

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

<b>Decision Maker:</b>	Executive Member for Economy, Transport and Environment
<b>Date:</b>	9 September 2014
<b>Title:</b>	Update of Hampshire Minerals & Waste Development Scheme
<b>Reference:</b>	6036
<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 provide the necessary authority to bring into effect the updated Hampshire Minerals and Waste Development Scheme (HMWDS).

1.2. This paper seeks to:

- clarify the proposed timetable for the preparation of further work associated with the implementation and monitoring of the Hampshire Minerals & Waste Plan (HMWP); and
- provide the legal basis for bringing the updated Development Scheme into effect as of 9 September 2014.

**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 its partnering authorities (Southampton City Council, Portsmouth City Council, 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 (on 16 October 2013), the HMWP is now the development plan for minerals and waste in Hampshire.

- 2.3. The HMWP entirely replaces the Hampshire Minerals and Waste Core Strategy (2007) and the remaining saved policies of the Hampshire Minerals and Waste Local Plan (1998).
- 2.4. Now that the HMWP has been adopted, it is the responsibility of the County Council and its partners to implement and monitor the Plan. As part of this, there are a number of documents which need to be produced. This includes the Monitoring Report and the Local Aggregates Assessment. The timescales for delivering such documents needs to be set out in a revised HMWDS.
- 2.5. Alongside this, 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. Although the HMWP contains a policy specifically on oil and gas development (Policy 24), due to the interest in this subject, the County Council and its partners feel that the development of Supplementary Planning Guidance (SPG) 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 SPG on this issue follows the Oil and Gas Development in Hampshire Event, which took place in June 2014. It is important to note that the SPG will provide additional guidance on the application and implementation of the policies in the HMWP relevant to all conventional and unconventional oil and gas developments. It will not contain any additional policies on oil and gas development.
- 2.6. 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 MPA 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. Therefore, it is intended that a safeguarding SPG will be produced. As with the SPG planned for oil and gas, the safeguarding SPG will not contain any further policies on safeguarding. It will merely provide more information and guidance on the application of the policies in the HMWP relevant to the issue of safeguarding.
- 2.7. It is a legislative requirement for the County Council to prepare and revise a Development Scheme. The HMWDS defines what planning documentation is to be prepared and the timetable for its preparation and revision.

- 2.8. The current HMWDS was brought into effect on 6 March 2013, 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)
- 2.9. Following the adoption of the HMWP, it is necessary to formally update the HMWDS to take into account the further planned implementation and monitoring work.
- 2.10. The revised HMWDS summarises the implementation work to be prepared for the HMWP and sets out the anticipated timescales for the delivery of this work. The revised HMWDS is set out in Appendix 1 of this report.

### **3. Finance**

- 3.1. The HMWP was prepared in partnership with Southampton City Council, Portsmouth City Council, NFNPA and the SDNPA. This partnership formally ended upon the adoption of the HMWP.
- 3.2. The County Council has negotiated a revised Partnership Agreement with Southampton City Council, Portsmouth City Council and the NFNPA now that the HMWP has been adopted. This new partnership covers the implementation and monitoring work set out in the HMWDS. The partnership provides the financial and technical support for the projects identified.
- 3.3. A separate Service Level Agreement 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.

### **4. Performance**

- 4.1. Preparation of the Development Scheme is a legislative requirement and therefore bringing this updated scheme into effect ensures the County Council remains in compliance.
- 4.2. The updated Development Scheme accommodates the additional work required now that the HMWP has been adopted to ensure its effective implementation and monitoring.

### **5. Other key issues**

- 5.1. There is a requirement to monitor the implementation of all of the policies in the HMWP. This will show how the policies are performing and whether there is a need to consider a review of the Plan.

**6. Recommendation**

- 6.1. That the Executive Member approves the updated Hampshire Minerals & Waste Development Scheme with immediate effect.

**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>
Hampshire Minerals & Waste Plan - Implementation and Monitoring Partnership Agreement	5429	01/04/2014
Revised Development Scheme for Hampshire Minerals and Waste Plan Preparation	4687	06/03/2013
<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

**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>
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 Development Scheme sets out the timescales for further minerals and waste planning policy work. It does not contain any policies or guidance. As a result, it is considered that the document has a low if not no impact on all groups. An Equalities Impact Assessment will be prepared as part of the preparation of some areas of the work identified such as the Supplementary Planning Guidance 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 Development Scheme itself does not directly impact carbon emissions.

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 Development Scheme itself does not impact upon climate change adaptation.