

HAMPSHIRE COUNTY COUNCIL, NEW FOREST NATIONAL PARK AUTHORITY, PORTSMOUTH CITY COUNCIL, SOUTH DOWNS NATIONAL PARK AUTHORITY & SOUTHAMPTON CITY COUNCIL

Hampshire Minerals & Waste Plan

Development Scheme

December 2020



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1. Introduction

- 1.1 Hampshire County Council is one of five Minerals and Waste Planning Authorities (MWPA) which cover the geographical area of Hampshire and include New Forest National Park Authority, Portsmouth City Council, South Downs National Park Authority and Southampton City Council.
- 1.2 The current Hampshire Minerals and Waste Plan (HMWP) (the Plan) was adopted by the five Hampshire MWPA in October 2013¹. The Plan is based upon the principle of ensuring that the Plan area has the right developments to maintain a reliable and timely supply of minerals and excellent management of waste, whilst protecting the environment and communities. It contains policies to enable minerals and waste decision-making, as well as minerals and waste site allocations (rail depots, land-won sand and gravel quarries, brick-making clay quarries and landfill) which support Hampshire's vision and objectives for minerals and waste development to 2030. The effectiveness of the policies in the HMWP are reviewed through annual Monitoring Reports.

What is a Minerals & Waste Development Scheme?

- 1.3 This Minerals and Waste Development Scheme (HMWDS) provides a timetable for the update to the HMWP and sets out what planning policy documents will be prepared, the subject matter, which geographical areas they relate to and the various stages that each will go through, including opportunities for public participation.
- 1.4 The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires every local plan making authority (LPA) in England to produce a development scheme, which sets out the timetable and details of planning policy documents that each LPA will produce.
- 1.5 This updated HMWDS (2020) came into effect on 25 March 2021 and replaces the previously published HMWDS published in 2014. The HMWDS will be subject to review on a regular basis to take account of the implementation and monitoring of the HMWP and the production of any associated documentation. The most up to date version of the HMWDS is published on Hampshire County Council's website at: <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>.

Why is the Plan being updated?

- 1.6 Planning Regulations² and National Planning Policy³ require that policies in Local Plans should be reviewed to assess whether they require updating at least once every five years and updated, as necessary. As such, the HMWP was reviewed in 2018.

¹ Hampshire Minerals & Waste Plan (2013) -

<https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

² Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

³ National Planning Policy Framework 2019 (para. 33; p11)

That review concluded that the policies were working effectively to achieve the Vision and there was no requirement at that time to update the HMWP.

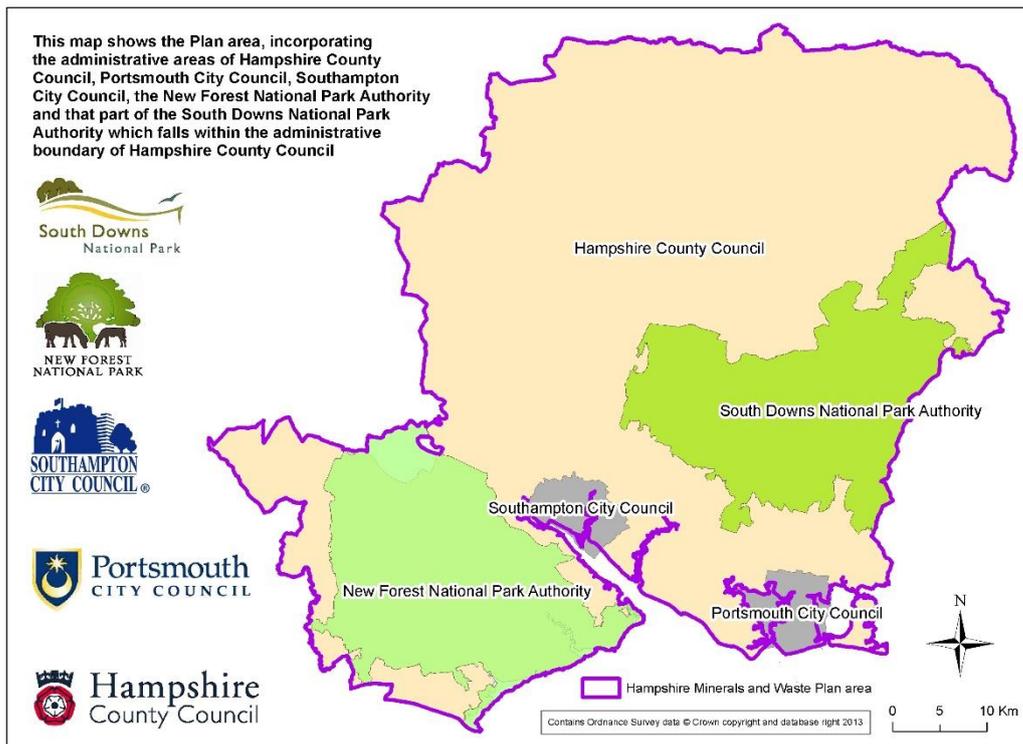
- 1.7 The 2018 Review also concluded, that the HMWP would be reviewed again in two years (2020) to determine the effectiveness of the policies and whether there is a need to amend site allocations. It was recognised that there were limitations to the 2018 review:
- The monitoring indicators and triggers may not have been defined sufficiently;
 - There were a number of uncertainties which would have an impact on future capacity requirements such as Brexit; and
 - The Government's drive to boost the housing market would have an impact on construction aggregates but the timescales and quantities were difficult to define.
- 1.8 A HMWP Review Workshop, attended by a wide range of Stakeholders, was undertaken in September 2019 to investigate the issues raised within the 2018 Review and how trends in minerals supply and sustainable waste management provision are developing.
- 1.9 The 2020 Review of the HWMP has now been undertaken and concludes that the Plan requires some updating. This HWWDS outlines the programme for the partial Plan update including the timetable for production and when public participation is likely to take place.
- 1.10 An updated Plan is important as an out-of-date plan allows less control over-achieving the right developments, in the right locations, at the right time for Hampshire and could lead to more planning applications determined at appeal.
- 1.11 It is important that the project plan for the partial update of the HMWP is realistic, 'fit for purpose', and that the timescales are justified based on the local circumstances (including its available resources). The timetables set out in this document therefore reflect:
- The available resources (see below);
 - The need to build upon previous minerals and waste plans;
 - The Statement of Community Involvement requirements for each Authority;
 - The need to produce a robust and up-to-date evidence base;
 - The need to undertake Sustainability Appraisal and a detailed Habitats Regulations Assessment;
 - New guidance and emerging best practice; and
 - The need to undergo democratic processes at the various plan preparation stages for each of the four authorities involved.
- 1.12 Minerals and waste planning authorities are allowed to work together to prepare minerals and waste development documents⁴. The HMWP will be prepared, submitted, and adopted by the five authorities as a joint document. Each mineral and waste planning authority will 'adopt' the HMWP individually.

⁴ Under section 28 of the Planning and Compulsory Purchase Act 2004

What area is covered by the HMWP?

- 1.13 Minerals and waste planning issues are most appropriately addressed jointly so that strategic issues can be satisfactorily resolved. The updated HMWP will reflect the boundary of the current adopted Plan (2013).
- 1.14 Figure 1 below indicates the administrative areas of each of the Authorities.

Figure 1: HMWP Administrative Areas



What resources are available for plan-making?

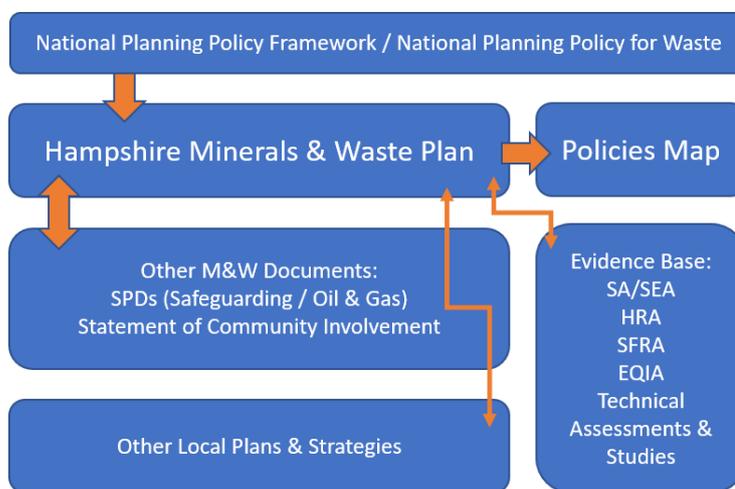
- 1.15 The Plan will be approved by each Authority. Hampshire County Council will lead the technical preparation of the partial HMWP working with the partner Authorities. Hampshire will contribute planning, specialist, and managerial staff resources sufficient to prepare a sound plan.
- 1.16 The partner Authorities have committed significant financial support to the partial update of the HMWP and will also provide support and contribute some staff time where required.

2. Minerals & Waste Planning

What is the Hampshire Minerals & Waste Plan?

- 2.1 The HMWP is a Local Plan, supported by other development documents such as the Statement of Community Involvement for each Authority. The HMWP covers the period up to 2030.
- 2.2 Local Plans undergo an examination conducted by an independent Planning Inspector.
- 2.3 Figure 2 shows the documents that make up the HMWP and the linkages to other strategies.

Figure 2: HMWP Linkages to other Strategies



How does the Plan relate to other Plans and Strategies?

National Planning Policy

- 2.4 HMWP will need to accord with current planning policy and guidance on minerals and waste. The National Planning Policy Framework (NPPF)⁵ was published in 2012 and subsequently updated and revised in 2019. The National Planning Practice Guidance⁶ which sits alongside the NPPF was launched in 2014 and is a live document, updated as necessary by the Government. The Waste Management Plan for England⁷ was published in December 2013, followed by the National Planning Policy for Waste⁸ which was published in October 2014.

⁵ National Planning Policy Framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

⁶ Planning Practice Guidance - <http://planningguidance.communities.gov.uk/>

⁷ Waste Management Plan for England - <https://www.gov.uk/government/publications/waste-management-plan-for-england>

⁸ National Planning Policy for Waste - <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Regional Planning Policy

- 2.5 The South East Plan was partially revoked on 25 March 2013. Policy NRM6, which deals with the Thames Basin Heaths Special Protection Area, remains in place as a saved policy⁹ and is relevant to the Plan area.

Local Planning Policy

- 2.6 The Hampshire Minerals & Waste Plan (2013) remains the adopted Plan until it is replaced by the updated HMWP.

Other relevant Strategies

- 2.7 A Statement of Community Involvement (SCI) sets out the approach for involving the community in the preparation, alteration and continuing review of all development plan documents (DPD), and in publicising and dealing with planning applications. Each of the Authorities has adopted its own Statement of Community Involvement. These are as follows:

- Hampshire – Statement of Community Involvement (2017)¹⁰
- Portsmouth – Statement of Community Involvement (2017)¹¹
- Southampton – Statement of Community Involvement (2019)¹²
- New Forest – Statement of Community Involvement (2013)¹³
- South Downs – Statement of Community Involvement (2017)¹⁴

What are the key stages in document preparation?

- 2.8 All Local Plans have to go through prescribed procedures and are subject to wide public consultation and ultimately an independent public examination before they can be adopted. Local Plans are examined to assess their 'soundness' (i.e. whether they are fit for purpose and legally compliant).
- 2.9 The key stages in Local Plan preparation and updating are outlined in Figure 3.

⁹ Natural Resource Management (NRM6) - <http://www.bracknell-forest.gov.uk/south-east-plan-policy-nrm6.pdf>

¹⁰ Hampshire SCI (2017) - <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/statement-community-involvement>

¹¹ Portsmouth SCI (2017) - <https://www.portsmouth.gov.uk/ext/development-and-planning/planning-policy/statement-of-community-involvement>

¹² Southampton SCI (2019) - [https://www.southampton.gov.uk/images/involving-you-in-planning-\(sci\)_tcm63-424238.pdf](https://www.southampton.gov.uk/images/involving-you-in-planning-(sci)_tcm63-424238.pdf)

¹³ New Forest SCI (2013) - <https://www.newforestnpa.gov.uk/planning/community-involvement/>

¹⁴ South Downs SCI (2017) - <https://www.southdowns.gov.uk/wp-content/uploads/2015/02/Statement-of-Community-Involvement-August-2017.pdf>

Figure 3: Local plan preparation



HMWP Update: Timetable

2.10 The following table outlines the timetable for the partial HMWP update.

HMWP Key Milestones	Timescale	Description
Regulation 18 (Preparation)	March 2021 – September 2021	Call for Sites (Fixed period) Evidence Base <ul style="list-style-type: none"> • Scoping Report (SA/SEA) • Screening (HRA) • Minerals & Waste Background Studies • Minerals & Waste Proposal Studies • Wharves & Rail Depots Needs Assessment • Climate Change Topic Paper • Aggregate Recycling Topic Paper • Restoration Topic Paper • Technical Assessments (Landscape, Transport, Flooding, Heritage)
Regulation 18 (Consultation)	October 2021 – December 2021	Consultation on the Draft Plan Update and Evidence

Regulation 19 (Proposed Submission Document Preparation)	January 2022 – March 2022	Update Evidence Base Revise Plan based on Evidence Base and Consultation
Regulation 19 (Proposed Submission Document Consultation)	April 2022 – June 2022	Consultation on the updated Plan to be submitted to the Secretary of State
Regulation 22 (Preparation)	July 2022 – October 2022	Update Evidence Base Proposed Modifications based on Evidence Base and Consultation
Regulation 22 (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 Planning Inspector examines the Plan
Regulation 25 (Inspector’s Report)	Summer 2023	Planning Inspector delivers his report on the Plan
Regulation 26 (Adoption)	Autumn 2023	All authorities adopt the Plan, as modified by Planning Inspector

Policies Map

2.11 A Policies Map forms part of the HMWP and will be updated simultaneously with the Plan. The Policies Map illustrates geographically how the policies of the HMWP are to be applied.

Meeting the Duty to Cooperate

2.12 In preparing the updated HMWP, the Hampshire Authorities will fulfil their duty to cooperate with:

- Districts and Boroughs and surrounding Minerals & Waste Planning Authorities;
- Statutory consultees – organisations such as Natural England, Historic England and the Environment Agency that need to be involved in planning for minerals or waste; and
- Those organisations and communities that have a minerals or waste interest or that may be impacted by the proposals.

2.13 A report showing how the requirements to fulfil the duty to cooperate have been met will be prepared as part of the evidence base.

2.14 Where relevant, Statements of Common Ground will be prepared to address strategic cross-boundary issues.

Local Aggregate Assessment

2.15 The Local Aggregate Assessment (LAA) is prepared annually and is a report that considers the sale and movements of aggregates in the local authority that produces it. The Hampshire Authorities already work together to produce a joint Local Aggregate Assessment¹⁵. This document will continue to be produced annually and will form an important part of the Evidence Base for the HMWP.

Plan Assessment and Appraisal

2.16 The policies and proposals in the updated HMWP will be assessed to ensure that they contribute to the aims of sustainable development. This assessment will be through Sustainability Appraisal (which incorporates assessment as required under the Strategic Environmental Assessment (SEA) Directive). To prepare these appraisals, a sustainability 'Scoping Report' will be prepared. This report describes the existing key environmental, social, and economic issues for Hampshire and includes a set of sustainability objectives which will be used to assess the policies in documents.

2.17 All minerals and waste development documents are also subject to Habitats Regulations Assessment (HRA)¹⁶ and the updated HMWP will be assessed accordingly.

2.18 Local government authorities are subject to the public sector equality duty under the Equality Act 2010¹⁷. An Equalities Impact Assessment will be produced to ensure that the HMWP update meets this duty.

Plan Monitoring

2.19 In accordance with the Planning and Compulsory Purchase Act 2004, as amended by The Localism Act 2011, local authorities are required to produce a Monitoring Report, containing:

- information on how the preparation of the minerals and waste DPDs are progressing; and
- the extent to which the policies set out in the associated documents are being implemented.

2.20 Monitoring Reports are produced annually for the Hampshire Authorities¹⁸.

¹⁵ Aggregates Monitoring Report (2019) - <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

¹⁶ Under the Conservation of Habitats and Species Regulations 2017 - <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

¹⁷ Equality Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/15/contents>

¹⁸ Minerals and Waste Monitoring Reports - <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

Potential Risks to the Timetable

2.21 The plan preparation process has a number of risk elements including:

- Staff Resources;
- Funding; and
- Democratic timetables.

2.22 The Hampshire Authorities have a variety of procedures in place to mitigate these risks.

2.23 The key risks and mitigation measures are outlined in the table below.

Risk	Why	Level x likelihood of Impact	Mitigation / minimisation measures
Staffing and resources	Minerals and waste planning require specialist staff, while government spending cuts continue to affect resources across all Councils.	Low	The Hampshire Authorities have resolved to allocate appropriate resources for the production of the updated HWMP. Hampshire County Council will be the lead Authority and will undertake the majority of the work, having appropriate staff skills and resources. Regular updates will be provided to the partners and progress will be closely monitored.
Potential changes in national and local political control/ leadership	There may be future changes to legislation and guidance introduced by a new Government. There may be changes in the political composition and outlook of one or more of the Hampshire Authorities.	Medium	Changes in policy and guidance will be monitored and assessed for their impact on the content of emerging documents. The HWMP update will be based upon the information available at that time. Advice will be sought from the Ministry for Housing, Communities and Local Government (MHCLG) and the Planning Inspectorate, as appropriate. Locally, officers will work closely with Members. The focused update and timetable should reduce the risk of any potential change.

Legal Compliance / Soundness / Legal Challenge	The updated HMWP will be assessed by a Planning Inspector as to whether it has complied with legislation and is sound (a suitable plan for the local circumstances, based on relevant policy and a robust evidence base).	Medium	The Councils will seek to ensure that the Local Plan is legally compliant, "sound", based upon a robust evidence base, and has a well audited consultation process, in order to minimise the risk of legal challenge. The Councils will work closely with the Planning Inspectorate at all stages of the examination to ensure the tests of soundness are met. The Council will take account of other advice available such as from the Planning Advisory Service and tools such as 'toolkits' in respect of the Local Plan process. The Council will also take legal advice on the plan process as appropriate.
Local opposition	Minerals and waste plans can lead to high levels of local interest and/or local opposition to proposals.	Medium	Information and opinions from the public need to be fully considered during plan-making and contribute to the development of a sound plan. In order to maximise the input from local stakeholders to the updated HMWP, early and focused engagement will be essential. Realistic time should be programmed for consultation and subsequent analysis of responses of any controversial documents.
Partnership working	While partnership working will bring benefits in the preparation of the updated HMWP, it can also introduce delays due to differing positions or democratic timetables and processes.	Medium	There is a need to share timetables, as well as engage and maintain good working relationships. The focused update and timetable should reduce the risk of any potential impact on the partnership.
National pandemic	The impact of a national pandemic may impact resources and/or how engagement is carried out with the public and stakeholders.	Medium	Managing resources is outlined above. Statements of Community Involvement will set outline any revised approaches to consulting in a time of a pandemic. Any change in measures will accord with Government advice. If necessary, and where possible, events including the Public Examination will be carried out virtually.

3. HMWP Update: Evidence Base

Preparing a robust evidence base

- 3.1 Planning authorities are urged to ensure that effective programme management techniques are employed in progressing and orchestrating the production of the evidence base for plan work.
- 3.2 It is intended that the main studies should be completed prior to public participation on minerals and waste planning documents, in order to ensure that all the key issues have been identified at the Regulation 18 stage.
- 3.3 It is also important that the evidence base is complete and robust prior to publication of the plans. This will help demonstrate that the proposed plans are the most appropriate considering all the options and based on the available evidence.

Proposed evidence base

- 3.4 Due to the focused nature of the partial HMWP Update, specific studies will need to be undertaken including:
 - 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
 - Sustainability Appraisal (incorporating Strategic Environmental Assessment)
 - Habitats Regulations Assessment
 - Strategic Flood Risk Assessment
 - Strategic Technical Assessments on issues such as Transport, Landscape and Heritage.
- 3.5 As the evidence base is prepared any completed or draft supporting documents will be available to view on the Hampshire Minerals & Waste Plan website¹⁹.

¹⁹ Hampshire Minerals & Waste Plan webpage - <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

Glossary of Terms & Acronyms

Development Plan - Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for each of the partner Authorities includes the latest Local Plans for that authority, the Hampshire Minerals and Waste Plan (incorporating South East Plan saved policy NRM6) and any completed Neighbourhood Plans. It is important that all documents comprising the Development Plan are read together.

Equalities Impact Assessment (EqIA) - An equality impact assessment (EqIA) is a process designed to ensure that a policy, project, or scheme does not discriminate against any disadvantaged or vulnerable people.

Habitats Regulation Assessment (HRA) - Statutory requirement for Planning Authorities to assess the potential effects of land-use plans on designated European Sites in Great Britain. The Habitats Regulations Assessment is intended to assess the potential effects of a development plan on one or more European Sites (collectively termed 'Natura 2000' sites). The Natura 2000 sites comprise Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). SPAs are classified under the European Council Directive on the conservation of wild birds (79/409/EEC; Birds Directive) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).

Local Plan - Local Plans have statutory development plan status and are subject to rigorous procedures involving community involvement and formal testing through examination by an independent Planning Inspector to assess whether a plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is sound. Local Plans usually deal with non-minerals or waste matters but references minerals and waste plans.

National Planning Policy for Waste (NPPW) – The NPPW sets out detailed waste planning policies. It should be read in conjunction with the National Planning Policy Framework.

National Planning Policy Framework (NPPF) - The NPPF is a single document that sets out the Government's economic, environmental, and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development.

Planning Practice Guidance (PPG) - The PPG (2014 onwards) is an online resource setting out further detail on the Government's national planning policies set out in the NPPF and NPPW.

Stakeholder - Any person or organisation expected to have a concern or interest in a particular minerals and waste development, site, policy, or issue.

Statement of Community Involvement (SCI) - A document which sets out how a Council will engage with communities in reviewing and preparing planning policy documents and consulting on planning applications.

Strategic Environmental Assessment (SEA) - A system of incorporating environmental considerations into policies, plans, programmes, and part of European Union Policy. It is sometimes referred to as strategic environmental impact assessment and is intended to highlight environmental issues during decision-making about strategic documents such as plans, programmes and strategies. The SEA identifies the significant environmental effects that are likely to result from implementing the plan or alternative approaches to the plan. The Sustainability Appraisal often includes the SEA.

Sustainability Appraisal (SA) - Examines the impact of proposed plans and policies on economic, social, and environmental factors, and ensures that these issues are taken into account at every stage so that sustainable development is delivered on the ground. It also appraises the different options that are put forward in the development of policies and the process of allocating sites. The SA often incorporates SEA.

Thames Basin Heaths Special Protection Area (TBHSPA) - A group of heathland sites distributed across Berkshire, Surrey and Hampshire that support important breeding populations of lowland heathland birds (especially the Nightjar, Dartford Warbler and Woodlark). The area is designated for its interest under a European Wildlife Directive (and subject to the assessment procedure set out in the Habitats Directive) in order to protect the important species of birds that live within them.