



The Planning  
Inspectorate

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# **Report to Hampshire County Council, Portsmouth City Council, Southampton City Council, New Forest National Park Authority and South Downs National Park Authority**

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an Inspector appointed by the Secretary of State for Communities and Local Government

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## **PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)**

### **SECTION 20**

#### **REPORT ON THE EXAMINATION INTO THE HAMPSHIRE MINERALS AND WASTE PLAN LOCAL PLAN**

Document submitted for examination on 29 February 2012

Examination hearings held between 6 to 8 June 2012, 11 to 15 June 2012 and  
13 to 14 March 2013

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## **ABBREVIATIONS USED IN REPORT AND APPENDIX**

Core documents (referenced in parentheses in the text) are prefixed by the letters HMWP, ED or ND

AA	Appropriate Assessment
ABP	Associated British Ports
AONBs	Areas of Outstanding Natural Beauty
CDE	Construction, Demolition and Excavation (waste)
CHP	Combined Heat and Power
C&I	Commercial and Industrial (waste)
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government
ERFs	Energy Recovery Facilities
HGVs	Heavy goods vehicles
HWRCs	Household Waste Recycling Centres
ISA	Integrated Sustainability Appraisal
LDS	Local Development Scheme
MRFs	Material Recovery Facilities
MM	Main modification
MoD	Ministry of Defence
MSW	Municipal Solid Waste
mt	million tonnes
mtpa	million tonnes per annum
NPPF	National Planning Policy Framework
Para	Paragraph
S	Section
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SAMS	Sites and Monuments
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
WTSS	Waste Transfer Stations

## **Non-Technical Summary**

This report concludes that the Hampshire Minerals and Waste Local Plan provides an appropriate basis for minerals and waste planning within the plan area up to 2030 provided that a number of modifications are made to the Plan. The Hampshire Authorities<sup>1</sup> have specifically requested that I recommend any main modifications necessary to enable them to adopt the Plan.<sup>2</sup> All the main modifications to address this were proposed by the Hampshire Authorities and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Referring to collaborative working and the presumption in favour of sustainable development.
- Strengthening the vision and strategic aims.
- Amending policies on the environment, communities and the economy to ensure consistency with national policy.
- Providing for a landbank of brick clay of at least 25 years together with revised allocations.
- Ensuring a review of land-won aggregate allocations in the event of a drop-off of supply.
- Widening the provisions in respect of non-allocated land-won aggregate sites.
- Making provision for silica sand.
- Clarifying the policy on the location of new waste management developments.
- Clarifying the minimum contribution of recycled and secondary aggregates to the supply of minerals.
- Including provision for the consideration of new wharves and the safeguarding of potential wharves and concrete batching plants.
- Adding robust monitoring arrangements.

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<sup>1</sup> Hampshire County Council, Portsmouth City Council, Southampton City Council, New Forest National Park Authority and South Downs National Park Authority

<sup>2</sup> The Hampshire Authorities are also proposing "additional modifications" that will not affect legal matters or the soundness of the Plan.

## Introduction

1. This report contains my assessment of the Hampshire Minerals and Waste Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (Para 182) makes clear that to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the submission version of the Plan (February 2012, HMWP 135). This is an up-date of the publication version (November 2011, HMWP 001) on which public consultation took place in November and December 2011. The stated aim of the modified submission version is to improve readability; also to clarify points in response to comments received. It does not contain any changes that I would regard as main modifications.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with Section 20(7C) of the 2004 Act, the Hampshire Authorities requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

## Assessment of Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Hampshire Authorities complied with any duty imposed on them by Section 33A of the 2004 Act in relation to the Plan's preparation. Section 33A requires constructive, active and ongoing engagement with local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation.
6. By working together as a partnership of minerals and waste planning authorities, the Hampshire Authorities have addressed internal issues of intra-county working. This has included conforming with community strategies and with the established (New Forest) and emerging (South Downs) National Park management plans and strategies.
7. Engagement with borough and district councils within Hampshire has formed an important part of the plan-making process. Particular topics of discussion have been the availability and use of industrial land for waste development; local regeneration needs, for instance around the marine wharves; and accordance with the development plan including the Development Plan Documents of the Hampshire Districts.

8. Regard has been paid to the minerals and waste strategies of local planning authorities beyond Hampshire's boundaries. Discussions have been held with the adjacent authorities of Dorset, Wiltshire, Surrey, West Sussex and Berkshire. Discussions with other relevant authorities such as Somerset and Northamptonshire County Councils have also been held.
9. In terms of key bodies prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012:
  - There have been ongoing engagement and meetings with the Environment Agency and Natural England.
  - All consultation documents, updates and meeting invites have been sent to English Heritage, the Homes and Communities Agency, Transport for London, the Secretary of State for Transport and the Civil Aviation Authority.
  - There had been engagement with the Mayor of London through the South East Waste Planning Advisory Group Regional Technical Advisory Body.
  - The Hampshire, Isle of Wight, Portsmouth and Southampton Primary Care Trusts have been regularly consulted and contact has been established with neighbouring Primary Care Trusts.
  - The Office of Rail Regulation has been contacted in addition to ongoing engagement with Network Rail.
  - There has been continual engagement with the Highways Agency and with Hampshire County Council as highways authorities.
  - There has been consultation with the Marine Management Organisation and the Crown Estate that has led to publication of an agreed position statement.
10. Details of the co-operative working are set out in the document "A record of collaborative working in the preparation of the Hampshire Minerals and Waste Plan" (HMWP 140a). I conclude that the Hampshire Authorities have worked collaboratively with other authorities and bodies and have co-operated effectively through a continuous period of engagement. The Local Planning Authorities have fulfilled the duty to co-operate with regard to the Hampshire Minerals and Waste Plan.

## **Assessment of Legal Compliance**

11. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all. However, in the light of discussion at the examination hearings and other evidence before me, I include comments on a number of relevant matters.

### ***Local Development Schemes***

12. The Minerals and Waste Development Scheme of Hampshire County Council (HMWP 032), as submitted to the Secretary of State at the start of the examination process, referred to public examination of the Hampshire Minerals

and Waste Plan in April 2012 with adoption in July 2012. In the event, hearing sessions were held in June 2012 and March 2013. Adoption in the summer of 2013 is now anticipated. To reflect these revised dates, an updated Local Development Scheme (HMWP 032a) has been prepared. The content and timing of the Plan are compliant with the revised scheme.

### ***Statements of Community Involvement***

13. With regard to community involvement, some parties found the consultation exercise to be overwhelmingly complicated, to have an over-emphasis on electronic responses and to have involved Plan exhibitions at distant locations. For my part, I appreciate that much of the documentation is lengthy and technical in nature. This is perhaps inevitable given the nature of the subject. In addition, and in part a reflection of the Regulations, there is an emphasis on use of the internet. However, in this and all other respects, including the choice of exhibition venues, I find that there has been compliance with the Statements of Community Involvement. I do not find that the consultation process was flawed.

### ***Sustainability Appraisal***

14. The Hampshire Minerals and Waste Plan has been subject to sustainability appraisal. The document setting out the latest iteration of this process is the Integrated Sustainability Appraisal Report (HMWP 078b). Amongst other things, several representors have criticised the scoring used in the assessment of sites. Examples of the criticisms are to be found at core documents ED 117 and 118 where alternative scores are proposed for sites at Downton Manor Farm and Yeaton Manor Farm. Assessment of the Hamble Airfield, Purple Haze and Roeshot sites are other examples.
15. I acknowledge that there is an element of subjectivity in the way in which the scores have been assessed and recorded. In this respect, I have had regard to the possible use of alternative scores. However, I do not find that the conclusions of the Hampshire Authorities are significantly flawed. The sustainability appraisal is part of an overall assessment of the environmental effects of the Hampshire Minerals and Waste Plan. Even if some of the scores were varied, I do not consider that the overall conclusions of the exercise would be materially different. I conclude that the sustainability appraisal is adequate.

### ***Appropriate Assessment***

16. Another process that has been the subject of criticism is that of appropriate assessment as carried out under the Habitats Regulations. The latest details are set out in the "Assessment Under the Habitats Regulations – Habitats Regulations Assessment Record" (HMWP 132a) together with the related Appendices (HMWP 133c). Again, the assessment of individual sites is considered by certain representors to be flawed. A particular example is the allocated site at Purple Haze where issues include the effect on Special Areas of Conservation, Special Protection Areas and Ramsar Sites. A further example is the proposed Bramshill Quarry extension which also affects a Special Protection Area.

17. At Purple Haze, the lack of hydro-geological evidence creates uncertainty. However, as advised by Natural England, it has been possible to address such matters in the wording of the development considerations. At the Bramshill Quarry extension (and again with advice from Natural England), a widely drawn allocation boundary would allow greater control over adjacent development and possible benefits in terms of continued management. In all the circumstances, I consider that the Appropriate Assessment is adequate.

### **Regional Strategy**

18. On 28 February 2013 the Secretary of State laid in Parliament a statutory instrument to partially revoke the Regional Strategy for the South East. Two policies have been saved. One of these (Policy NRM6: Thames Basin Heaths Special Protection Area) is relevant in parts of the plan area. The partial revocation came into force on 25 March 2013. The policies within the Regional Strategy on minerals and waste are no longer part of the development plan.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS March 2013 which sets out an expected adoption date of summer 2013. The Local Plan's content and timing are compliant with the LDS.
Statements of Community Involvement (SCIs) and relevant regulations	The SCIs of the Hampshire Authorities were adopted over a period extending from 2006 to 2013. Consultation has been compliant with the requirements therein, including consultation on the post-submission proposed "main modification" changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	AA has been carried out under the Habitats Regulations (October 2012 with revised appendices March 2013). The AA is adequate.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	All material provisions of the RS (South East Plan) were revoked in March 2013. The Local Plan is in general conformity with the remaining relevant provisions of the RS (Policy NRM6).
Sustainable Community Strategies (SCSs)	Satisfactory regard has been paid to the SCSs of the Hampshire Authorities.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Assessment of Soundness

### Preamble

19. The Hampshire Minerals and Waste Plan will replace the Hampshire Minerals and Waste Core Strategy as adopted in 2007. The new Local Plan makes provision for all aspect of minerals and waste development within the county of Hampshire over a period extending up to 2030. It is a collaboration between the "Hampshire Authorities", namely Hampshire County Council, Portsmouth City Council, Southampton City Council, the New Forest National Park Authority and the South Downs National Park Authority.
20. The central purpose is to set out policies for minerals extraction and the provision of waste management infrastructure over the period of the Plan all within a context that provides for the protection of Hampshire's environment, the maintenance of Hampshire's communities and support for Hampshire's economy. In this regard, some 12 sites across the plan area are allocated for mineral extraction or waste management purposes. A further specific site is the subject of minerals safeguarding.
21. The main tranche of examination hearings took place in June 2012. During the course of those hearings it became clear that main modifications would be necessary to make the Plan sound and/or legally compliant and capable of adoption. Modifications were drafted and consulted upon. As a result of representations received, the hearings were resumed (and concluded) in March 2013.
22. The preparation of the Plan and its examination have taken place at a time of change. For example, the Plan was submitted to the Secretary of State approximately one month before publication of the final version of the National Planning Policy Framework. In addition, all material provisions of the Regional Strategy (South East Plan) were revoked late in the examination process.
23. Certain new documents of relevance were published after submission of the Plan. These include "Technical Guidance to the National Planning Policy Framework", "Guidance on the Managed Aggregate Supply System" and "Guidance for local planning authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC)". Interested parties were given an opportunity to comment on the Plan in the light of all these documents.
24. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Specific waste policies are not included in the Framework. However, other policies are relevant to the content of the Plan, minerals policies in particular.
25. Although in all material respects the South East Plan has now been revoked, the Hampshire Minerals and Waste Plan largely conforms with this Spatial Strategy. The degree of conformity is outlined in the document "Hampshire Minerals and Waste Plan – Conformity with the South East Plan" (HMWP 109a). The principles and aims of the Regional Strategy are also largely replicated in the Minerals and Waste Plan. However, there are some instances where an alternative approach has been implemented.

26. Alternative approaches have been developed where the evidence collected has shown that circumstances are different from those obtaining at the time of the preparation of the South East Plan. Examples include the adoption of a rolling average of 10 years' sales data and other relevant information regarding aggregates, and an assessment of all supply options, as required under the National Planning Policy Framework.
27. Some areas of the evidence base for the South East Plan are considered to be out of date. Evidence prepared for the Hampshire Minerals and Waste Plan is more recent and presents a more realistic picture of minerals and waste issues in some areas.
28. With regard to the National Planning Policy Framework, the draft Framework (ND 001) was used in the preparation of the Plan. However, the examination was undertaken using the final Framework as published on 27 March 2012 (ND 075). As discussed below, certain main modifications to the Plan are proposed in order to address important discrepancies. Other matters are to be addressed through additional modifications proposed by the Hampshire Authorities.
29. Specific matters are addressed in the body of my report under the main issues headings. However, there are two matters of preliminary concern. These are the new presumption in favour of sustainable development; and a new soundness requirement, namely that local plans (which include the Hampshire Minerals and Waste Plan) should be positively prepared.
30. In terms of the new soundness requirement, the Framework requires that the Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. In this regard, a steady and adequate supply of minerals would be yielded from a variety of sources and locations. In terms of waste, the need for new management capacity has been objectively assessed to calculate the capacity gap and the waste management needs of the plan area. The policies can be considered to be positive and enabling. They set out the circumstances where development would be permitted rather than seeking to restrict growth.
31. I find that the Plan has been positively prepared and is sound in this regard. In addition, with the incorporation of main modifications **MM1 and MM9**, there would be a clear statement of the Hampshire Authorities' intention to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. As such, there would be accordance with this important new strand of national policy.

### **Main Issues**

32. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 11 main issues upon which the soundness of the Plan depends. They are discussed in the order in which they were considered at the examination hearings, not in any particular order of importance. Main modifications are recommended as appropriate.

33. Many of the representations are addressed in additional modifications that are proposed by the Hampshire Authorities. However, these do not concern matters of soundness or legal compliance and do not need to be considered in this report.

**Issue 1 - Whether there is a positive and collective vision for the future of Hampshire, including a clear economic vision, which reflects the aspirations of local communities**

34. Paragraph 17 of the National Planning Policy Framework calls for succinct local plans setting out a positive vision for the future of the area. There is also a call for a clear economic vision and strategy (Para 21). In response, the Hampshire Minerals and Waste Plan sets out a short vision at Para 2.24. This is expanded upon in Para 2.25 with strategic aims at Paras 2.27 to 2.29. However, these provisions are lacking in economic focus. In addition, there is a general need for restructuring, consolidation and summarisation.
35. Changes that would ensure consistency with national policy are set out in three main modifications (**MM2 to MM4**). There would be re-phrasing to clarify the importance of minerals to economic activities such as housing growth and infrastructure provision. Additional text would emphasise the role of recycled aggregates and how the required landfill capacity requirement would be met. In addition, there would be greater clarity over the links between the vision and the strategic aims.

**Issue 2 – Whether there are clear and appropriate environmental policies that, amongst other things, would ensure that there would be no unacceptable adverse effects on the natural or historic environment**

***Protection of the landscape***

36. Under Paras 115 and 116 of the National Planning Policy Framework, great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances. In this regard, Policy 3 of the Hampshire Minerals and Waste Local Plan needs to be up-dated to reflect accurately these provisions of national policy, provisions that are absent from the policy as submitted. Necessary changes would be effected through a main modification (**MM5**).

***Protection of the countryside***

37. Policy 4 of the Plan deals with protection of the countryside. Under the terms of the policy, minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty (for which there is separate policy provision), will not be permitted unless it complies with the criteria stated in the policy. However, the policy needs to be considered in the context of other policies in the Plan, notably Policy 28 on locating waste management development.
38. Under Policy 28 (as proposed to be modified), the emphasis is upon locating waste management development in urban areas in northeast and south Hampshire, along the strategic road corridors and in areas of major new or

planned development. Such locations could include sites within a rural setting in which case sites would be considered suitable and supported where they would involve previously-developed land and the development would be of a scale compatible with the setting.

39. Modified Policy 28 would also recognise that there could be other special locational needs outside the main terms of the policy. Exceptional circumstances are set out in the text accompanying the policy. A more rural location could be appropriate where the facility would be closer to the source of the waste or related to an agricultural activity. For example, anaerobic digester plants and composting facilities may need to be located where there would be an available feedstock and where the residues could be disposed of to land for beneficial purposes.
40. At present there is an internal inconsistency within the Plan. Policy 4 is not justified in its existing form. It needs to be amended in line with the evidence base that supports the locational provisions of Policy 28. A main modification (**MM6**) is recommended. With this modification in place, there would be appropriate reference within Policy 4 to countryside activities, local needs and the exceptional circumstances defined under modified Policy 28. Modified Policy 4 would be clear and appropriate.

### **Green Belt**

41. The protection of the South West Hampshire Green Belt is dealt with in Policy 5 of the Hampshire Minerals and Waste Plan and in Paragraphs 3.34 to 3.37. However, there are a number of deficiencies in the policy:
  - The policy requires developments to contribute to the achievement of Green Belt objectives. However, the National Planning Policy Framework no longer refers to Green Belt objectives. The equivalent provision is enhancing the beneficial use of the Green Belt.
  - The way the policy is written, only time-limited developments would be permitted. This approach is flawed. In any event, in many cases, time-limited developments would still be inappropriate although the temporary nature of the activity could contribute towards demonstrating very special circumstance in certain cases.
  - The policy as written would allow development where there are special circumstances that would make the development appropriate. However, it is not possible to make a development appropriate (or "not inappropriate") through special circumstances (or even very special circumstances).
42. To rectify the above deficiencies, a main modification (**MM7**) is proposed. The policy would be simplified and would refer to permitting development that is not inappropriate or where very special circumstances exist; also to enhancing the beneficial use of Green Belt. With this modification in place, the Green Belt provisions would be consistent with national policy as expressed in the National Planning Policy Framework and would be sound. The policy would be clear and appropriate.

**Issue 3 - Whether there are clear and appropriate community-related policies that, amongst other things, would ensure that there would be no unacceptable adverse effects on human health**

***Protecting public health, safety and amenity***

43. Policy 9 of the Plan addresses the topics of public health protection, safety and amenity. However, the provisions are lacking in a number of important respects. These are summarised below:
- In the context of the release of emissions, there is confusion over use of the term "beyond recognised levels".
  - The term "visually obtrusive" does not adequately cover visual amenity matters.
  - There is no reference to tip and quarry slope stability; differential settlement of quarry backfill and landfill; and subsidence and migration of contaminants. This is contrary to Para 143 of the National Planning Policy Framework.
  - There is no reference to protecting public strategic infrastructure.
  - The need to address potential cumulative impacts and the way they relate to existing developments should be covered in the policy (not in the supporting text).
44. By way of response, a main modification (**MMS**) is proposed:
- The term "above appropriate standards" would be used in place of "beyond recognised levels".
  - Instead of referring to visually obtrusive developments, there would be reference to the avoidance of unacceptable visual impact.
  - Reference would be added to tip and quarry slope stability; differential settlement of quarry backfill and landfill; and subsidence and migration of contaminants.
  - There would be reference to impact on public strategic infrastructure.
  - There would be more comprehensive reference, within the policy, to cumulative impacts.
45. With the above main modification in place, the Hampshire Minerals and Waste Plan would accord with Government policy on environmental criteria and the related soundness of the Plan would be assured. There would be clear and appropriate policies on community-related matters.

**Issue 4 - Whether appropriate provision is made for the steady and adequate supply of clay and chalk and for any demand for small-scale extraction of building stone**

***Brick-making clay – stock of permitted reserves***

46. One of the main changes between the draft and final versions of the National Planning Policy Framework was that relating to the landbank that should be provided for brick clay. The draft Framework (on which the Plan was predicated) made reference to ensuring security of supply of brick clay by allocating sufficient land to maintain a landbank of at least 10 years. This is the time period that is referred to in Policy 21 (Brick-making clay) of the Plan.
47. The final version of the Framework indicates that there should be a stock of permitted reserves of at least 25 years for brick clay. In order to reflect this element of national policy, a main modification is necessary (**MM10**). With this modification in place, the related provision of the Plan would be sound and there would be accordance with the National Planning Policy Framework.<sup>3</sup>

**Issue 5 - Whether there is clear and effective provision for the safeguarding of mineral and waste sites and facilities; also the long-term conservation of mineral resources and the definition of safeguarding and consultation areas**

***Concrete batching sites***

48. Under Para 143 of the National Planning Policy Framework, local planning authorities should, amongst other things, safeguard sites for concrete batching. The Hampshire Mineral and Waste Plan contains a list of safeguarded minerals and waste sites at Appendix B. However, concrete batching plants are not presently included.
49. In order to comply with the Framework, it will be necessary to include concrete batching plants in the list at Appendix B of the Plan. This would be dealt with by way of a main modification (**MM11**). With this modification in place, there would be accordance with related national policy and the Plan would be sound in this respect.

***Minerals Consultation Areas***

50. A further provision of Paragraph 143 of the National Planning Policy Framework is the definition of Minerals Consultation Areas. Local planning authorities are expected to define Minerals Consultation Areas based on Minerals Safeguarding Areas. The topic of Minerals Consultation Areas was the subject of discussion at the hearings. Clear and flexible provisions are already in place in Hampshire. Although the Hampshire Authorities are proposing additional modifications whereby the arrangements would be clarified and highlighted, no main modifications are necessary.

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<sup>3</sup> Further modifications relating to brick-making clay have also been prepared (MM24 and MM25) – see Issue 7 below.

## **Issue 6 - Whether appropriate provision is made for the steady and adequate supply of sharp sand, gravel and soft sand**

### ***Land-won aggregate – quantification of requisite supply***

51. One of the more controversial matters discussed at the examination hearings was the amount of sand and gravel that should be produced from land-won sources each year. Some representatives of the industry (perhaps with an eye to additional allocations) were concerned that the "apportionment" was too low. Those against the allocation of particular sites tended to regard the apportionment as too high and sought a lower land-won contribution and an increased yield from other sources including imports.
52. The historical starting point is the South East Plan. Policy M3 on primary aggregates set an apportionment of 2.63 million tonnes per annum (mtpa) for Hampshire/Southampton/Portsmouth. This figure was the subject of later review. Following an examination in public, the Secretary of State proposed changes to Policy M3 (changes that were not adopted given the decision to revoke regional strategies). The proposed annual average of land-won sand and gravel for Hampshire was set at 2.05 mtpa (March 2010).
53. A further change was introduced in the National Planning Policy Framework. Paragraph 145 of the Framework indicates that supply should be based on a rolling average of 10 years' sales data and other relevant local information. Planning for a steady and adequate supply of aggregates would be informed by the preparation of an annual Local Aggregates Assessment.
54. Three versions of a Local Aggregates Assessment were before the examination. Version 1 (HMWP 136) represents the draft of the Assessment as initially prepared by the Hampshire Authorities. Version 2 (HMWP 136a) was prepared after consultation responses had been received, notably those of the South East England Aggregate Working Party (HMWP 141). Version 3 (HMWP 136b) was prepared to reflect the situation at the end of 2012 and to inform the examination hearings as resumed in March 2013.
55. The comments of many of those making representations on this part of the Plan reflect the views of the South East England Aggregate Working Party. There is concern about the robustness of the sales data; the prospect of increased house-building and commercial/industrial activity; and demand for aggregate from neighbouring authorities. There is also a view that there should be some form of contingency together with robust monitoring.
56. The various versions of the Local Aggregates Assessment confirm the locally derived land-won sand and gravel apportionment set out in the Plan (1.56 mtpa). This figure is in excess of the 10 year sales average of 1.41 mtpa. It also exceeds the three year average of 0.95 mtpa.<sup>4</sup>
57. The apportionments and the sales figures are inclusive of both sharp sand and gravel and soft sand. However, the soft sand calculations have been the subject of separate criticism. In this regard, the locally derived apportionment

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<sup>4</sup> The DCLG publication "Guidance on the Managed Aggregate Supply System" states (Footnote 1) that Mineral Planning Authorities should also look at the average 3 year sales in particular to identify the general trend of demand.

amounts to 0.28mtpa. This can be compared with average annual sales, over the 10 year period, of 0.23mt.

58. For my part, I recognise that the sales data for land-won sand and gravel presents a mixed picture including a decline in sales notably over the last three years. However, the work follows the approach advocated in the National Planning Policy Framework. Further, having regard to other relevant information, there is no certainty that sales will differ markedly from those assessed by the Hampshire Authorities certainly in the foreseeable future.
59. In terms of other sources of supply (recycled and secondary aggregates, marine-won aggregates and imported hard rock), the infrastructure is in place such that the supply envisaged within the Plan (Policy 17: Aggregate supply – capacity and sources) could be achieved. However, except in the case of hard rock (imported), this would be at levels not actually achieved in the past.
60. In conclusion, I am satisfied that supplying sand and gravel at a rate of 1.56 mtpa (including 0.28 mtpa of soft sand) would be an appropriate contribution to a steady and adequate supply of aggregates in Hampshire. However, the evidence raises some uncertainties. In order to be effective and deliverable over the Plan period, I consider that there should be robust monitoring of Policy 17 (Aggregate supply – capacity and sources) and a commitment to vary the required elements of supply should this become necessary. Such a response would be effected through a further main modification (**MM12**).

### ***Meeting aggregate supply***

61. The way in which the required supply of land-won aggregates would be met is summarised in Table 5.3 of the Plan. The requirement over the Plan period is for 30 million tonnes (mt) of sand and gravel (apportionment x Plan period (19.25 years)). Existing reserves amount to 16.44 mt. Sites initially allocated in the Plan would yield 11.57 mt. Together these amount to 28.01 mt. There is therefore a shortfall of a total of 1.99 mt.
62. The Hampshire Authorities envisage that this shortfall would be made up through a minimum "contingency" of 0.15 mtpa. This would come from what are in effect windfall sites (described in the Local Aggregates Assessments as "unallocated opportunities"). Historically, 0.30 mtpa has come forward from these unallocated sites. This is double the figure upon which reliance is now placed.
63. The Hampshire Authorities argue that unallocated opportunities could come forward under the provisions of Policy 20: Local land-won aggregates. Policy 20 identifies specific sites from which extraction would be permitted. In addition, proposals outside the areas identified in the Plan could be supported where it could be demonstrated that the identified sites are not deliverable, that there is a demonstrated need for the development or that prior extraction of the aggregate facilitates other development.
64. The way in which the sites identified in the Plan could be demonstrated to be "not deliverable" is unclear. In addition, there may be a specific local requirement for the mineral. Further, extraction may be justified where it is either part of a proposal for another beneficial use or involves extraction prior to a planned development. Given that reliance could be placed on sites

outside the specific areas identified in Policy 20, these points should be recognised in the policy. This would be effected through a main modification (**MM13**). Additional modifications in the supporting text would provide further clarification and explanation.

65. Several representors have stated that there should be allocations sufficient to meet *all* the identified needs and there should be no specific reliance on unallocated opportunities. They say that this is one of the fundamental tasks that should be met by the Plan. In this regard, several sites have been put forward as candidates for additional allocation in circumstances where there is stated to be no way of knowing whether the sites would be acceptable to the Hampshire Authorities even if they came forward by way of Policy 20.
66. I agree that, ideally, the local apportionment should be met from specific allocations. However, I am satisfied that the Plan includes a strategy that will deliver a steady and adequate supply of sharp sand, gravel and soft sand. The key elements of that strategy are:
- a realistic local apportionment;
  - extraction of remaining reserves from existing permitted sites;
  - further extraction through the extension of certain existing permitted sites;
  - extraction from new allocated sites;
  - extraction from unallocated opportunities in appropriate circumstances; and
  - robust monitoring and a commitment to review if there were a material change in circumstances.

### ***Provision for silica sand***

67. The Hampshire Minerals and Waste Plan does not contain any reference to silica sand. At the time of preparation of the Plan, there was no knowledge of a silica sand resource within the plan area. However, during the course of the examination, it was demonstrated that sand at Kingsley Quarry should be classed as silica sand. Having regard to the chemical composition of the sand, its grain shape, grain-size distribution and end application, I agree that there is silica sand within the plan area, notably at Kingsley Quarry.
68. It follows that the Hampshire Minerals and Waste Plan should address the topic of silica sand. In particular, and in accordance with Paragraphs 145 and 146 of the National Planning Policy Framework, a separate landbank for silica sand should be calculated and maintained. Further, provision should be made for a stock of permitted reserves of at least 10 years for individual silica sand sites.
69. These matters are addressed through a proposed main modification (**MM14**). This main modification is necessary if the Plan is to be consistent with national policy and sound. The modification also refers to Frith End Quarry where the geological conditions (and the presence of silica sand) are similar to those found at Kingsley Quarry.

**Issue 7 - Whether sufficient sites have been allocated; whether they are acceptable in environmental terms and in other respects; whether the sites are deliverable; and whether there is flexibility regarding the availability of sites**

***Introduction***

70. Site allocations are made under the provisions of Policy 20 (Local land-won aggregates), Policy 21 (Brick-making clay) and Policy 31 (Non-hazardous waste landfill). Details are included in Appendix A of the Plan – Site allocations. At Inset Map 5, Appendix A also identifies a site at Whitehill Bordon (now to be known as Whitehill & Bordon). However, this depicts a Minerals Safeguarding Area to which Policy 15 refers (Safeguarding – mineral resources (Sand and Gravel and brick-making clay)).
71. I have concluded above (Issue 6) that provision for an adequate and steady supply of aggregates would be made under modified Policy 20 and that the allocation of additional sand and gravel sites would not be necessary. The present discussion (Issue 7) concentrates on the appropriateness of the specific allocations (aggregate and other) that appear in the Submission Plan.

***Brick-making clay***

72. As part of the process of planning for a steady and adequate supply of brick clay, as required by Para 146 of the National Planning Policy Framework, the Hampshire Mineral and Waste Plan makes an allocation at **Michelmersh Brickworks**, one of two brickworks within the plan area. Two parcels of land are allocated. One parcel is generally to the west of the existing brickworks. The other is to the north.
73. During the examination process, it became clear that neither of these parcels would be suitable for the future extraction of brick-making clay. The western parcel falls within Source Protection Zone 1; there is an unacceptable risk to the quality and quantity of drinking water supplies that could not be adequately mitigated. With regard to the northern parcel, recent site investigations have demonstrated that this area is almost entirely barren.
74. In the circumstances, and in order to meet the requirements of the National Planning Policy Framework, it was necessary to undertake a further search for sites that could be suitable for brick clay extraction. This further search was undertaken after the first tranche of examination hearings. New allocations were put forward after the search. These have been the subject of a further round of public consultation.
75. Two new parcels of land are now put forward for allocation. These parcels lie to the east of the existing works and are known respectively as "School House Field" and, below that, "Hillside Field". Extraction of clay from School House Field would likely take place over a concentrated period of three months in a summer season. Extraction from Hillside Field would take much longer. A total period of 14 years was referred to at the examination hearings although extraction would take place over three or four week periods.
76. Amongst representors, there is concern that open views across local fields (highlighted in the Conservation Area Plan) would be lost. In addition there

would be significant adverse effects on the living conditions of local residents. A further concern is whether all practicable options have been assessed and considered in appropriate detail. This is in circumstances where inclusion of School House Field was rejected at an inquiry into a previous plan, in 1995, the impact of working an alternative field being perceived as much less.

77. At the examination hearings it was clear to me that there are no realistic alternative sources of brick clay of the required composition. The circumstances are materially different from those assessed in 1995. To my mind, the most significant effects would be on the living conditions of residents close to the site notably the occupiers of The Old School House, Croft House and Nurse's Cottage. Steps to safeguard their amenities would be an important development consideration. It is also relevant that the site would only be worked during limited periods of time.
78. Under the National Planning Policy Framework, planning for a steady and adequate supply of brick clay is an important consideration. This would not be achieved under the submission proposals. Acceptable alternative sites are needed. In this regard, the Plan should be modified to include the allocation of School House Field and Hillside Field. This would be achieved under the recommended main modifications (**MM10, MM24 and MM25**).
79. The second brickworks within the plan area is **Selborne Brickworks**. This is located with the South Downs National Park. Although I would normally expect provision for non-energy minerals to be made from outside National Parks, the identification of further brick-making clay resources at Selborne is required in order that the brickworks has a secure long-term supply of clay. This would support the investment required in the brickworks.
80. Those making representations about the allocated land are principally concerned about effects on the environment and amenity; also the impact of traffic on rural roads. These are matters considered at the time planning permission for clay extraction was granted in 2004 (a permission that was allowed to lapse). It is also relevant that the site has been in operation "for hundreds of years".
81. Matters such as traffic issues, the protection of residents' amenities and the impact on landscape character are identified as development considerations. These would be addressed as proposals are progressed. My conclusion is that the allocation is acceptable and is soundly based.

### ***Aggregate rail depots***

82. There are two sites that are allocated as aggregate rail depots. The first is **Basingstoke Sidings**. This is an existing rail siding with operational capacity and good road access. Whilst there are a number of concerns, mainly about the potential effect on residential development and regeneration sites, the principal sensitive receptors are on the far side (south) of the main line railway. The impact on local residents (and businesses) is a development consideration and could be satisfactorily addressed at the application stage.
83. The second site allocated as an aggregate rail depot is **Micheldever Sidings**. The proposed allocation is, in itself, relatively uncontroversial although access matters would be clarified through an additional modification.

### **Soft sand**

84. There are two sites that have been allocated with the extraction of soft sand in mind. One is at Purple Haze (which also has resources of sharp sand and gravel). The other is at Forest Lodge Farm.
85. The objections to the **Purple Haze** site are many and varied. At the related hearing session, representations were discussed under some 20 different headings. In addition to matters relating to the Appropriate Assessment as discussed above, there are important concerns regarding the nature and quantity of the reserve; the effect on recreational amenity; and the likely success of the restoration proposals. Transport effects are also an issue.
86. There have been differing estimates of the amount of aggregate that could be extracted from the site. The level of the water table is a further complication. Quantification of the reserves is in part a question of the volume included within the calculation and allowances made for buffering. However, I have no reason to seriously question the estimates or understanding of the Hampshire Authorities. Even if the assessment proves to be optimistic, that does not undermine the appropriateness of the allocation. Further, as noted at other sites, wet working is not necessarily a barrier to extraction.
87. In terms of the effect on recreational amenity, there would be encroachment on the Moors Valley Country Park. Also, an area of coniferous forest currently enjoyed by the public as an attractive place to see and walk would be lost. For the users of these facilities the effects would be detrimental. Nevertheless, bearing in mind the importance of the mineral resource and access to the amenities of the wider Ringwood Forest, I consider that the disbenefits would be acceptable. In this regard, the Purple Haze site would make an essential contribution to the future supply of soft sand within the plan area.
88. With regard to restoration, I note that there are considerable uncertainties about the likely success of the intended recreation of heathland. Be that as it may, this is not the only element of restoration. In my opinion, the uncertainties do not override the appropriateness of the site allocation.
89. Traffic impacts have been assessed on the basis of 100 two-way traffic movements each day. Additional traffic of this order is unlikely to have a significant impact on the B3081 or on the operation of the wider transport network.
90. Even if the identified alternative sites were available, I would find Purple Haze to be a site suitable for mineral extraction. This is notwithstanding the uncertainties and the lack of an identified operator. In my view, it should be possible to resolve outstanding matters at the application stage. If any particular application failed to resolve outstanding matters, it would need to be refused.
91. The main considerations at **Forest Lodge Farm** (more correctly Forest Lodge Home Farm) are traffic impacts and effects on residential amenities. The adjacent A326 is one of the most heavily congested roads in the county. However, the Strategic Transport and Traffic Assessment (HMWP 081) predicts some 48 two-way movements a day. I would not expect movements of this

order to have a significant impact on highway operation or safety. As to residential amenity, there is nearby existing (and proposed) housing especially in Butts Ash. Nevertheless, adequate mitigation could be provided under a detailed scheme secured under the development considerations.

92. I find that the allocation of Forest Lodge (Home) Farm is soundly based. There would be an important contribution to the soft sand needs of the plan area, needs that are difficult to meet. In addition, there would be a site in the south of the plan area. This would help counter the dominance of Purple Haze in the west and give a more balanced spatial distribution of supply.

### ***Sharp sand and gravel***

93. Turning to sites that would supply sharp sand and gravel, I have discussed the **Bramshill Quarry extension** site in the context of the foregoing discussion on Appropriate Assessment (Paras 16 and 17). Other points of concern regarding the Bramshill Quarry extension would be addressed under the development considerations. Similarly, key issues at the **Bleak Hill Quarry extension** site and at **Cutty Brow** are identified development considerations to be dealt with at the application stage.
94. The proposed allocation at **Hamble Airfield** is the subject of a considerable number of representations. Key concerns include disturbance to amenity and function; loss of informal recreational opportunities; impacts on rights of way; landscape impacts; impacts upon local residential visual amenity; and traffic impacts. Related to these impacts would be effects on air quality and on the economy of the Hamble peninsula. For my part, I see the impact on residents and users of local facilities as being of particular importance; also traffic impacts.
95. In terms of the residents and users of local facilities, there would be an undoubted impact. For example, residential development borders three sides of the site; and there are other nearby facilities that include schools, a community college and footpaths. Nevertheless, for the duration of the development, I would expect adequate mitigation to be available through the design and execution of the scheme and through the imposition of appropriate planning conditions.
96. With regard to traffic and related impacts, the evidence indicates (HMWP 081 and ED 097) that there would be up to 60 two-way movements of heavy goods vehicles (HGVs) each day served by a simple priority junction. In my judgement, this would represent an insignificant increase in the number and frequency of HGVs on Hamble Lane even if restricted to the inter-peak period.
97. I would not expect there to be any unacceptably adverse effects, notably on human health, as a result of the proposals. Residents living close to the workings would be exposed to a number of environmental impacts. Whilst particular care would need to be taken in formulating appropriate planning conditions, I find that the allocation of the site is soundly based.
98. In terms of the **Roeshot** site, I have identified three main considerations. The first is the effect on the residential amenities of those who would be living within the proposed North Christchurch Urban Extension Strategic Allocation. The second is the impact on the A35 and the wider transport network. The

third is the sustainability credentials of the site bearing in mind the particular need to import inert material to effect restoration.

99. The proposed housing site lies south of the site, beyond a railway embankment. This embankment shields the majority of the site although it tapers out at the eastern end. Even so, the protection of residential amenities is an identified development consideration. I would expect appropriate mitigation to be effected through planning conditions and through the design and operation of the site.
100. Access would be gained via an upgraded haul road. This would have an improved junction with the A35. The Strategic Traffic and Transport Assessment has assumed that there would be some 100 two-way vehicular movements a day. This increase in traffic is unlikely to have a material impact on the operation of the A35 or the wider transport network.
101. As to sustainability considerations, it is stated (ED 103) that expected levels of importation would be in the order of 50,000 to 70,000 cubic metres each year. Others have put the estimate much higher in circumstances where there is a perceived shortage of inert material. The prospective developers of the site are active in the sourcing, collecting and treatment of inert material. I would not expect there to be any overriding problem in providing the material that would be needed for restoration. In all the circumstances, I find that the allocation of the site is soundly based.

### ***Non-hazardous landfill***

102. Two non-hazardous landfill sites are allocated under the Hampshire Mineral and Waste Plan. The first is at the **Squabb Wood landfill** and would represent the provision of additional capacity at this site near Romsey. It is apparent that operation of the existing facility has given rise to a number of concerns over the years, notably in respect of smells, dust and noise. In addition, whilst tolerating the presence of the existing landfill, residents have a reasonable expectation that the landfill would come to an end and that the site would be restored.
103. Whilst the presence of the landfill would inevitably be prolonged, I consider that there is no objection in principle to the proposed allocation. Protection of the amenities of nearby residential properties is listed as a development consideration. Any new application would consider afresh matters such as smells, noise and dust. Controls could be tightened as necessary. However, the allocation is soundly based and would enable the site to make a continuing contribution to Hampshire's landfill requirements.
104. As to landfilling at **Purple Haze**, there are concerns similar to those examined in respect of the aggregate extraction proposals and the Appropriate Assessment. Additionally, the need for the site is questioned; and there are a range of environmental concerns typical of those associated with landfill proposals.
105. On the question of need, there is a projected shortfall in landfill capacity towards the end of the Plan period. Notwithstanding the size of the void, it would make sense to use the space created by the mineral extraction at Purple Haze. In terms of the various environmental concerns, these would be

addressed through the development consideration. In particular, regard would be paid to the protection of the amenity of Verwood residents, and others in the vicinity, as well as local businesses.

106. The Policy that deals with the matter of non-hazardous waste landfill is Policy 31. The policy as submitted would not be effective. The intention is to set out a priority order for decision making. In addition, there needs to be consistency with Policy 19 (Aggregate wharves and rail depots) as proposed to be modified. Soundness would be ensured through a related main modification (**MM15**).

107. In order to ensure consistency with the Regional Strategy (South East Plan), it had been intended to remove the policy statement to the effect that no provision would be made for landfill of London's waste. Given the revocation of related provisions of the Regional Strategy, reference to London's waste no longer has a bearing on the soundness of the Plan. To the extent appropriate, this matter is to be addressed under the additional modifications of the Hampshire Authorities.

### **Conclusions**

108. In the circumstance discussed above, I am satisfied that sufficient sites have been allocated. They are acceptable in environmental terms and in other respects. There are no known deliverability or other issues of any significance.

### **Issue 8 - Whether there is clear and justifiable guidance on the location of new waste management development**

109. Policy 28 is the key policy dealing with locations for waste management development. However, as current submitted, there are a number of important shortcomings:

- The policy sets out what can be done in the open air or on allocated land rather than directing development to appropriate locations.
- Insufficient regard has been paid to factors that are relevant to biomass fuelled energy schemes.
- The policy is not flexible enough to respond to the realities of the market.
- The location of development could be restricted unnecessarily.
- Not all "B8" land (use for storage or as a distribution centre) is going to be suitable for waste management development.
- Not all "employment land" is going to be suitable for waste management development.

110. In response to these points, main modifications are proposed (**MM16-MM18**). Amongst other things:

- The modified policy would give a better steer to the location of development by incorporating, in the policy, the principal geographic points referred to in the supporting text and illustrated in the Key Diagram.

- There would be recognition that the location of energy from waste schemes is also influenced by the need to access fuel feedstock.
- The modified policy would set out the type of waste developments that need not be restricted to urban land and provide a basis for addressing exceptions to the policy.
- The modified policy would not unnecessarily restrict the location of development.
- Reference to the potential suitability of land falling within Use Class B8 would be qualified.
- Reference to land used for employment purposes would be deleted.

With these modifications in place, there would be consistency with national policy and the Plan would be sound. The guidance on the location of new waste management facilities would be clear and justified.

### **Issue 9 - Whether appropriate account is taken of the contribution that substitute or secondary and recycled materials and mineral waste could make to the supply of minerals**

111. Paragraph 143 of the National Planning Policy Framework indicates that, before considering extraction of primary materials, local planning authorities should take account of the contribution that could be made by substitute or secondary and recycled materials (and minerals waste). Minerals waste is not a contender in Hampshire. However, recycled and secondary aggregates are seen as an important element of supply. Policy 17 of the Submission Plan assumes provision at a rate of 1.0 mtpa. Policy 29 supports the production of 1.0 mtpa of "high quality" recycled / secondary aggregates.

112. In order to reflect the intentions of Government policy, it is important that the "target" for the production of high quality recycled / secondary aggregates is not seen as a maximum. The proposed modification to Policy 29 (**MM19**) would make clear that the production of *at least* 1 mtpa would be supported.

### **Issue 10 - Whether there is clarity in matters relating to the provision and safeguarding of aggregate wharves and rail depots**

#### ***Development and expansion of existing wharves and rail depots***

113. Policy 19 of the Submission Plan supports the maximisation of the capacity of existing aggregate wharves and rail depots including appropriate investment in infrastructure and the extension of appropriate wharf sites. However, the policy does not refer to the environmental criteria that would be relevant to development at existing, expanded or new facilities (National Planning Policy Framework Para 143 refers).

114. In order to comply with national policy, a modification of Plan Policy 19 is recommended (**MM20**). New wharf and rail depot proposals would be supported where the scheme represents sustainable development. New developments would be expected to have a road connection as well as a connection to the rail network or to water of a depth appropriate to the trades

to be served. Absence of unacceptable harm to the environment and to local communities would need to be demonstrated in line with other policies in the Plan.

### ***Safeguarding of potential wharves and rail depots***

115. Policy 33 of the Hampshire Minerals and Waste Plan has the title "Long-term safeguarding". The central purpose of the policy and the accompanying text is to safeguard areas that could be considered for minerals and waste wharf infrastructure if they become available or were released from their current uses. The safeguarding would take place pending a review of the Plan.
116. One of the main failings of the policy is that it looks to the long term and does not provide adequate definition or safeguarding of potential locations for railhead and wharf developments that could be anticipated now and justified within the Plan period. This is partly as a result of assumptions about wharfage capacity and the perceived ability of existing wharves to service the needs of the area up to 2030. The stance of the Hampshire Authorities in this regard is informed by the document "Needs Assessment for Wharves and Rail Depots in Hampshire" (HMWP 012).
117. The Hampshire Authorities have concluded that existing provision is adequate until 2030. However, I find that there are a number of important subjective factors to take into account. These include navigation constraints; the physical capacity of quays; outdated infrastructure; inability to expand; and regeneration pressures.
118. In addition, bearing in mind the National Policy Statement for Ports (ND 076), it is appropriate to recognise the legitimate development aspirations of the Port of Southampton. There is a case for supporting investment in new modern minerals and waste wharf facilities particularly where there would be access to a deep water channel and connections to road and rail.
119. A further complication is the store which the Port of Southampton places on its strategic land reserve (Land to the north west of Hythe (Dibden Bay)). Dibden Bay is a controversial location. It is a Site of Special Scientific Interest (SSSI) and adjoins the New Forest National Park. The foreshore is of international importance being designated as a Special Protection Area and a Ramsar site as well as an SSSI. In 2004, the Secretary of State rejected proposals for port development at Dibden Bay principally because of its environmental impacts. Any future development proposals would need to demonstrate imperative reasons of overriding public interest under the Habitats Regulations.
120. The Port Authority is confident that, for future proposals for development at Dibden Bay, the requirements of the Habitats Regulations could be satisfied. This remains to be seen. Nevertheless, there is a strong case for improved minerals and waste facilities at the Port of Southampton. Whilst it would be inappropriate to make any allocation at Dibden Bay, the safeguarding of this and other areas is to be supported.
121. In recognition of the above matters, Policy 33 of the Plan and much of the accompanying supporting text have been redrafted (**MM21 to MM23**). In accordance with Paragraph 143 of the National Planning Policy Framework, there would be adequate safeguarding of potential rail heads and wharves.

The related provisions would be consistent with national policy and would be sound.

122. I am satisfied that, in respect of the sensitive "Dibden Bay issue", the Plan as proposed to be modified would be legally compliant. In this regard, the policy is restricted to safeguarding. It 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.

**Issue 11 - Whether there are clear arrangements for monitoring the Plan and reporting the results as part of a delivery strategy with clear targets and measurable outcomes**

123. The Hampshire Minerals and Waste Plan includes a Monitoring Plan at Appendix D. This Monitoring Plan sets out key indicators (such as "Production of land won aggregates"). There are also columns for recording "Measured period", "Previous Period (for comparison)" and "Change". However, the Monitoring Plan is woefully lacking. Only four of the thirty-three policies in the Plan would be monitored; there is no indication of the period to be measured, the previous period or the change that would be assessed; and there is no information regarding the targets or performance criteria that would be used.

124. In response to the criticisms, a main modification (**MM12**) is proposed. A completely new Monitoring and Implementation Plan would be inserted. All the policies (now thirty-four) in the Plan would be measured. The proposed outcome and mechanism would be identified along with appropriate stakeholders and the action that they would take. For each policy, a monitoring indicator would be stated. Importantly, there would be a clear statement of the trigger or threshold that would prompt a review of the related policy.

125. With the modification in place, there would be clear arrangements for monitoring the Plan and reporting the results. There would be clear targets and measurable outcomes. The Plan would be sound in this regard and the Hampshire Authorities would be able to fulfil their statutory responsibilities in respect of monitoring (Planning and Compulsory Purchase Act 2004, Section 35).

## **Overall Conclusion and Recommendation**

126. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
127. The Hampshire Authorities requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Hampshire Minerals and Waste Local Plan would satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.

*Andrew S Freeman*

INSPECTOR

This report is accompanied by a separate Appendix and Annexes. The Appendix contains the main modifications. Replacements for Appendices B and C of the Plan are included in Annexes A and B respectively. A replacement for Inset Map 7 is contained in Annex C.