

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

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| <b>Decision Maker:</b> | Cabinet   |
| <b>Date:</b>           | 9 February 2021   |
| <b>Title:</b>          | 2020 Review of the Hampshire Minerals & Waste Plan and revised Development Scheme |
| <b>Report From:</b>    | Director of Economy, Transport and Environment                                    |

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#### **Purpose of this Report**

1. The purpose of this paper is to provide the reasons why a partial update of the Hampshire Minerals & Waste Plan (2013) is required following the completion of the 2020 Review as required by the National Planning Policy Framework (NPPF) and to set out the timetable for completing the update.

#### **Recommendations**

2. That Cabinet approves the conclusions of the 2020 Review of the Hampshire Minerals & Waste Plan as set out in the report and recommends that County Council endorses this and also approves its publication following agreement by the plan-making Authorities.
3. That Cabinet recommends that County Council resolves that the Hampshire Minerals & Waste Development Scheme which sets out the timetable and programme for the partial update of the Hampshire Minerals & Waste Plan comes into effect from March 2021, and authorises the work required to undertake this, subject to agreement by the plan-making partner Authorities.

#### **Executive Summary**

4. This paper seeks to
  - Provide the background to why a Review of the Hampshire Minerals & Waste Plan is required;
  - Highlight the findings of the 2020 Review;
  - Outline the financial status of the Hampshire Minerals & Waste Plan (2013) and budgeting implications of a partial update to the Plan; and
  - Set out the timetable and programme of work to be undertaken to support a partial Plan update.

## Background to the Review

5. The National Planning Policy Framework (2018) requires that Local Plans should be reviewed to assess whether they require updating at least once every five years<sup>1</sup>. The Hampshire Minerals & Waste Plan (the 'Plan') was adopted in October 2013.
6. The Plan was produced in partnership with Portsmouth and Southampton City Councils and the New Forest and South Downs National Park Authorities. Since adoption, there has been an on-going relationship between Hampshire County Council and these Authorities regarding the monitoring and implementation of the Plan. Therefore, a decision on the future of Hampshire Minerals and Waste Plan needs to be made by each authority.
7. A Review was undertaken in 2018 based on the data obtained through annual Monitoring Reports. The 2018 Review concluded that an update of the Plan was not required at that time. The reasons given were that the development management policies were functioning well to protect communities and the environment. Whilst some issues were identified in the delivery of minerals and waste development, the policies were considered to enable suitable development to come forward. However, the 2018 Review also concluded that some of the issues should be kept under review and a commitment was made to undertake a workshop to explore the issues and a further review of the Plan in 2020.
8. The 2020 Review of the Hampshire Minerals & Waste Plan (see Appendix 1) follows the approach taken for the 2018 Review including a 'RAG' (Red, Amber, Green) status for the policies but also takes into account the guidance provided by the Planning Advisory Service toolkit (published in 2019). Therefore, the 2020 Review includes a review of compliance of the Plan with national policy (National Planning Policy Framework and National Planning Policy for Waste) and a review of the Plan Vision, Plan Objectives and Spatial Strategy.

## Findings of the 2020 the Review

9. The 2020 Review not only takes into account the monitoring data and compliance with national policy but also the raft of policy documents which have been issued by Government since the Plan was adopted. This includes, but is not limited to, the 25 Year Environment Plan, the Industrial Strategy and Waste & Resources Strategy as well as other policy drivers such as the Environment Bill and the current 'Planning for the future' White Paper.
10. The 2020 Review not only considers national policy drivers but also local agendas such as the climate change emergencies that have been declared by

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<sup>1</sup> National Planning Policy Framework (Para. 33) - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

Hampshire County Council and partners as well as the 2050 Commission of Inquiry.

11. In addition, the 2020 Review outlines the key messages from the Review Workshop held on 25<sup>th</sup> September 2019.

12. The 2020 Review concludes the following:

*Development Management Policies*

13. The monitoring data suggests that most of these policies are performing well with Policy 14 (Community benefits) as the exception. However, reviewing national policy compliance highlights that the policies would benefit from a light touch update in their terminology and in some cases, their delivery. In addition, Policy 2 (Climate change – mitigation and adaptation) needs to be strengthened and Policy 9 (Restoration of minerals and waste developments) needs to ensure that climate change is suitably embedded in its implementation.

*Minerals Policies*

14. The 2018 Review highlighted that the required 7-year landbank for sand and gravel (for both sharp sand and soft sand) was not being met along with other mineral requirements. The situation remains in 2020 as well as an increasing risk to recycled and secondary aggregate delivery and capacity issues at the wharves.

15. The aggregate delivery requirements (Policy 17 (Aggregate supply – capacity and source) would benefit from being updated. This would help ensure the requirements of national policy were being met.

16. Whilst the policies are enabling suitable development to come forward, they would benefit from outlining any additional sustainable opportunities to help meet requirements and provide certainty to industry and communities.

*Waste Policies*

17. The 2020 Review shows that in general, the waste forecasts continue to be relatively accurate and additional capacity is coming on stream albeit focused more on recovery than recycling. However, to ensure compliance with the national policy, they would benefit from an update to enable greater alignment with the waste hierarchy and the emerging national waste strategy.

18. Whilst landfill is a last resort, there remains a need to landfill some wastes and current landfill capacity continues not to meet the forecasted need. Therefore, the policy would benefit from considering possible sustainable options alongside other sites for waste management.

*Monitoring Indicators*

19. The 2020 Review has not assessed these in detail but it is recognised that not all indicators obtain the information required to monitor the effectiveness

of the Policies. However, any update of the policies should include a further review of the monitoring indicators to ensure that they are SMART<sup>2</sup>.

*Vision, Plan Objectives, Spatial Strategy and Key Diagram*

20. The issues identified through this Review could suggest that the economy was not being supported adequately. The current Vision could also be considered to be lacking in spatial identity and specificity in its aims in relation to minerals and waste.
21. The Plan Objectives generally align with the policies and would help achieve the current Vision. As some of the Policies are currently not delivering their aim, this would suggest the Plan Objectives are not being met. An update of the Policies and/or Vision would need to include a review of the Plan Objectives to ensure they align.
22. Any update to the Policies would need to be reflected in both the Spatial Strategy and Key Diagram. To ensure compliance with national policy, the Policies, Spatial Strategy and Key Diagram need to be unambiguous.

*2020 Review recommendations*

23. The 2020 Review recommends 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.
24. In addition, 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.
25. To support the 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.

**Partial Plan update Timetable**

26. The timetable for the partial update set out in the new Development Scheme (see Appendix 2) is outlined as follows:

| <b>HMWP Key Milestones</b>   | <b>Timescale</b>       | <b>Description</b>  |
|------------------------------|------------------------|---|
| Regulation 18 (Preparation)  | March 2021 – Sept 2021 | Call for Sites (Fixed period)<br>Preparation of Evidence Base |
| Regulation 18 (Consultation) | Oct 2021 – Dec 2021    | Consultation on the Draft Plan Update and Evidence            |

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<sup>2</sup> Specific, Measurable, Achievable, Realistic and Timely.

|  |                        |  |
|--|------------------------|--|
| Regulation 19<br>(Proposed Submission Document Preparation)  | Jan 2022 – March 2022  | Update Evidence Base<br>Revise Plan based on Evidence Base and Consultation            |
| Regulation 19<br>(Proposed Submission Document Consultation) | April 2022 – June 2022 | Consultation on the Updated Plan to be submitted to the Secretary of State             |
| Regulation 22<br>(Preparation)                               | July 2022 – Oct 2022   | Update Evidence Base<br>Proposed Modifications based on Evidence Base and Consultation |
| Regulation 22<br>(Submission to SoS)                         | Winter 2022            | Submitting the Plan to the Secretary of State who appoints a Planning Inspector        |
| Regulation 24 (Public Examination)                           | Spring 2023            | Pre- Examination Hearing<br>Planning Inspector examines the Plan                       |
| Regulation 25<br>(Inspector's Report)                        | Summer 2023            | Planning Inspector delivers his report on the Plan                                     |
| Regulation 26<br>(Adoption)                                  | Autumn 2023            | All authorities adopt the Plan, as modified by Planning Inspector                      |

27. The consultations will be carried out in line with the Statement of Community Involvement<sup>3</sup> (2017).
28. It is recognised that the recent consultation on the 'Planning for the future' White Paper outlines proposed changes to plan-making and timescales. The timetable for the Plan update sits within the proposed 30-month period and it is expected that submission by Winter 2022 will also be within any transition period relating to changes to the planning system.

### Programme of work

29. To support the partial update of the Plan, several studies and assessments will need to be undertaken. These include the following:
- Waste Background Study
  - Minerals Background Study
  - Wharves & Depots Needs Assessment
  - Climate Change Topic Paper
  - Aggregate Recycling Topic Paper
  - Restoration Topic Paper
  - Minerals and Waste Proposal Studies

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<sup>3</sup> Statement of Community Involvement (2017) - <https://documents.hants.gov.uk/planning-strategic/HampshireStatementofCommunityInvolvementAdoptedNovember2017.pdf>

- Sustainability Appraisal (incorporating Strategic Environmental Assessment)
  - Habitats Regulations Assessment
  - Strategic Flood Risk Assessment
  - Strategic Technical Assessments on issues such as Transport, Landscape, Ecology and Heritage.
30. A call for minerals and waste site nominations will commence immediately that the update is approved, to explore suitable site options for allocation.
31. It is intended that the studies and assessments will be prepared in-house where possible to make use of skills and resources within the Council, minimise costs and develop officers.

### **Financial Implications**

32. Hampshire County Council has contractual arrangements with the plan-making partner Authorities regarding the monitoring and implementation of the Plan. The partners pay 8% each of the yearly cost for these services, with Hampshire County Council covering the remaining 68%.
33. Final budgetary arrangements are yet to be agreed with partners. However, an initial total budget estimate for the partial Plan update is approximately £816,750k. Based on the current distribution of costs, partner authorities would be contributing approximately £261,360 to the estimated total budget. The remaining £555,390 would be paid by Hampshire County Council.
34. The cost of the partial Plan update would be 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 ETE Planning budgets, subject to appropriate contributions being secured from the partner authorities.
35. Hampshire County Council will lead the technical preparation of the partial Plan update working with officers from each of the partner Authorities, as required.

### **Next Steps**

36. The findings of the Review need to be published and it is proposed to do this by making the '2020 Review of the Hampshire Minerals & Waste Plan' public as soon as possible.
37. The Development Scheme outlines the programme for the partial update of the Plan and will come into effect following resolution by each partner Authority.
38. Due to the focused nature of the update, it is not expected that the outcome of the current consultation on the 'Planning for the future' White Paper will impact the timetable.

39. It is necessary for all partner Authorities to agree to carrying out a partial Plan update, and contribute the required funding, before the work can proceed. Discussions with partner Authorities are positive and on-going.
40. Once completed, the decision to agree and adopt the updated Plan will be taken to Full Council.

**REQUIRED CORPORATE AND LEGAL INFORMATION:****Links to the Strategic Plan**

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

**Other Significant Links**

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|---|-------------------------|
| <b>Links to previous Member decisions:</b>  |                         |
| 2018 Review of the Hampshire Minerals & Waste Plan<br><a href="https://democracy.hants.gov.uk/documents/s25501/Report.pdf">https://democracy.hants.gov.uk/documents/s25501/Report.pdf</a>   | <u>13 November 2018</u> |
| <b>Direct links to specific legislation or Government Directives</b>  |                         |
| National Planning Policy Framework<br><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf</a> | <u>February 2019</u>    |

**Section 100 D - Local Government Act 1972 - background documents**

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.)

| <u>Document</u>                                    | <u>Location</u>   |
|--|---|
| 2020 Review of the Hampshire Minerals & Waste Plan | Appendix 1  |
| Hampshire Minerals & Waste Development Scheme      | Appendix 2  |
| 2018 Review of the Hampshire Minerals & Waste Plan | <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> |

## **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 2020 Review recommends that a partial update to the Plan is required but does not contain the detail. The new Development Scheme sets out the programme and timetable for the partial Update but not the outcomes. Therefore, any impacts are unknown at this stage and are considered neutral. The update will be supported by an Equalities Impact Assessment.