

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Cabinet
Date:	10 September 2012
Title:	Hampshire Minerals and Waste Plan
Reference:	4161
Report From:	Director of Economy, Transport and Environment

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1. That the Cabinet requests the Secretary of State to revoke the South East Plan as a matter of urgency to avoid a hiatus whereby the County Council has a sound Plan but cannot finalise it.

2. That the Cabinet recommends to the County Council:
 - a) that the proposed changes to the Hampshire Minerals and Waste Plan (HWMP) be agreed;
 - b) that a schedule of the proposed changes be published and comments invited on their 'soundness' for submission to the Inspector;
 - c) that authority be delegated to the Director of Economy, Transport and Environment, in consultation with the Executive Member for Environment and Transport, to formally request, if necessary, of the Planning Inspector that the Public Examination process be suspended and/or undertake other procedural action as necessary in order to safeguard the Plan until revocation of the South East Plan has been completed.

- 2. Reasons for the decision:**
 - 2.1. Hampshire County Council, as a minerals and waste planning authority, has a statutory responsibility to prepare a minerals and waste plan.
 - 2.2. The Plan will provide a sound basis for the sustainable development of mineral resources and waste management in Hampshire by protecting Hampshire's environment, maintaining Hampshire's communities and supporting Hampshire's economy.
 - 2.3. The Plan has undergone scrutiny by a planning inspector and was subject to a public hearing in June 2012. The Inspector has indicated that he considers elements of the Plan need to be reviewed. This may require potential changes to be considered in order to ensure that the Plan will be found to be sound.

- 2.4. The areas for review arise from new national policy and/or new information presented at the Hearing and also comments from the Inspector made during the Hearing.
- 2.5. Members will be aware that the HMWP has been prepared following a decision by the Secretary of State for Communities and Local Government to revoke the South East Plan (SE Plan) and its aggregates apportionment.. Therefore, while the SE Plan remains extant, the HMWP in its current form could not be found to be 'in general conformity' with the SE Plan and would therefore almost certainly fail the legal requirements for a sound plan.
- 2.6. The HMWP preparation programme has always been based on the assumption that the revocation of the SE Plan would follow Royal Assent of the Localism Act. However, due to delays in that process, which are entirely outside the control of the planning authority, further progress towards the adoption of the HMWP may need to be temporarily suspended while the Government completes the revocation of the SE Plan.

3. Other options considered and rejected:

- 3.1. The Plan could remain as submitted without further change. However, the Inspector has indicated that specific elements of the Plan require review in order for it to pass the tests of 'soundness' and be legally compliant. An unsound Plan cannot be adopted. Once a plan is found to be unsound by the Planning Inspector, the Planning Authority would be required to go back to the start of the plan process and re-consult on an amended plan, and seek a new Public Examination.
- 3.2. The Plan cannot be formally adopted as County Council policy in its current state. Therefore the only alternative would be to formally abandon the Plan. This would leave the County Council in the position of only having the previous (partial) core strategy (based on the SE Plan apportionment figures) and the national planning policy framework to rely on as a basis for planning decisions. This is considered to significantly weaken the planning framework for minerals and waste, and could result in successful appeals against planning refusals relying on this weakened framework.

4. Conflicts of interest:

- 4.1. Conflicts of interest declared by the decision-maker: None.
- 4.2. Conflicts of interest declared by other Executive Members consulted: None.

5. Dispensation granted by the Standards Committee: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

Approved by:

Date:

10 September 2012

**Chairman of the Cabinet
Councillor T K Thornber CBE**