

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Executive Member for Economy, Transport and Environment
<b>Date:</b>	12 May 2015
<b>Title:</b>	Consultation on Supplementary Planning Documents for Minerals and Waste Safeguarding and Oil and Gas Development
<b>Reference:</b>	6633
<b>Report From:</b>	Director of Economy, Transport and Environment

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## **1. Executive Summary**

1.1. The purpose of this paper is to seek the authority to consult on the draft Supplementary Planning Documents (SPDs) on Minerals and Waste Safeguarding and Oil and Gas Development. The two SPDs, once adopted, would sit alongside the adopted Hampshire Minerals & Waste Plan (2013) (HMWP).

1.2. This paper seeks to:

- set out the background to SPDs;
- highlight the impact the guidance documents will have on the implementation of the adopted HMWP; and
- provide further information on the future direction of the SPDs.

## **2. Contextual information**

2.1. The County Council, as a Minerals and Waste Planning Authority has a statutory duty to prepare a plan to guide minerals and waste development in Hampshire. A Plan satisfying these requirements was prepared, publically examined and duly adopted by the County Council and Southampton City Council (SCC), Portsmouth City Council (PCC), the New Forest National Park Authority (NFNPA), and the South Downs National Park Authority (SDNPA) in October 2013. This is known as the HMWP.

2.2. The HMWP provides policy guidance on planning for minerals and waste development in Hampshire to 2030 by protecting Hampshire's environment, maintaining Hampshire's communities, and supporting Hampshire's economy. As the HMWP has been adopted by all of the partner authorities

(formally on 16 October 2013), the HMWP is now the development plan for minerals and waste development in Hampshire.

- 2.3. It is the responsibility of the County Council and its partners to implement and monitor the Plan following its adoption.
- 2.4. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>1</sup> sets out the requirements for producing SPDs.
- 2.5. The National Planning Policy Framework<sup>2</sup> also sets out some requirements for the preparation of SPDs and states that they should:
  - only be used where clearly justified;
  - be used where they can help applicants make successful applications or aid infrastructure delivery.
- 2.6. Since the adoption of the Plan, the issue of oil and gas development and the potential for hydraulic fracturing ('fracking') has shown itself to be an issue of interest and concern to Hampshire communities. The HMWP contains a policy specifically on oil and gas development (Policy 24). However, due to the interest in this subject, the County Council and its partners consider that the development of a SPD on this issue would provide greater clarity and certainty to Hampshire's communities and interested parties on issues associated with this type of development. The intention to prepare a SPD also follows the Oil and Gas Development in Hampshire event, which took place in June 2014. The SPD will set out the local expectations for oil and gas planning applications submitted in Hampshire.
- 2.7. Minerals and waste safeguarding is also an issue which requires further implementation guidance now that the HMWP has been adopted. The HMWP includes clear policies on the safeguarding of mineral resources (Policy 15), minerals infrastructure (Policy 16), waste infrastructure (Policy 26), and potential wharves and rail depots (Policy 34). Further guidance is required to ensure that Hampshire's District and Borough Councils consult the relevant minerals and waste planning authority effectively when non minerals or waste proposals impact the mineral resources and minerals and waste infrastructure safeguarded by the Plan. In addition, to ensure that developers (for non minerals or waste developments) consider safeguarding issues at the earliest stages of preparation of planning applications, further guidance is needed. The SPD will set out an agreed approach between the County Council and its partners and Hampshire's District and Borough Councils on the consideration of safeguarding issues when non minerals or waste developments are proposed. It will also provide further guidance to potential developers of non minerals and waste developments about the

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<sup>1</sup> [Regulations 11 to 16 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

<sup>2</sup> [paragraph 153 of the National Planning Policy Framework](#)

consideration of these issues when preparing masterplans and planning applications.

- 2.8. In addition, the National Planning Practice Guidance states that SPDs should build upon and provide more detailed advice or guidance on the policies in the Local Plan. The intention of both of the SPDs will be to provide additional guidance on the application and implementation of the policies in the HMWP. They will not contain any additional policies on safeguarding or oil and gas development.
- 2.9. The draft SPDs will be accompanied by a number of background documents which will be available for comment. These will include an Equalities Impact Assessment and an interim Integrated Sustainability Appraisal report. A Habitats Regulation Assessment will also be prepared.
- 2.10. The timescales for delivering the SPDs are set out in the Hampshire Minerals and Waste Scheme which was brought into effect in September 2014, with informal updates provided on the County Council website at: [www.hants.gov.uk/development-scheme-3.htm](http://www.hants.gov.uk/development-scheme-3.htm)
- 2.11. The draft SPDs will be presented to the Economic, Transport and Environment Scrutiny Committee for final approval before the consultation will commence.

### **3. Performance**

- 3.1. The HMWP was prepared in partnership with SCC, PCC, NFNPA and the SDNPA. This partnership formally ended upon the adoption of the HMWP.
- 3.2. The County Council negotiated a revised Partnership Agreement with SCC, PCC and the NFNPA following the adoption of the HMWP. This new partnership covers the implementation and monitoring work required for the HMWP. The partnership provides the financial and technical support for the SPDs identified.
- 3.3. A separate Service Level Agreement (SLA) has been drawn up between the County Council and the SDNPA to cover the monitoring duties of the SDNPA with respect to the Plan only. It should be noted that this SLA does not cover the preparation of the SPDs, meaning that the SPDs will not cover the SDNPAs administrative area.

### **4. Future direction**

- 4.1. If agreed, consultation on the two SPDs will take place for a minimum of 6 weeks in line with the provisions of the Hampshire Statement of Community Involvement (SCI) and the SCIs of the SCC, PCC and the NFNPA. Consultation on both documents will take place at the same time. It is anticipated that the consultation will take place in summer 2015.

- 4.2. The main issues raised as part of the consultation will be summarised in a report and published. This report will include responses from the Hampshire Authorities on the responses received. Responses will be taken into account as appropriate in the finalisation of the draft SPDs.
- 4.3. Cabinet and Full Council approval will then be sought to formally adopt the SPDs in due course.
- 4.4. If adopted, an adoption statement will be published and the SPDs will sit alongside the adopted HMWP.

## **5. Recommendations**

That the Executive Member for Economy, Transport and Environment:

- 5.1. Approves for consultation, the draft Minerals and Waste Safeguarding Supplementary Planning Document and associated documentation.
- 5.2. Approves for consultation the draft Oil and Gas Development in Hampshire Supplementary Planning Document and associated documentation.
- 5.3. Approves that formal public consultation on the two Supplementary Planning Documents will take place at the same time, for a minimum of 6 weeks in line with the provisions of the Hampshire Statement of Community Involvement (SCI), during summer 2015.

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Updated Hampshire Minerals and Waste Development Scheme	6036	09/09/2014
Hampshire Minerals & Waste Plan - Implementation and Monitoring Partnership Agreement	5429	01/04/2014
Hampshire Statement of Community Involvement	646	01/04/2014
Adoption of the Hampshire Minerals and Waste Plan	5198	19/09/2013
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	
Town and Country Planning (Local Planning) (England) Regulations 2012	2012	
National Planning Practice Guidance	Live	
National Planning Policy Framework	2012	

**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.)**

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) 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.

### **1.2. Equalities Impact Assessment:**

The SPDs do not contain any additional policies. The SPDs provide guidance on the implementation of the policies of the adopted Hampshire Minerals & Waste Plan. As a result, it is considered that the documents have a low if not no impact on all groups. An Equalities Impact Assessment will be prepared as part of the preparation of the SPDs as this will be adopted by the County Council if approved.

### **2. Impact on Crime and Disorder:**

2.1. The decision will have no impact upon crime and disorder.

### **3. Climate Change:**

3.1. How does what is being proposed impact on our carbon footprint / energy consumption?

The SPD on minerals and waste safeguarding does not directly impact carbon emissions.

The SPD on oil and gas development does not directly impact carbon emissions although it is recognised that oil and gas development can result in emissions to air.

- 3.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The SPD on oil and gas development does not directly relate to adaptation to climate change. The SPD will provide guidance on the implementation on policies in the HMWP related to climate change mitigation and adaptation.