

<b>DECISION-MAKER:</b>	<b>CABINET COUNCIL</b>			
<b>SUBJECT:</b>	<b>HAMPSHIRE MINERALS AND WASTE PLAN: ADOPTION</b>			
<b>DATE OF DECISION:</b>	<b>17 SEPTEMBER 2013 18 SEPTEMBER 2013</b>			
<b>REPORT OF:</b>	<b>LEADER OF THE COUNCIL</b>			
<b><u>CONTACT DETAILS</u></b>				
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<b>STATEMENT OF CONFIDENTIALITY</b>
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None.
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**BRIEF SUMMARY**

The Minerals and Waste Plan (“the Plan”) (including Policies Map) will form part of the development plan and guide the determination of planning applications for such facilities across Hampshire, including Southampton.

**RECOMMENDATIONS:**

**CABINET:**

- (i) To note the Inspector’s report.
- (ii) To note that the Minerals and Waste Plan (2013) will supersede the saved policies of the Minerals and Waste Local Plan (1998) and the Minerals and Waste Core Strategy (2007).
- (iii) To recommend to Council that it approves the adoption of the Minerals and Waste Plan (2013) which incorporates the Inspector’s Main Modifications and Additional Modifications.

**COUNCIL:**

- (i) To note the Inspector’s report.
- (ii) To note that the Minerals and Waste Plan (2013) will supersede the saved policies of the Minerals and Waste Local Plan (1998) and the Minerals and Waste Core Strategy (2007).
- (iii) To recommend to Council that it approves the adoption of the Minerals and Waste Plan (2013) which incorporates the Inspector’s Main Modifications and Additional Modifications.
- (iv) To delegate to the Head of Planning, Transport and Sustainability, following consultation with the Leader of the Council, the power to make minor changes to the Plan prior to adoption.

## REASONS FOR REPORT RECOMMENDATIONS

1. To provide up to date planning policies for minerals and waste development.
2. To enable minor changes to be made as each authority approves the plan.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. It is a statutory requirement to produce the Plan. The 1998 / 2007 Plans are out of date and incomplete.

## DETAIL (Including consultation carried out)

4. The Plan has been prepared jointly by the Council with Hampshire County Council, Portsmouth City Council and both the New Forest and South Downs National Park Authorities (“the Plan authorities”). The Plan looks forward to 2030. This report focuses on the key issues for Southampton. Hampshire County Council’s Cabinet report sets out other issues which do not affect the City (Members’ room document 7). The Plan was submitted to an independent public examination by an Inspector. He has made ‘main modifications’ to the Plan, which the Council can now adopt. Legally it can only do this if it incorporates all of the Inspector’s ‘main modifications’, and makes no other ‘main modifications’.

### **The Submission Plan (February 2012) as approved by the Council.**

5. The Cabinet approved the Plan on 24<sup>th</sup> October 2011 and minor changes were made under delegated powers. The Plan’s approach, as set out in this section, has been endorsed by the Inspector so continues to form part of the Plan recommended for adoption, subject to any changes identified in paragraphs 15 - 29 below.

### Minerals

6. The Plan aims to ensure an adequate supply of aggregates to meet the needs of the economy and construction industry. It sets a target to supply 5.56 million tonnes per annum (mtpa) of aggregates. This target is made up of locally ‘land won’, recycled and rail imported aggregates; as well as the safeguarding of capacity at South Hampshire’s wharves to land 2 mtpa of marine dredged aggregates.
7. Southampton’s mineral wharves are situated along the River Itchen. Three are situated on its west bank by the football stadium (Leamouth, Dibles and Burnley wharves); one on its east bank (Supermarine wharf). These wharves alone supply about half of South Hampshire’s aggregate needs. The Plan safeguards the wharves from redevelopment or incompatible nearby development. However the Plan recognises that if the wharves were redeveloped this would make an important contribution to City Centre and waterside regeneration. Therefore if the wharves can be relocated, are no longer needed, or the merits of development clearly outweigh the need for safeguarding, the Plan supports their redevelopment.
8. The Plan also recognises that there are possible locations for new wharves, and that the relevant locations should be safeguarded. These include “land identified in the Port of Southampton Master Plan” and “military / naval land”. Whilst the plan considers the existing wharves can meet needs through the plan period, it explains that the position should be monitored. This will identify

whether the existing wharves continue to meet modern needs, and whether opportunities for new more efficient wharves have arisen.

9. The Plan also safeguards mineral resource areas (eg sand and gravel) from sterilisation. Small parts of the City are covered by these areas at Stoneham / Mansbridge and the eastern edge of the City.

#### Waste Management

10. The overall aim is to manage waste in the following order of priority: reduce; re-use; recycle; recovery (of energy); and as a last resort, landfill. The target is to achieve a 60% recycling rate and divert 95% of waste from landfill by 2020. By 2030 there is a need for a minimum of 0.29 mtpa of additional recycling and 0.39 mtpa of additional energy recovery capacity. The aim is for Hampshire to achieve net self sufficiency in the management of waste; and to focus facilities, where possible, close to urban areas and existing waste management facilities. The Plan supports appropriate energy from waste plants, designed to be capable of supplying heat. It also includes policies to control specialist forms of waste (eg construction; landfill; hazardous / low level radioactive and liquid waste). The Plan does not make provision for receiving any of London's waste, as this can more appropriately be handled closer to London.
11. The Plan does not allocate specific sites for waste management use (except for 2 landfill sites elsewhere in Hampshire). However, it sets out the types of location where waste management uses will generally be supported. These include suitable industrial areas or similar previously developed land. The indicative spatial diagrams indicate the Southampton area as being suitable for waste management, including waste transfer, recycling and recovery. Background documents, which were made publically available in 2011, do identify sites which are potentially suitable. These documents do not have 'plan status', and specific proposals (on these or other sites) will be assessed further at the planning application stage to test their acceptability. The sites identified in Southampton (Members' room document 8) have not changed since the Cabinet decision of 24<sup>th</sup> October 2011.
12. The Plan safeguards existing significant waste management facilities from redevelopment and incompatible nearby development. However redevelopment will be supported if the facility is relocated, no longer needed, or the merits of development clearly outweigh the need for safeguarding. The facilities safeguarded in Southampton are at Ashley Crescent, Empress Road and Princes Street (metal recycling and waste transfer); Dock Gate 20 (the new household waste recycling centre); and Millbrook Waste Water Works.
13. The Plan includes policies to control minerals and waste development. These relate to design, pollution, access, climate change, habitats and landscapes.

## **The Plan As Recommended for Adoption**

14. During the examination process the Inspector prompted the Councils to undertake public consultation (October – December 2012) on ‘main modifications’ to the Plan. These were approved by the Cabinet on 18<sup>th</sup> September 2012. A summary of the responses to this consultation is in the Members’ room (document 9). These were taken into account by the Inspector before finalising his report.
15. The Inspector found that the Plan would be sound provided his ‘main modifications’ (similar to those approved by the Council in 2012) were incorporated. The Plan recommended for adoption (Members’ room document 4) therefore incorporates his ‘main modifications’. It also includes other minor changes. These changes are set out in Members’ room documents 5 and 6, and are also incorporated within the Plan (document 4).

### ‘Main Modifications’

#### *Wharves*

16. A number of changes are proposed to support appropriate new wharves. This may enable existing wharves within the City to be relocated and regenerated for other uses. The changes are:
  - a. A general policy to support sustainable and appropriate new wharves (with an emphasis on deep water and rail connected wharves).
  - b. More explicit references that the land to be safeguarded (see para 9.) refers to the existing Port of Southampton, Dibden Bay and Marchwood Military Port. Further clarification that safeguarding simply allows for the consideration of the appropriateness of a new wharf, not a presumption in favour of wharf development.
  - c. Further clarification that issues affecting wharves need to be monitored throughout the plan period.
17. It should be noted that point b. (specifically Dibden Bay) was the subject of significant debate with ABP and New Forest District Council (NFDC) at the examination. NFDC, based on legal advice, challenged the effect of the safeguarding and indicated the need for a further Habitat Regulations Assessment (HRA) work. We (the Plan authorities) sought our own legal advice which was taken into account in the drafting of the ‘main modifications’ for public consultation. We also undertook further Sustainability Appraisal / HRA screening work. The Inspector recognised that the purpose of the policy is to safeguard areas that could be considered for minerals and waste wharf infrastructure if they become available. He concluded that with respect to the ‘Dibden Bay issue’ the Plan (with modifications) would be legally compliant because it is restricted to safeguarding, does not encompass minerals and wharf development, and the supporting text explicitly recognises that any development at Dibden Bay must satisfy the requirements of the Habitats Regulations. The issue is set out in more detail in Members’ room document 7 (HCC Cabinet report, paras. 5.58 – 5.62).

### *Location of Waste Management Facilities*

18. A spatial dimension is introduced to the policy: waste management facilities will be steered towards urban areas and strategic road corridors (and these are indicated on the key diagram). More flexibility is introduced to support any type of waste management facility on suitable sites. The emphasis on focussing facilities on suitable industrial estates is maintained. Other sites will be considered if they have good transport connections, are suitable, and there is a special need. There is additional support for facilities on suitable sites adjacent to existing waste water treatment works.
19. The text now recognises that where appropriate combined heat and power facilities may be encouraged near sources of fuel feedstocks, which may also include non waste fuel sources. (For example this could relate to a port or rail link). This sits alongside policies / text to ensure facilities are only supported if appropriate (eg in terms of visual impact, emissions, etc).

### *General*

20. A new policy to refer to the presumption in favour of sustainable development set out in the National Planning Policy Framework.
21. The policy on contributions and obligations is replaced by text.
22. The vision and spatial strategy are shortened, restructured and clarified.
23. The policy on protecting public health, safety and amenity is amended to clarify the appropriate standards, refer to land stability and contaminants, and impacts on strategic infrastructure.
24. The monitoring and implementation plan are amended with new outcomes added. The approach to monitoring aggregate supply is strengthened.
25. Concrete batching plants are included in the list of safeguarded sites, including the site at Imperial Road in Southampton.
26. Changes which are likely to have little or no effect on most sites in Southampton, relating to policies on: on countryside / landscape / green belt, brick making clay, land won aggregates, silica sand, non hazardous waste landfill, the target for / use of construction waste material.

### Other Minor Changes

27. These are often to ensure consistency within the Plan. They have generally already been approved by Cabinet (18<sup>th</sup> September 2012) or under delegated powers. The most recent appear in Members room document 6.
28. Examples include an additional reference to mineral and waste wharves in the vision; stating in policy that a redevelopment of a waste facility or wharf should only occur if the relocation is deliverable, and (for wharves) in a sustainable location with (in text) no prospect of it returning to a transport use in a reasonable period of time. New text to set out the facilities that should be provided with new wharves.

### **Sustainability Appraisal (SA); Habitat Regulations Assessment (HRA).**

29. The SA and HRA, and the process for their preparation, have met the requirements of the Strategic Environmental Assessment regulations and the Habitat Regulations respectively. The HRA has concluded that the Plan will not adversely affect the integrity of European habitat designations. A fuller explanation is set out in Members' room document 7 (HCC Cabinet report, paras. 3.9 – 3.11).

### **Older Plans Superseded**

30. The saved policies of the 1998 Minerals and Waste Local Plan include two of relevance to Southampton. They:  
Safeguard the following wharves for the landing of minerals: Bakers, Burnley, Leamouth, Willments.  
Support the development of a waste processing plant at Town Depot.
31. The 2007 Minerals and Waste Core Strategy includes general policies covering broadly the same issues as those in the 2013 Plan. The 2007 policies are more out dated and incomplete. (The policies relating to wharves, rail depots and safeguarding were struck out by the High Court).
32. The 2013 Plan supersedes the older plans.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

33. Southampton City Council has contributed 14% of the cost of producing the Plan. The latest contribution was £66,200 in 2011 / 12. A final accounting process is being undertaken but at this stage it is understood there will be no need for a further contribution.

### **Property/Other**

34. The Council has land interests on the following sites and areas:
- Millbrook / Central Trading Estate – see paragraph 12 and Members' document 8.
  - Stoneham – see paragraph 10.
  - Town Depot. (Replacing the 1998 Plan, including the policy which identified the site as suitable for waste uses, will, combined with the City Centre Action Plan, facilitate the regeneration of Town Depot for other uses).

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

35. The report is prepared in accordance with the Planning and Compulsory Purchase Act 2004 sections 16, 17, 19, 20, 23.

### **Other Legal Implications:**

36. Once each authority has approved the adoption of the Plan, a 'notice of adoption' is published following which 3<sup>rd</sup> parties have a 6 week period in which they can seek to challenge the Plan in the High Court.

**POLICY FRAMEWORK IMPLICATIONS**

37. The Hampshire Minerals and Waste Plan will form part of the Council’s policy framework and development plan. Planning applications have to be determined in accordance with the Plan unless material considerations indicate otherwise.

**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	None
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**Documents In Members’ Rooms**

1.	Inspectors’ report into the Hampshire Minerals and Waste Plan (2013).
2.	Saved policies of the Minerals and Waste Local Plan (1998).
3.	Minerals and Waste Core Strategy (2007).
4.	Minerals and Waste Plan for adoption (2013).
5.	Inspector’s ‘Main Modifications’.
6.	Inspector’s ‘Additional Modifications’.
7.	Hampshire County Council’s Cabinet report.
8.	List of Southampton sites in background document potentially suitable for waste management facilities.
9.	Summary of consultation responses (2013).

**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes/No
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**Other Background Documents**

**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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