and therefore, no justification can be made for changing the event frequency. Natural flood management schemes are not always appropriate and therefore should not be a requirement but a consideration.
38. Policy 13 (Managing traffic) received 30 responses. Responses to the Policy requested that a requirement was placed on agreement (not just consultation) with neighbouring authorities on cross-boundary impacts as well as an assurance that the Policy was consistent with Hampshire's Local Transport Plan 4 (LTP4) and consideration that the Policy is weaker as there is no direct requirement for highways improvements. Consideration of noise (as well as air quality) was also sought.
39. It is the role of the relevant Highway Authority to assess the suitability of a proposal taking into consideration cross-boundary and cumulative impacts. Permission is then subject to granting by the relevant Planning Authority taking all other relevant factors into account. Therefore, whilst neighbouring authorities will be consulted, it is not possible to allow a different authority to determine the outcome of the proposal. Policy 13 was updated to reflect the recently adopted LTP4 and is not considered weaker. To be able to propose mitigation, effects would need to be determined through a Transport Statement or Assessment which the Plan update requires and provides a full outline of what other factors should be considered. These effects are proposed to be clarified to include noise considerations. Highway improvements may not always be necessary, but mitigation will be required should significant adverse effects be identified. The updated Plan does not weaken this position.
40. Policy 14 (High-quality design of minerals and waste development) received six responses none of which related to the Policy.

#### Minerals Policies

41. Policy 15 (Safeguarding - mineral resources) received five responses. One industry representative response received suggested an amendment to the Policy.
42. The Policy remains unchanged since it was found sound in the current adopted Plan and therefore, no further amendment is proposed.
43. Policy 16 (Safeguarding - minerals infrastructure) received five responses. Industry representatives suggested a change to the new policy wording relating to the "agent of change" principle outlining that it needed to relate to current and future proposals and if the risk remained then the development should be refused (and the County Council will maintain an objection).
44. However, whilst the County Council can 'object' to planning applications submitted to boroughs/districts within the Plan area, the partner authorities as unitary authorities cannot 'object' to proposals for which they are the decision maker. They will need to apply a planning balance to the decisions that they take. Equally, the County Council cannot 'refuse' a planning application for which it is not the planning authority.

45. Policy 17 (Aggregate supply - capacity and source) received 11 responses. Comments have been received regarding the supporting text which may require some clarification following the preparation of a Statement of Common Ground with Somerset Council where the majority of crushed rock is supplied. A suggestion was made that the provision rate in Policy 17 should more greatly reflect recent impacts on supply/demand related to the Covid-19 pandemic.
46. The provision rate in Policy 17 reflects 10-year sales which allows for periods of peaks and troughs. A monitoring tool has also been introduced which will allow a more flexible approach to meeting demand should this change significantly during the Plan period. Reference to the impact of the pandemic is acknowledged as a proposed clarification as well as correction of some numerical typos.
47. Policy 18 (Recycled and secondary aggregates development) received four responses none of which related directly to the Policy.
48. Policy 19 (Aggregates wharves and rail depots) received four responses. Comments made regarding the allocation are addressed under the section relating to Appendix A of the Plan below. Further liaison has taken place with Network Rail in support of the allocation at Andover.
49. Policy 20 (Local land-won aggregates) received 605 responses (564 from residents). Comments made regarding the allocations are addressed under the section relating to Appendix A of the Plan later in this report. Responses received relating to Policy 20 varied from support for the inclusion of the new allocations, objection to the allocations, a suggestion that a further call for sites is required and support for the Policy subject to the exclusion of some of the allocations.
50. Much of the commentary refers to the provision which is addressed by Policy 17 and has a tool for responding to changes in demand. Historic England suggested an improvement to the wording to reflect the syntax elsewhere, but the policy approach remains unchanged. Whilst reliance on “unplanned opportunities” was questioned, this approach forms part of the delivery of the current adopted Plan.
51. Policy 21 (Silica sand development) received five responses. A number of comments were received regarding the supporting text and the context of silica sand supply in Hampshire. Furthermore, a suggestion was made that reference to the Folkstone bed formation should be removed as resources elsewhere in Hampshire can be classified as silica.
52. Whilst this suggestion is acknowledged, the current Policy does not exclude proposals from being considered outside of this geological area but highlights the area of focus for supply based on the returns data provided by industry.
53. Policy 22 (Brick-making clay) received two responses. Historic England provided a minor text change to Part 2a to improve the readability which is agreed would be a helpful point of clarification.
54. Policy 23 (Chalk development) received one response, but this did not relate directly to the Policy.

55. Policy 24 (Oil and gas development) received 13 responses (10 from organisations). The majority of comments related to the supporting text, but many responses outlined that the Policy should reflect better the relationship between oil and gas and climate change and suggestions were made that the Policy should not permit any further oil and gas developments. Further suggestions included that carbon offsetting should be imposed on development and that amenity should be referenced in the Policy to be consistent with other policies.
56. Policy 24 is required to provide a framework for decision-making. A position of preventing any future oil and gas developments in the Hampshire Minerals & Waste Plan: Partial Update will create a position of pre-determination. As such, it is likely that any decision of this nature would not be taken a local level removing the ability of local decision-makers to ensure the proposal met the full consideration of policies e.g. a requirement for a Climate Change Assessment and the expectation that downstream impacts would be taken into account in the Environmental Assessment. Whilst carbon off-setting is not currently a requirement set by National Policy it could be incorporated into the Climate Change Assessment that must accompany any proposal. Whilst amenity would be addressed through Policy 11 (Protecting public health, safety, amenity and well-being) it is acknowledged that that a consistent approach to Policy terminology is beneficial.

#### Waste Policies

57. Policy 25 (Sustainable waste management) received seven responses. Some of the key responses included a desire to reduce transport movements, as well note the importance of waste minimisation.
58. Reduction in vehicle movements is already supported by the policy, through the proximity principle, as well as by Policy 13 (Managing Traffic) and by Policy 2 (Climate change – mitigation and adaptation).
59. Waste minimisation does not fall directly within the remit of the Plan, as before a material is discarded, it is not considered waste. These initiatives are better handled through district, borough and unitary Local Plans. However, it is important that Local Plans and the Hampshire Minerals and Waste Plan are well connected on this topic, so reference and clarification regarding waste minimisation is proposed to be added.
60. Policy 26 (Safeguarding – waste infrastructure) received 10 responses. Responses included concerns about sites being closed and about whether waste water treatment works required safeguarding.
61. The safeguarding policy serves to protect waste facilities from encroachment, where other, incompatible development is proposed in the vicinity. It does not prevent changes or closure of the sites by the operators or owners themselves. The waste water treatment works operators covering Hampshire have been contacted and discussions are ongoing as to the criteria used for safeguarding the most strategic waste water treatment works. This is unlikely to require a policy change.



62. Policy 27 (Capacity for waste management development) received eight responses. The responses included comments on waste minimisation and the data.
63. As in Policy 25, waste minimisation clarifications are proposed to be added. A correction to one of the waste data tables is acknowledged (not affecting the policy numbers), while the significant discrepancy from the previous years' figures is due to an error in the Environment Agency data.
64. Policy 28 (Energy recovery development) received one response. This was regarding the potential for tall structure to impact on obstacles to low flying aircraft. This is noted, as airport exclusion zones are a standard part of the application process, and potential impacts are covered by Policy 11 (Protecting public health, safety, amenity and well-being).
65. Policy 29 (Locations and sites for waste management) received 11 responses. These included requests to include specific criteria in the policy (e.g. biodiversity and heritage), as well as disappointment that no sites were allocated.
66. The policies in the Plan seek not to repeat what is contained in other policies and it is repeatedly stressed that "*policies in this Plan are to be regarded as a whole and proposals will be expected to conform to all the relevant policies in the Plan*".
67. The lack of allocated waste sites is acknowledged, but there was a lack of proposed waste sites even through an extensive Call for Sites, and those that were proposed were found to be either not suitable or insufficiently detailed to warrant inclusion in the Plan. Evidence supports a criteria-based approach to ensure the Plan's need requirements are met.
68. Policy 30 (Construction, demolition and excavation waste development) received five responses. Key issues included comments on the potential for so called inert waste to have a pollution potential and whether restoration can be achieved.
69. Pollution issues are generally within the remit of the Environment Agency and the potential for pollution is expected to be handled by the Environmental Permit that the Environment Agency will need to issue at relevant sites. The planning regimes operate by assuming that other regimes are operating well.
70. While restoration issues can arise, Policy 10 (Restoration of minerals and waste developments) contains considerable detail and addresses these issues.
71. Policy 31 (Liquid waste and waste-water management) received six responses. It was supported by one of the waste water companies, however others raised concerns about the overall performance of waste water companies and their ability to service a growing population.
72. While many waste water facilities require planning permission, much of the forward planning is handled by the waste water companies themselves and overseen by Ofwat and central government directly. Similarly, neither the financial nor environmental performance of waste water companies is handled by Local Authorities.

73. Policy 32 (Non-hazardous waste landfill) received 10 responses. There was support from the approach by South East waste planning authorities, which is welcomed and a positive outcome of the ongoing efforts at regional cooperation by Hampshire.
74. Policy 33 (Hazardous and Low Level Radioactive Waste development) received one response. The comment was broadly supportive.
75. Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure) received two responses. The Ministry of Defence responded that sites listed within Policy 34 includes military sites and adjacent areas. Therefore, it was felt that the Policy should highlight the need for consideration of statutory explosives safeguarding zones.
76. No development is proposed by Policy 34 but consideration of the site as a mineral and or waste wharf is required should the site become available. Should development be proposed on this site for minerals or waste uses, the relevant policies within the Plan would apply including Policy 11 (Protecting public health, safety, amenity and well-being) – most notably part g.

#### Plan Appendices

77. Appendix A of the Plan outlines the proposed allocations. Comments relating to each of the sites are addressed below:

##### *Andover Sidings*

78. The proposed allocation received one response from an organisation (via Policy 19) which raised concerns regarding amenity of nearby residents.
79. This concern is acknowledged, and a specific Development Consideration is included in Appendix A of the Plan to address this issue.

##### *Ashley Manor Farm*

80. The proposed allocation received 25 objections (21 from residents / four from organisations) (via Policy 20) and one response in support (from an organisation). The responses received raised several concerns relating to a range of issues including rights of way and traffic, amenity (including air quality, dust, noise, light and health), landscape and Green Belt, soils and restoration, heritage, ecology, hydrology and flooding, economy and tourism, climate change and need. Many comments also referred to the fact that the site had been subject to a previous planning application and the current application which is yet to be determined.
81. The concerns raised are acknowledged and the issues raised have led to the detailed Development Considerations set out in Appendix A of the Plan which requires any future planning application to ensure that these are addressed. Whilst planning history of a site is relevant, the current proposal is different to that previously considered. A proposal should also be judged on its merit at the time it is submitted.
82. In response to the comments received, whilst application of the Policies in the Plan would address the concerns raised, it is considered that the Development Considerations outlined in Appendix A of the Plan would benefit

from some clarification in relation to consideration of footpath networks, amenity buffers, cumulative traffic impacts and listed buildings.

#### *Hamble Airfield*

83. The proposed allocation received 21 objections (15 from residents / six from organisations including Eastleigh Borough Council) (via Policy 20) and one comment in support (from an organisation). The responses received raised several concerns relating to a range of issues including rights of way and recreation, traffic, amenity (including air quality, dust, noise, light and health), landscape, restoration, heritage, ecology, hydrology and water pollution, flooding, economy and tourism, and need. Many comments also referred to the current application which had not been determined at the time the consultation was undertaken.
84. The concerns raised are acknowledged and the issues raised have led to the detailed Development Considerations set out in Appendix A of the Plan which requires any future planning application to ensure that these are addressed. The criticisms of the planning application are also acknowledged, and it is expected that these will be addressed as part of the planning application process.
85. In response to the comments received, whilst application of the Policies in the Plan would address the concerns raised, it is considered that the Development Considerations outlined in Appendix A of the Plan would benefit from some clarification in relation to ancient woodland, air quality, long-term aspirations of the landowner, habitat creation and existing utilities. Issues of duplication would also be addressed.
86. The planning application for sand and gravel extraction at Hamble Airfield was refused by the Regulatory Committee on 15 May 2024, on officer recommendation. The reasons for refusal were based on insufficient information in relation to flood risk and transport being provided as part of the planning application, as well as a last-minute objection by Natural England on air quality impacts. Officers have given careful consideration to the reasons for refusal, working with the case officer for the planning application to understand the details of the issues raised. It is the view of the Minerals Planning Authority that the reasons for refusal could be addressed by an alternative scheme and therefore do not alter the 'in principle' position that Hamble Airfield is a suitable allocation in the Plan. It is expected that the application decision will be appealed.
87. Following further liaison with Natural England additional air quality assessment has taken place for the Plan in the form of an Addendum to the Habitats Regulation Assessment, which Natural England state addresses their concerns sufficiently.

#### *Midgham Farm*

88. The proposed allocation received 261 objections (252 from residents / nine from organisations including Dorset Council) (via Policy 20). The responses received raised several concerns relating to a range of issues including rights of way and access, traffic, amenity (including air quality, dust, noise and health), landscape, soils and restoration, heritage, ecology, hydrology and

flooding, economy, climate change, cumulative impacts, viability and need. This includes concerns raised by Natural England. Many comments also referred to the fact that the site had been subject to a previous planning application in the 1990s and raised criticism of the consultation process (this point is addressed later in this report).

89. The concerns raised are acknowledged and the issues raised have led to the detailed Development Considerations set out in Appendix A of the Plan which requires any future planning application to ensure that these are addressed. Whilst planning history of a site is relevant, a proposal should also be judged on its merit at the time it is submitted.
90. In response to the comments received, including those from Natural England, it is considered that the Development Considerations outlined in Appendix A of the Plan would benefit from some clarification in relation to Christchurch Harbour SSSI, the need for compensation or avoidance and ancient woodland, the need for liaison with Dorset Council regarding access and Transport Assessment requirements.

#### *Purple Haze*

91. The proposed allocation received 259 objections (241 from residents / 18 from organisations including Dorset Council and Natural England) (via Policy 20) and two comments in support (from residents). The responses received raised several concerns relating to a range of issues including rights of way and recreation, ecology, traffic, amenity (including air quality, dust, noise, light, and health), restoration, heritage, hydrology, economy, climate change, landfill and need. Many comments also referred to the current application which is yet to be determined. An objection was raised by Natural England to the allocation at Purple Haze regarding issues of hydrological impacts, functionally linked land to habitats sites, air quality, and irreplaceable habitats.
92. The concerns raised are acknowledged and the issues raised have led to the detailed Development Considerations set out in Appendix A of the Plan which requires any future planning application to ensure that these are addressed. The criticisms of the current planning application are also acknowledged, and it is expected that these will be addressed as part of the planning application process.
93. In response to the comments received, whilst application of the Policies in the Plan would address the concerns raised, it is considered that the Development Considerations outlined in Appendix A of the Plan would benefit from some clarification in relation to Forest Design Plans, the need for compensation or avoidance and specialist soil management. Furthermore, clarification of the site details is required in relation to yield and restoration.
94. Discussions have taken place with Natural England and a method for addressing the concerns raised has been agreed and will be set out in a Statement of Common Ground. To address these concerns an update has been prepared to the Habitats Regulation Screening Report and Appropriate Assessment, and an Addendum providing further detail on assessment of air quality and mitigation measures, links to which can be found in Appendix B of this report. Furthermore, further points of clarification on the Development

Considerations are being prepared to ensure suitable consideration is given by future planning applications to the issues outlined.

95. Appendix B of the Plan received no specific issues in relation to safeguarded sites. However, further consideration is being given to clarification regarding the safeguarding of waste water treatment works (raised under Policy 31).
96. Appendix C of the Plan could be amended with some points of clarification in relation to the implementation of the policies.
97. Appendix D of the Plan received no comments, though the supporting documents themselves received a number of comments. Most comments were challenging aspects of the supporting evidence base that either supported or were against certain sites. The comments have been reviewed and the evidence base is considered sound. The Environmental Report which sets out the Sustainability Appraisal (incorporating Strategic Environmental Assessment) has been updated to include reference to Noise Improvement Areas and to improve the narrative of assessment, a link to which can be found in Appendix B of this report. National Highways raised concerns regarding the Strategic Transport Assessment (STA) and the potential for impacts on the Strategic Transport Network. Liaison has taken place with National Highways and additional information has been provided which for an Addendum to the STA, a link to which can be found in Appendix B of this report, and a Statement of Common Ground has been prepared.
98. Comments were also received on some of the "Omission sites" - sites that were considered but ultimately not taken forward as allocations in the Plan. Some were in support of sites being omitted while others, usually from the nominees, offered arguments as to why they should be included. The comments have been reviewed and the omission of the sites remain justified.
99. In terms of general comments, a number of responses mentioned issues relating to communication around the Plan and the difficulties using the on-line response form. Details of the consultation process (who was contacted, when and how) is outlined in the Consultation Statement (Regulation 22) (July 2024).
100. Following comments at the Regulation 18 (Draft Plan) stage, a number of changes were made to assist with managing the evidence base and the on-line response form including the preparation of a 'Have Your Say' document to explain the changes made to the Proposed Submission Plan, documents contained 'Non-technical Summaries' where these are appropriate to help break down the information, the response form was reviewed and amended to try and simplify the requirements while still keeping it in line with Planning Inspectorate requirement and a Guidance note was prepared to assist with responses. Of the responses received, 60% were submitted using the electronic form which is an improvement on previous consultations.

### **Authority Response**

101. In reviewing the comments received, the following conclusions are made:

- The Vision is effective and can be achieved by ensuring the articulated Plan Objectives are met. The Spatial Strategy provides a spatial description of the implementation of the policies which provide a clear framework for decision-making
- the Development Management Policies (Policies 1 -14) are considered to be clear – avoiding duplication, ambiguity or unnecessary repetition of the NPPF - whilst meeting the requirements of the decision-maker
- the Minerals policies (Policies 15 – 24) and Waste policies (Policies 25-34) are considered to provide an appropriate strategy on where and how development will be delivered to meet the needs of Hampshire (whilst taking into account the potential impact on wider areas and the potential for growth)
- the appropriate level of demand allowing for growth is being met for aggregates in Policy 17 and waste management in Policy 27 and provide a mechanism to respond to any changes in the future
- the Sustainability Appraisal (incorporating Strategic Environmental Assessment) (SA/SEA) and Habitats Regulation Assessment (HRA) has considered the reasonable alternatives, considered the impact of other projects, plans and programmes and have influenced the Plan. Links to the SA/SEA Environmental Report and HRA documents including the recent Addendum can be found in Appendix B of this report
- the site allocations provide the suitable infrastructure required to deliver the minerals and waste strategies, subject to compliance with the relevant policies within the Plan and the specific Development Considerations which will be subject to clarifications to address issues raised through the consultation process on individual sites. Whilst “unplanned opportunities” (windfall sites) are being relied upon in part for minerals and fully for the delivery of waste infrastructure, these are proven methods of delivery
- the Duty to Cooperate has been met through close liaison with neighbouring authorities and those that we have a strategic relationship with regarding minerals and waste regarding strategic cross-boundary issues. Where necessary, Statements of Common Ground have been prepared. The Duty to Cooperate Statement outlines how the duty has been met including who has been engaged with, the processes undertaken and the outcomes. A link to the Statement can be found in Appendix B of this report
- Statements of Community Involvement of each of the Hampshire Authorities were complied with and the specific requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012 as demonstrated in the Consultation Statement (Regulation 22) (July 2024), a link to which can be found in Appendix B of this report.

102. Therefore, the Proposed Submission Plan (Appendix A of this report) is considered suitable for submission to the Planning Inspectorate. Whilst minor modifications have been identified, these are points of clarification and do not ultimately change the policies and proposals within the Plan. The proposed

minor modifications will be provided to the Inspector as part of the Examination process for consideration.

### **Financial Implications**

103. Hampshire County Council has contractual arrangements with the plan-making partner authorities. The partners each pay 8% of the yearly cost for these services, with Hampshire County Council covering the remaining 68%.
104. An initial total budget estimate for the partial Plan update is approximately £816,750. Based on the current distribution of costs, partner authorities would be contributing approximately £261,360 to the estimated total budget, leaving the County Council to meet the remaining £555,390 in costs.
105. The cost of the partial Plan update is being funded from monies previously identified and earmarked for a Plan update (£230,000 which remained from the preparation of the adopted (2013) Plan) with the remaining resource requirements met through re-prioritisation of work programmes and activities within budgets, subject to appropriate contributions being made by the partner authorities.

### **Legal Considerations**

106. The Plan has been prepared in partnership in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and Hampshire's Statement of Community Involvement.
107. Whilst it is recognised that the Duty to Cooperate was repealed under the Levelling Up and Regeneration Act 2023, it is still applicable within the transitional arrangements for Plan Making and therefore the requirements have been met.
108. The necessary Statutory Assessments have been undertaken including both Sustainability Appraisal / Strategic Environmental Assessment and Habitats Regulations Assessment.
109. It is considered that the necessary processes have been followed, that compliance and soundness checks have been met and that the Proposed Submission Plan be submitted to the Planning Inspectorate in accordance with Regulation 20 of the Regs.

### **Consultation and Equalities**

110. The Plan has been subject to two public consultations in accordance with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Hampshire's Statement of Community Involvement.
111. The Equality Impacts of the Hampshire Minerals & Waste Plan: Partial Update has been assessed [EIA 616] to be neutral as the Plan enables decision-making on what development is needed, where it should take place and contains policies for protecting the environment and communities. It does not impact on any particular section of the community. Whilst development has

been identified in specific locations, the policies apply county-wide. Impacts on protected groups are assessed as part of the decision making process for specific planning applications.

### **Climate Change Impact Assessments**

112. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

### **Climate Change Adaptation**

113. The main vulnerabilities to climate change variables identified for the Hampshire Minerals & Waste Plan: Partial Update – Submission Plan through an initial vulnerability assessment. These include risk to coastal infrastructure to sea level rises and storm events. These include wharves and waste facilities (located in Portsmouth and Southampton), some of which deal with hazardous waste. The Plan also considers minerals and waste infrastructure which is vulnerable to heat events due to the materials, such as waste, which could pose a risk of fire or lead to a rapid deterioration of waste and an increase in odours. However, mineral extraction may also provide an opportunity for flood water storage in heavy rain events.
114. The Partial Update aims to reduce its vulnerabilities to climate change by taking into account the findings of a Strategic Flood Risk Assessment which is being prepared to support the Plan. The 2013 Hampshire Minerals and Waste Plan currently includes a climate change policy (Policy 2: Climate change – mitigation and adaption). The Partial Update – Submission Plan strengthens this policy and ensures climate change is addressed suitably throughout the Plan.
115. Adaptations to climate change have not been addressed so far because these would need to be considered and implemented as part of any planning application.

### **Carbon Mitigation**

116. The climate change mitigation tool cannot be applied to the Partial Update of the Hampshire Minerals and Waste Plan as it is policy for decision-making rather than a project. In addition, the carbon mitigation tool does not currently calculate emissions for all minerals and waste developments. However, as noted, the Hampshire Minerals and Waste Plan: Partial Update does seek to further strengthen the existing climate change policy which outlines that “minerals and waste development should minimise their impact on the causes of climate change” by requiring that new minerals and waste proposals include a Climate Change Assessment.



117. The Hampshire Minerals and Waste Plan: Partial Update is important for meeting Hampshire County Councils' strategic priorities: 1. Hampshire maintains strong and resilient economic growth and prosperity, as the Plan provides a framework for decision-making on minerals and waste development which supports the economy and encourages sustainable management of waste; and 3. People in Hampshire enjoy a rich and diverse environment, as the Plan contains a number of policies to protect and enhance the natural and built environment as part of the development process, for example through restoration.

### **Next steps**

118. Subject to approval by County Council, the responses will be submitted along with the Submission Plan and associated submission documents to the Secretary of State in July 2024. The plan-making partners received approvals (along with approval to consult) to submit in December 2023.
119. 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, subject to any modifications being made. Should the Plan be found sound, Hampshire County Council and the partner Authorities can adopt the Plan.
120. It should be noted that the Plan became a material consideration when determining planning applications when it reached Proposed Submission Stage but is only provided little weight. The level of weight is greater once the Plan is submitted, but the adopted Plan remains the dominant Policy Statement until the Partial Update Plan supersedes the adopted Plan in totality.

### **Conclusions**

121. Following completion of the Regulation 19 consultation on the Proposed Submission Plan, the responses have been reviewed and the issues considered. Where necessary, additional discussions have taken place with interested parties.
122. Whilst minor modifications have been identified, these are points of clarification and do not ultimately change the policies and proposals within the Plan. Consequently, it is considered that the Partial Update Plan is suitable for submission to the Planning Inspectorate for scrutiny through the Public Examination process.
123. It is therefore recommended that Cabinet recommends the Hampshire Minerals and Waste Plan: Partial Update – Submission Plan and associated submission documents (Appendices A and B) for consideration by the County Council for submission to the Secretary of State. This supports the approvals gained by the partner Authorities to submit in December 2023.

## REQUIRED CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes/Ⓝ
People in Hampshire live safe, healthy and independent lives:	yes/no
People in Hampshire enjoy a rich and diverse environment:	yes/Ⓝ
People in Hampshire enjoy being part of strong, inclusive communities:	yes/no

### Other Significant Links

Links to previous Member decisions:	
Title	Date
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=706&amp;MId=6033">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=706&amp;MId=6033</a>	14.01.2021
<a href="https://democracy.hants.gov.uk/documents/s65918/2020%20Review%20of%20the%20Hampshire%20Minerals%20Waste%20Plan%20and%20revised%20Development%20Scheme-2021-02-09-Cabinet.pdf">https://democracy.hants.gov.uk/documents/s65918/2020%20Review%20of%20the%20Hampshire%20Minerals%20Waste%20Plan%20and%20revised%20Development%20Scheme-2021-02-09-Cabinet.pdf</a>	09.02.2021
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=6561">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=6561</a>	25.02.2021
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=9941">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=9941</a>	14.07.2022
<a href="#">Decision - Draft Hampshire Minerals &amp; Waste Plan Partial Update   About the Council   Hampshire County Council (hants.gov.uk)</a>	18.10.2022
<a href="https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=10798">https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=163&amp;MId=10798</a>	20.07.2023
<a href="https://democracy.hants.gov.uk/documents/s116654/Decision%20Record.pdf">https://democracy.hants.gov.uk/documents/s116654/Decision%20Record.pdf</a>	12.12.2023

<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
National Planning Policy Framework: <a href="https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf">https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf</a>	December 2023
Planning Policy for Waste: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf</a>	October 2014

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<p><b>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</b></p>	
<u>Document</u>	<u>Location</u>
Hampshire Minerals & Waste (2013)	<a href="https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf">documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf</a>

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. **Equalities Impact Assessment:** The Equality Impacts of the Hampshire Minerals and Waste Plan: Partial Update has been assessed [EIA 616] to be neutral as the Plan enables decision-making on what development is needed, where it should take place and contains policies for protecting the environment and communities. It does not impact on any particular section of the community. Whilst development has been identified in specific locations, the policies apply county-wide.