

ITEM NO: 13

DECISION-MAKER:	CABINET COUNCIL
SUBJECT:	MINERALS PLAN: SUBMISSION (LOCAL DEVELOPMENT FRAMEWORK)
DATE OF DECISION:	30 JUNE 2008 16 JULY 2008

REPORT OF: CABINET MEMBER FOR ENVIRONMENT AND
TRANSPORT

AUTHOR:	Name: Graham Tuck	Tel: 023 8083 4602
	E-mail: Graham.tuck@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

SUMMARY

The Minerals Plan will identify sites for mineral operations to meet the requirements as set out in the Minerals and Waste Core Strategy, approved in 2007.

Within Southampton, the proposed Minerals Plan safeguards from redevelopment:

1. The operational sand and gravel wharves along the River Itchen (though providing some flexibility for the longer term);
2. Bakers wharf (for mineral, waste or marine industry operations);
3. The aggregate recycling facilities at:
 - a. Empress Road (Bevois Valley), though with flexibility to allow waste management or rail freight uses; and
 - b. Willments Shipyard (on Hazel Road), though with flexibility should a comprehensive redevelopment be proposed in this area.

The Minerals Plan is "Hampshire wide" and:

1. Does not provide for a deep water minerals wharf. The Plan is explicit that this position is specific to minerals. Therefore it is considered this does not represent a comment either way on the future case for general port expansion at Dibden.
2. Identifies sites for the land won extraction of sand and gravel. The nearest possible sites to Southampton are Pickwell Farm, Netley and / or Hamble Airfield. (The final selection will be reported orally at Cabinet).
3. Identifies landfill sites, the closest to Southampton being near Romsey.

In addition to identifying the sites, the Plan's proposals map identifies:

1. Lorry routes, including those within Southampton (consistent with this Council's Local Transport Plan).
2. Indicative Mineral Areas, indicating the location of sand and gravel deposits. Tiny parts of these areas across the County are within (on the edge of)

Southampton. "County wide" these areas are safeguarded to ensure they are not sterilised by development, and are also the starting point for identifying future sand and gravel extraction sites. However the areas do not represent a presumption in favour of extraction. The small areas within Southampton are considered unlikely to be affected, because they are close to residential areas and are therefore likely to be considered unsuitable.

The Plan is being prepared jointly by the following 4 authorities: Hampshire, Southampton, Portsmouth and the New Forest National Park. Earlier versions of the Plan have been subject to public consultation.

The Plan recommended for approval by this report is the "Proposed Submission" version. There is then a period of public consultation where representations can be made. The Plan is then "Submitted" for an independent examination. This report recommends the delegated authority for the Head of Planning and Sustainability to make changes to the "Proposed Submission" Plan provided these are minor or do not affect Southampton. Otherwise the Plan "Submitted" will be as per this report, without further recourse to Cabinet / Council, unless it is considered that major changes are needed which affect Southampton. Following the independent examination, the Plan will be adopted.

The process allows for representations on the sites identified, and also representations from mineral operators who wish to nominate other sites.

RECOMMENDATIONS:

CABINET:

- (i) To recommend that Council approves the "Proposed Submission" version of the Minerals Plan for public representations and for subsequent "Submission"; on the basis that the full "Proposed Submission" Plan will be placed in the Members' Room on or before 8th July, and that the aspects of that Plan which affect Southampton are as set out in this report and in the latest draft extracts of the Plan currently in the Members' Room.

COUNCIL:

- (i) To approve the "Proposed Submission" version of the Minerals Plan as placed in the members' room for public representations and for subsequent "Submission".
- (ii) To delegate authority to the Head of Planning and Sustainability, following consultation with the Cabinet Member for Environment and Transportation, to make changes to the "Proposed Submission" Plan prior to "Submission", or to make changes at subsequent stages, including recommending changes to the Inspector through the examination process, provided these:
 - 1. Do not change the overall direction, shape or emphasis of the document and do not raise any significant new issues; or
 - 2. Only affect other geographical areas covered by the Plan and do not impact on Southampton.

REASONS FOR REPORT RECOMMENDATIONS

1. To provide an up to date Minerals Plan to identify sites for the ongoing need for minerals in the area.
2. To meet our Local Development Scheme targets, which will contribute towards our Planning Delivery Grant.

CONSULTATION

3. External

Preliminary consultation took place in 2006, followed by consultation on a “Preferred Options” Plan in 2007. The consultation included local residents and environmental groups; statutory agencies (eg the Environment Agency); and the minerals industry.

4. Internal

Consultation on this report has included: Environment and Transport Members’ Briefing. Chief Officers’ Management Team. Policy Co-ordinator’s Team. Legal, Property, Financial and Democratic Services. Development Control, Environmental Health, Transport, Recycling and Disposal, City Development and Economy.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. To promote greater flexibility to redevelop the sand and gravel wharves to facilitate regeneration. In the light of comments made at Preferred Options stage, some additional flexibility is recommended. However, any further flexibility beyond this would put at risk the supply of sand and gravel to meet construction needs and hence economic / regeneration targets across the City and South Hampshire. It would encourage inappropriate piecemeal redevelopment of the wharves.

DETAIL

Introduction

6. The Minerals and Waste Local Plan, adopted in 1998, is being replaced by the Minerals and Waste Local Development Framework, which includes a:
 1. Core Strategy – overall principles and targets – now adopted
 2. Minerals Plan – identifying specific sites for mineral operations (the subject of this report).
 3. Waste Plan – identifying specific sites for waste management infrastructure (to follow).

The Core Strategy takes forward Government and regional minerals planning policy, and sets the context to which the Minerals Plan must conform. The Core Strategy is subject to a High Court challenge in respect of Dibden Bay, which is discussed below.

7. The Minerals Plan is being prepared according to the following statutory stages:
 1. Preliminary public consultation – on a long list of possible sites – completed in 2006 / 07.

2. "Preferred Options" public consultation – on the preferred sites to be selected – completed in October – December 2007.
3. "Proposed Submission" public consultation – following consideration of the comments made at "Preferred Options", the latest selection of sites – the subject of this report – September / October 2008
4. "Submission" of the Plan, together with representations made at stage 3 – December 2008.
5. Independent public examination – to consider the representations made at "Pre-Submission" stage – expected in early 2009.

Adoption of the Plan – expected in mid 2009.

8. The Minerals Plan covers 4 main areas of relevance to Southampton:
 1. The sand and gravel wharves;
 2. Aggregate recycling facilities;
 3. Indicative Minerals Areas and Mineral Consultation Areas; and
 4. Dibden Bay.

This report addresses each of these in turn.

Sand and Gravel Wharves

9. The Core Strategy promotes provision for the sustainable transportation of minerals, and states that:
 1. Those existing mineral facilities, including wharves, needed for future requirements will be safeguarded.
 2. A review of facilities will be conducted as part of the Minerals Plan . This should assess needs, operational effectiveness, and the potential alternative regeneration benefits of a site.
10. The "Preferred Options" Minerals Plan proposed safeguarding from redevelopment the 4 operational sand and gravel wharves, and one currently inactive wharf.
11. It is recommended that the Minerals Plan still safeguards the same wharves, for transport, storage and processing of minerals, namely (see Plan 1):

On the western side of the River Itchen:

 1. Burnley
 2. Leamouth
 3. Dibbles
 4. Bakers (Inactive)

On the eastern side of the River Itchen:

- 5 Supermarine
12. In addition it is recommended to still "de-safeguard" Willments Wharf (site 6). This wharf is safeguarded in the 1998 Minerals and Waste Local Plan but is inactive with little prospect of it being brought back into use. (The recommended Plan's text also cross refers to the approved core strategy, which states that new or extended wharves / rail depots will be permitted provided the site is suitable and will not impede planned regeneration).

13. However, there have been a number of representations at the “Preferred Options” stage objecting to the safeguarding of these wharves. This has led to some additional recommendations for the “Proposed Submission” Plan. There were two main themes to the objections.
14. The first was that greater flexibility should be introduced to allow for the redevelopment of the wharves on the western side of the River Itchen, to facilitate city centre waterside led regeneration.
15. The “Preferred Options” Plan had already stated that the redevelopment of Southampton’s wharves will aid central regeneration, but will only be permitted if replacement wharves are provided. (This is only likely to be an option in the longer term).
16. In the light of the representations made, this issue has been reconsidered. It is recommended that the “Proposed Submission” Plan provides greater flexibility by also stating that the wharves can be redeveloped if they are no longer needed (again this is only likely to be an option in the longer term, for example with a move to larger vessels).
17. Whilst the regeneration benefits of redeveloping the wharves are understood these need to be offset against the need for the wharves as key elements serving the construction industry in South Hampshire. The wharves are also understood to be retained as part of the long term investment / operational strategies of the aggregate companies and are therefore unlikely to be available for redevelopment. Whilst the wharves are currently operating at approximately only 60% of capacity, the spare capacity may increasingly be required as land won sites are exhausted. If the wharves were redeveloped they would be lost permanently. A partial regeneration of the wharves (eg redevelopment of some wharves for residential use whilst others remain in operation) is unlikely to be appropriate in residential amenity terms.
18. The second main set of objections at “Preferred Options” stage were that Supermarine and Bakers wharves are too small for larger vessels and generate amenity or ecology issues.
19. Supermarine Wharf is an established wharf which is fully operational and meets a need. Controls are in place to protect residential amenity. The site is in a general industrial area and goods vehicles are perceived as part of the general industrial traffic. It is recommended the wharf is safeguarded for mineral operations. Bakers wharf is not currently operational. Therefore it is recommended the wharf is safeguarded for a wider range of uses. The Preferred Options had safeguarded the wharf for sand and gravel or waste barging operations. It is recommended this should be extended to include general marine industries as well. The changes to the text recommended for the “Proposed Submission” Plan set out in paragraph 16. above mean that if Supermarine or Bakers wharf are no longer needed as a minerals wharf redevelopment can be considered.
20. Otherwise, the reasons for the recommended approach in the “Submission” Plan are similar to those advanced at the “Preferred Options” stage, i.e. that the wharves should be safeguarded to conform with the Minerals and Waste Core Strategy and because:

1. They make an important contribution to the construction industry's need for sand and gravel in South Hampshire, and hence to wider development, regeneration and economic targets in Southampton and PUSH. (A substantial majority of South Hampshire's sand and gravel needs are met through wharves in the Southampton and Portsmouth area [eg approximately 95% in 2005], of which a substantial proportion came through the 4 wharves in Southampton or 1 wharf in Marchwood [eg approximately 60% in 2005]).
2. Wharves can provide sand and gravel needs on an ongoing basis (land won sites can only be used once and have environmental constraints).
3. The 1998 Minerals and Waste Local Plan safeguarded some but not all of the operational wharves, and also safeguarded some non operational wharves. The Minerals Plan is seeking to regularise this position.
4. The wharves are fully operational, well established, are generally surrounded by industrial areas and the football stadium, and work reasonably well in terms of transportation and amenity issues. (It should be noted that the wharves on the western bank of the River Itchen have no restrictions on working hours).

Aggregate Recycling Facilities

21. The recycling of aggregates significantly reduce the volume of waste going to landfill (aggregates currently account for approximately 50% of total waste by volume); and also reduces the need to extract "fresh" aggregates from new sites.
22. The Core Strategy takes forward regional guidance and states that by 2016 capacity will be provided to supply recycled aggregate at a rate of 1.7 million tonnes a year (across Hampshire).
23. It is recommended that the "Proposed Submission" Plan continues the approach taken in the "Preferred Options" Plan, to safeguard two of the existing aggregate recycling facilities in Southampton.
24. First, at Empress Road (Plan 2). Planning permission was granted in 2006 for the recycling of 100,000 tonnes of aggregates. The company who were running this facility have recently ceased operation. The site remains suitable for this type of use although to provide some flexibility the Plan states the site is safeguarded for appropriate waste management or rail freight aswell as minerals use. The site lies in a generally low grade industrial area, with access out of the city along Thomas Lewis Way. The site is safeguarded in Southampton's local plan for rail freight, and a condition in the permission relates to this. To the south of the site lies a school and residential areas. For this reason a major increase in the scale of the operation is unlikely to be appropriate.
25. Second, Willments Shipyard (Plan 1, site 6). An aggregate recycling facility is currently operating on this site. The site is in a generally low grade industrial area along Hazel Road.

26. It is recommended that the “Proposed Submission” Plan makes two additions in relation to the Willments Shipyard site. First, to include a reference that the aggregate recycling facility will be safeguarded unless it is redeveloped as part of a comprehensive regeneration of the Hazel Road area. (If it were redeveloped this may prompt an operator to seek permission for an alternative site in the city or wider region). Second, whilst the Willments site is in a suitable location for this type of operation, the way this particular facility has been operated has generated amenity issues. Therefore it is recommended that the “Proposed Submission” Plan includes a reference that such facilities require careful operation to control pollution (eg to suppress dust or control noise), through the use of planning conditions and enforcement.

Mineral Consultation Areas (MCAs)

27. The “Proposed Submission” Plan continues the approach in the “Preferred Options” Plan, that development proposals should not prejudice the operation of mineral operations. District Councils will be required to consult the County Council on such proposals within 50 metres of wharves and aggregate recycling facilities. If a similar approach is taken within the unitary authorities, including Southampton, this would affect for example Baltic Wharf. It is not considered this would affect the principle of any future redevelopment at Town Depot, which is approximately 130 metres distant; although noise will be a consideration and is likely to affect the layout of uses on Town Depot.

Indicative Mineral Areas

Dibden Bay

28. The adopted Core Strategy states that the emerging South East Plan makes no provision for the import of crushed rock; and that on this basis it is not proposed to actively seek sites for deep water wharves for the importation of crushed rock. Should suitable sites be nominated, they will be included in the Minerals Plan.
29. The Core Strategy’s position on crushed rock is being challenged in the High Court by ABP (the operators of Southampton Port). A hearing took place on the 20 / 21st May 2008, and an outcome is awaited.
30. The “Preferred Options” Minerals Plan stated that no provision would be made for a deep water wharf at Dibden Bay or elsewhere for the importation of crushed rock. Crushed rock is currently imported via Kent and meets a regional rather than Hampshire specific need. In addition there is some capacity to import smaller quantities at the sand and gravel wharves and via rail depots. The proposed “Submission” Plan maintains the position that there is no need for a deep water wharf for minerals, although it deletes any specific reference to Dibden Bay.

Habitat Regulations

31. The sites identified by this report lie close to areas designated under European and international nature conservation legislation. These areas include the Solent Maritime Special Area of Conservation, (SAC) the River Itchen SAC and the Solent and Southampton Water Special Protection Area

(SPA)/Ramsar site. The legislation underpinning these designations, the Habitats Regulations 1994 (as amended), requires an assessment, to be made of plans that could lead to significant adverse impacts on the designated sites. The current Plan is being subjected to a Habitats Regulations Assessment (HRA) which will identify potential adverse impacts on the European sites and put forward suitable mitigation measures. Where policy options link to measures contained within other plans, for example the Southampton Local Development Framework, cross reference will be made to the HRA supporting those plans.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

32. None. The sand and gravel wharves and aggregate recycling facilities are privately operated.

Revenue

33. Based on its population, Southampton City Council contributes 14% of the cost of producing the Hampshire-wide Mineral Sites Plan. This will be covered by Planning Policy's existing Local Development Framework budget.

Property

34. Land owned by the Council at Stoneham, west of Stoneham Lane, is included in the "Indicative Minerals Area", indicating the presence of sand and gravel deposits. Development on this land which sterilised these deposits would not be permitted unless the prior extraction of the sand and gravel is achieved

Other

35. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

36. The report is prepared in accordance with sections 16, 17 and 19 of the Planning and Compulsory Purchase Act, 2004

Other Legal Implications:

37. None

POLICY FRAMEWORK IMPLICATIONS

38. This is the "Submission" version of the Minerals Plan. The final adopted version will have the status of a development plan document and be part of the local development framework. It will therefore be one of the Council's policy framework documents. Once adopted it will replace the mineral sites element of the 1998 Minerals and Waste Local Plan. Planning applications must be determined in accordance with the adopted Minerals Plan unless other material considerations indicate otherwise.

SUPPORTING DOCUMENTATION

Appendices

1.	Plan 1
2.	Plan 2, Plan 3

Documents In Members' Rooms

1.	Minerals Plan – Submission version
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Appropriate Assessment	
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Background documents available for inspection at:

FORWARD PLAN No: PT02927 **KEY DECISION?** Yes

WARDS/COMMUNITIES AFFECTED:	All, particularly communities along the River Itchen and near the Empress Road industrial area: Peartree, Woolston, Bargate, and Bevois wards.
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