

Submission of Minerals and Waste Planning Applications



*Guidance for applicants
for the submission of
planning applications in
Hampshire*



Version 1: November 2016

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1. Introduction

This document has been prepared by Strategic Planning officers, providing guidance to applicants on key areas associated with the submission of planning applications for minerals and waste developments in Hampshire.

The Strategic Planning team at Hampshire County Council (HCC) determines planning applications for mineral and waste management developments as well as County Council proposals. The team also actively monitors (and enforces where necessary) all mineral and waste management sites granted permission by the authority to ensure compliance and to control un-authorized development.

In addition, the team produces minerals and waste [planning policy](#), undertakes [planning and coordinate funding for infrastructure](#) as well as other planning-related policy and strategy preparation, responds to national planning and [Local Plan consultations](#) and is Lead Local Flood Authority. Strategic Planning is led by Chris Murray (Head of Strategic Planning). Lisa Kirby Hawkes leads the Development Management team.

Why have we developed this Guidance?

This guidance has been prepared to help applicants prepare planning applications for minerals or waste developments in Hampshire. We want to ensure that the planning process is running as smooth as possible.

This is a **living document** and it should be noted that this document is only guidance. The document will be updated as required.

What you can expect from us?

The Development Management team of Strategic Planning provide the following services for applicants and agents of Mineral and Waste applications:

- to answer queries and provide guidance on the application for proposed development;
- aim to meet Government statutory determination guidelines for planning applications received; and
- ensure quality applications applicants that meet the national and local requirements.

The [Hampshire Development Management Charter \(2016\)](#) sets out the type and standards of service that Hampshire County Council aims to provide when undertaking these duties.

2. Planning for Minerals and Waste Development

[Mineral development](#) is defined within The [Town & Country Planning Act 1990](#). Mineral development comprises development consisting of the winning and working of minerals, infrastructure associated with their transport and the deposition of mineral waste. Other development on or adjacent to current or historic minerals sites may also fall to be determined by the Mineral Planning Authority.

Waste operations and uses of land are defined in the [Town and County Planning Regulations 2003](#) as “county matters” and fall to be determined by the Waste Planning Authority for a particular area. [National Planning Practice Guidance](#) provides a general, non-exhaustive list of matters which can be considered to be waste operations.

[2.1 Is planning permission required?](#)

Planning permission is only required if building works or a use of land proposed to be undertaken constitute ‘[development](#)’ as defined in the Town and Country Planning Act 1990.

However, development does not require planning permission for it to be carried out in all instances. In some cases it can be permitted under national **permitted development** (PD).

What is Permitted Development?

[Permitted development rights](#) are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application.

The most relevant parts for minerals or waste developments are:

- PART 4 — Temporary buildings and uses;
- PART 6 - Agricultural and forestry (restriction of AD operations);
- PART 7 — Non-domestic extensions, alterations etc.;
- PART 13 Water and sewerage;
- PART 16 — Communications; and
- PART 17 Mining and mineral exploration.

To receive formal confirmation as to whether a proposal might constitute PD, an application for a certificate of proposed [lawful development](#) can be submitted to the Local Planning Authority (LPA) for determination.

Some certain types of development may constitute PD but still require the approval of the LPA before development can commence, this approval process is known as **Prior Approval**.

If a proposed development falls into Schedule 1 or 2 of the [Environmental Impact Assessment Regulations](#) (2011), it would only constitute permitted development where it had been determined that the proposal is a development that is not required to be accompanied by an **Environmental Statement**.

Where work constitutes development and PD does not apply, it will be necessary to make a planning application to the LPA.

In the event that a planning application or prior approval is not needed, other consents may be required under other regimes. The following list is not exhaustive but illustrates some of the other permissions or consents that may need to be obtained before carrying out development:

- Works to trees subject to a [Tree Protection Order](#) (TPO);
- [Listed Building Consent](#);
- Conservation Area Consent; and
- [Hazardous Substances Consent](#).

2.2 Pre-application discussions

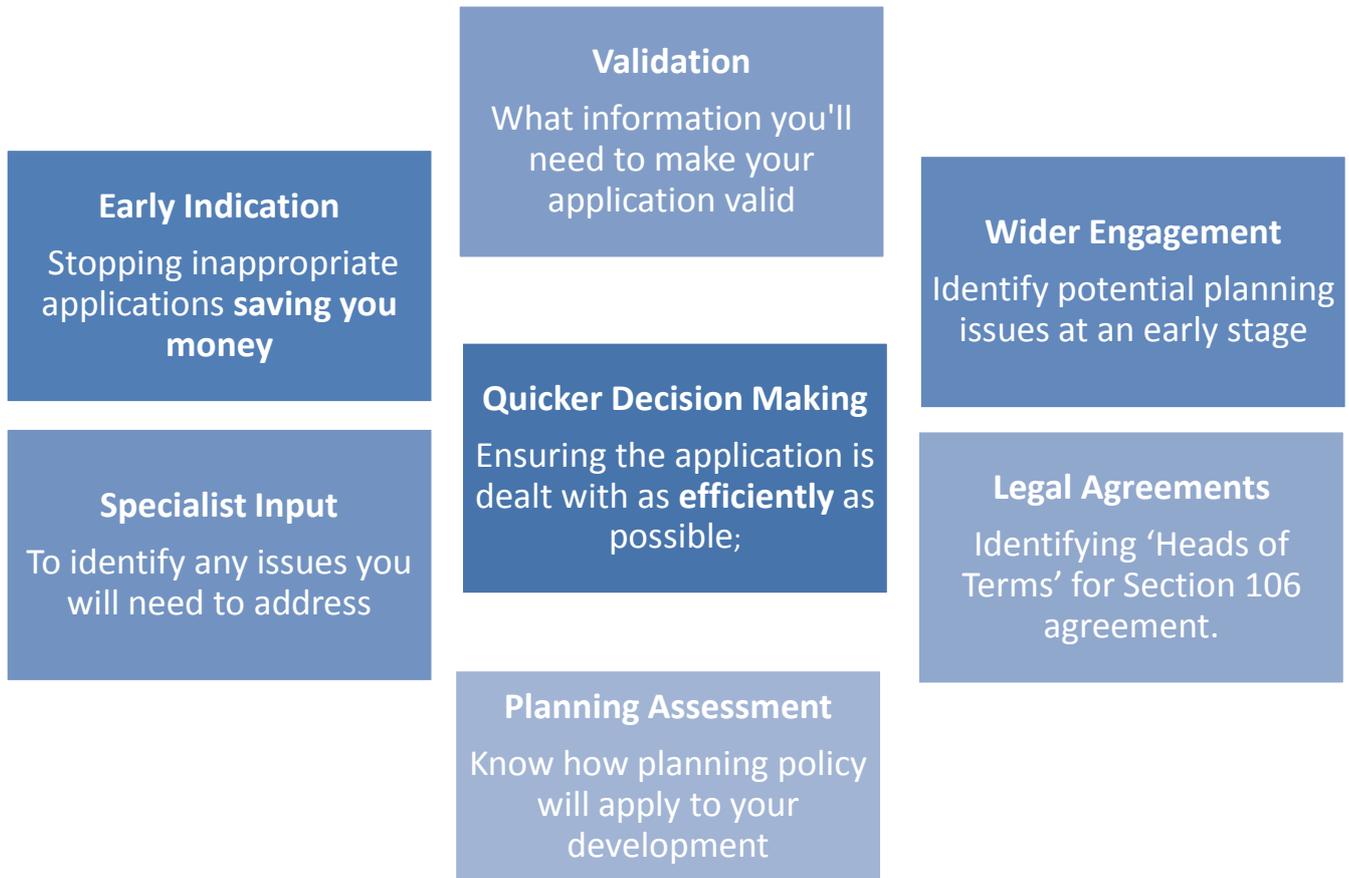
Strategic Planning officers support and encourage engagement with prospective mineral and waste applicants prior to submitting an application.

Applicants are encouraged to seek advice on a proposal and the likely timescales involved. Strategic Planning offers a Pre-Application Planning Advice service for prospective applicants. More details of this are available on our [website](#).

The County Council charges for such advice. The fees paid for pre-application advice are in addition to the fees payable for the submission of planning applications.



There are considerable benefits in seeking advice before making an application:



In addition to our pre-application service, [Hampshire County Council's EDAS \(Technical Environmental Data Service\)](#) can also provide technical information to inform and complement pre-application advice thereby reducing any delays incurred through the validation or consultation phases.



2.3 Types of mineral and waste planning applications

The different types of planning applications which can be submitted to HCC include:

- Full planning permission;
- Outline planning permission with all matters reserved;
- Reserved Matters following Outline Approval;
- Section 73 (Variation or Removal of conditions (Minor-Material Amendments));
- Lawful Development Certificate for existing use, operation or development;
- Lawful Development Certificate for a proposed use, operation or development; and
- Article 27 (see section 5);
- Non-Material Amendments (see section 5);
- Listed Building Consent; and
- Conservation Area Consent.

An explanation of each of these application types and when their use is appropriate or necessary can be found on the [National Planning Practice Guidance website](#).

2.4 Planning applications within the New Forest and South Downs National Parks

Hampshire has two National Park Authorities', the [New Forest](#) and the [South Downs](#).

Where minerals or waste development falls within the administrative boundary of one of the two National Parks, the planning application will need to be submitted to the relevant National Park Authority and not Hampshire County Council as has been done in the past.

2.5 How to apply for a Hazardous Substances Consent?

Hampshire County Council is the Hazardous Substances Authority for Hampshire. Applications for [Hazardous Substances Consent](#) can be made using the following forms:

- [Application form for Hazardous Substances Consent](#) 
- [Application form for Variation or removal of conditions attached to a Hazardous Substances Consent](#) 
- [Application form for Continuation of a Hazardous Substances Consent](#) 

A Hazardous Substances Consent application must be made in accordance with the prescribed terms of Part 3 of [The Planning \(Hazardous Substances\) Regulations 2015](#).

3. Preparing a Planning Application

Planning applications are generally required to be accompanied by correctly completed forms and sufficient information to enable a Local Planning Authority to determine the planning application.

For applicants to avoid unnecessary delays, objections or uncertainty both at the start of the planning process and during determination, it is **essential** that sufficient information is provided.

Strategic Planning **will not** validate planning applications that are deemed to be inadequate, insufficient or inaccurate. Therefore it is essential that an applicant identify what information should accompany their application.

The following sub-sections provide guidance to ensure a valid application.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Submitted on a completed relevant application form | <input checked="" type="checkbox"/> Outline the benefits of the scheme |
| <input checked="" type="checkbox"/> Accompanied by the correct and relevant fee | <input checked="" type="checkbox"/> Ensured you have submitted all the information that would be required for consultation |
| <input checked="" type="checkbox"/> Clear description of the application should be the title of the application | <input checked="" type="checkbox"/> Include sufficient information to identify the application site, e.g. the location plan with a red line outline |

PLEASE NOTE: Case Officers are available to advise on the application requirements and what will be required to make an application valid, but this does not extend to commenting on the merit of the proposal or its policy context. For detailed advice to give you cost savings and reduce delays, the **pre-application service** is available (see Section 2.2).



3.1 National validation requirements

As a [minimum requirement](#) for planning permission an application must be accompanied by:

- Planning application form;
- Plans and drawings- including location plan and site plan;
- Ownership certificate;
- Agricultural Land Declaration;
- Design and Access Statement (if required); and
- Correct Fee.

3.2 Local requirements

The Government's policy on local information requirements can be found in the [National Planning Policy Framework](#). Strategic Planning take a proportionate approach to the information requested in support of planning applications and will only request supporting information that is relevant, necessary and material to the application in question. These requirements are specified on the formally adopted '[local list](#)' which has been published on our website.

3.3 Plans and drawings

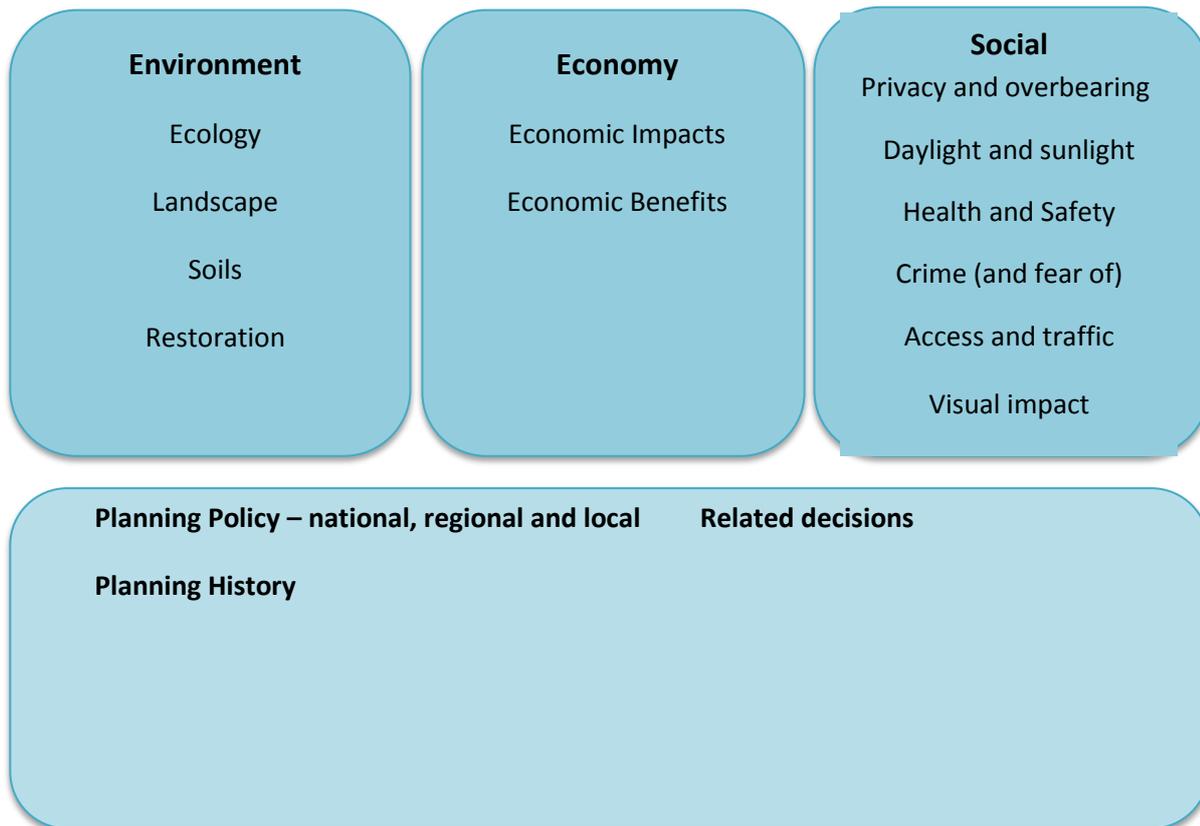
A location plan is compulsory and applicants are asked to outline the site ownership with a **blue line** and the application boundary with a **red line**. The red line area will be used to calculate the planning fee and therefore must be accurate. Applicants should assume the **red line** area includes the link and access onto the highway, unless discussions have taken part with a Case Officer about the nature of the **red line** area for a proposal.

Proposals should also be supported by a working or layout plan, which shows how the site will operate and where different elements of the proposal will be located within the site.

3.4 Supporting statement and information

An application should be supported by supplementary information in Plain English text to explain the nature, scale, aims, associated benefits and impacts of the proposal.

Areas commonly regarded as [material considerations](#) should be addressed to justify the proposal in the three pillars of sustainability; environment, economy and social:



An applicant should include a policy assessment against the relevant development plan. For minerals and waste matters in Hampshire the development plan is the [Hampshire Minerals and Waste Plan](#) (2013) (HMWP). The Plan is supported by two supplementary planning documents (SPDs) on [minerals and waste safeguarding](#) and [oil and gas development](#). Local Plans from the relevant Borough or District Council will also need to be taken into account if they are specific to the proposal and/or site specific above that dealt with in the HMWP.

3.5 Environmental Impact Assessment

[The Town and Country Planning \(Environmental Impact Assessment\) \(England and Wales\) Regulations 1999 \(EIA Regulations\)](#) states that if an application is likely to have a significant environmental effect based on the criteria set out in the Regulations, then an Environmental Statement (as set out in Schedule 4 of the regulations) must be submitted before the planning application can be determined.

Strategic Planning will issue Screening Opinion and/or a Scoping Opinion if requested by the applicant prior to any application being submitted in accordance with the guidance.

3.6 Supporting information requirements from consultees

It is essential that all the correct information has been submitted with your application to avoid issues being raised through the consultation period. Common issues raised by consultees include:

- Ecological Concerns;
- Highway Impacts;
- Neighbourhood and amenity impacts; and
- Inconsistencies / errors in plans and documents.

Strategic Planning officers support and encourage the use of the pre application service (see section 2.2) so that information requirements from consultees can potentially be assessed prior to the application being submitted. Below you will find the details of our relevant consultees and some basic information on what they are likely to require as part of a planning application submission. It should be noted that the below is only a guide and may not include all of the information requirements associated with a planning application. It is conceivable that further information will be requested by consultees during the planning process.

Statutory Consultees

Local Highway Authority (HCC)

- Provide detailed technical drawings (plans) outlining any access routes
- Construction management Plans
- Take note of the relevant District or Borough Council [Transport Plan](#)

Key contacts: highways.development.control@hants.gov.uk



We offer a Pre-App service!

Lead Flood Authority (HCC)

- Existing Flood Risk associated with the Site
- Details of proposed surface water drainage and SuDS Design
- Existing Drainage of the Site
- Ground conditions and Infiltration rates tested to BRE 365 method
- Existing and Proposed Runoff Volume and Rate Calculations
- Attenuation volumes on site along with calculations proving there is sufficient attenuation for a 1-in-100 year event plus 30% for climate change
- Sufficient information on the correct number of treatment stages in the surface water management train, for further information see the [Ciria SuDS Manual \(C753\)](#)
- Details of future maintenance regimes

Please see further information: <http://documents.hants.gov.uk/flood-water-management/SurfaceWaterandSuDSGuidance-Nov2015.pdf>



We offer a Pre-App service!

District and Borough Council Planning (external)

- The information required should mirror that as specified in Strategic Planning validation requirements. The District and Borough Council may request further information and if Strategic Planning determine if it is necessary, it will also be required.

Key contacts: Relevant [District or Borough Council](#) where the application is located

Natural England (External)

- Details of potential impacts on nature conservation designations and proposed mitigation measures.
- You must consult the agencies before you apply for planning permission for:
 - Nationally significant infrastructure projects
 - Proposal that is likely to affect the agencies' interests, like protected sites, coastal sites or flood risk zones.

Key contacts: consultations@naturalengland.org.uk

We offer a Pre-App service!

Environment Agency (External)

- If necessary produce a Flood Risk Assessment. More information can be found at: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>
- If the development is in Flood Zone 2 or 3 the applicant must have
 - Carried out the Sequential Test and Exception Test where necessary
 - Met additional flood resistance and resilience requirements where necessary.

Key contacts: PlanningSSD@environment-agency.gov.uk

Historic England (External)

- Measured drawings of current structures and proposed
 - Plans
 - Photographs dated, numbered and cross-referenced to a plan showing the site and it's setting
 - Statement of significance which demonstrates an understanding of the historical, archaeological, architectural and artistic interest of the site
- More information can be found at: <https://historicengland.org.uk/services-skills/our-planning-services/charter/guide-to-the-range/>

Key contacts: e-seast@historicengland.org.uk

National Parks (External)

- The application needs to demonstrate that the proposal takes into account by way of its implementation or design the statutory purposes and Management Plans of the South Downs National Park or New Forest National Park.

Key contacts: dev.control@newforestnpa.gov.uk or planning@southdowns.gov.uk

Sports England (External)

- Plans and detailed supporting statements outlining location and nature of existing and proposed development and sports facilities, significant features, existing levels, extent of playing field area to be lost, reason for the chosen location and alternatives considered.

Please find further guidance at <https://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/>

Key contacts: planning.south@sportengland.com

Other Consultees

District or Borough Council Environmental Health Officer (EHO)

- Information relating to environmental health issues such as:
 - Noise Assessment;
 - Lighting Assessment;
 - Air Quality Assessment; and
 - Land Contamination Assessment.

Key contacts: EHO officer for the ...



We offer a Pre-App service!

District or Borough Council Conservation Officer

The Conservation Officer at Local Planning Authorities are consulted upon application for development that may affect a listed building, scheduled monument, conservation area or other heritage asset. Refer to Historic England for further information of consents required for work that may affect a heritage asset.

Note: it is a criminal offence to carry out works on a listed building without Listed Building Consent.

Conservation officer's will require:

- Listed Building Consent for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest; and
- A planning application to include a heritage statement.

Key contacts: Conservation officer for the relevant [District or Borough Council](#) where the application is located

Arboriculture (HCC)

- If either answers to question 15 on the planning application form are yes you must provide:
 - Arboricultural Survey (and accompanying plan) and Arboricultural Impact Assessment; and a
 - Tree Protection Plan.
- If the operations are proposed within the Root Protection Area, an Arboriculture Method Statement is required.
- If the operations include the removal of trees then they must be adequately compensated and a Planting Plan with a full Young Tree Management Programme should also be supplied.

Key contacts: arb@hants.gov.uk

Rights of Way (HCC)

- Show on-site and surrounding rights of way in submitted plans which may be impacted: More information: [Existing routes](#)
- Consider whether you would need to apply for an Order for a temporary/permanent diversion or extinguishment of an existing route. An alternative route should be provided where possible. Contact with the rights of way team at HCC should be made prior to submission, Rights of Way Orders are separate to planning permissions, and will need to be secured before work commences.
- Have regard to [Hampshire Countryside Access Plans](#)
- Consider opportunities to improve existing routes or provide additional ones, to [Hampshire Design Standards](#)

Key contacts: countryside.planning@hants.gov.uk / rightsofway@hants.gov.uk

Archaeology (HCC)

- Preparation of a Heritage Statement including details on:
 - Known and potential archaeology;
 - Impact of development; and
 - Mitigation strategy.

For more detailed guidance please see:

http://www3.hants.gov.uk/archaeology_and_planning_guidance_for_planners.pdf

Key contacts: historic.environment@hants.gov.uk



We offer a Pre-App service!

Landscape (HCC)

- Application should include the following:
 - planning background;
 - Site survey and analysis;
 - Development Brief;
 - Landscape Masterplan;
 - Detailed landscape proposals; and a
 - Management Plan.
- Where a project falls within a scale and complexity of development that requires an Environmental Impact Assessment (EIA), a Landscape and Visual Impact Assessment should be undertaken in accordance with GLVIA3.
- A landscape and visual impact appraisal may be required for projects that do not need an EIA but are still considered to be of a sufficient scale and complexity to warrant this approach (also in accordance with GLVIA3).
- Please see the Hampshire and Isle of Wight landscape and development checklist for further information <http://www.hiow.gov.uk/offnet/hlg/lndchk.pdf>
- Where a project falls within a scale and complexity of development that requires an Environmental Impact Assessment (EIA), a landscape and visual impact assessment should be undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3).
- A landscape and visual impact appraisal may be required for projects that do not need an EIA but are still considered to be of a sufficient scale and complexity to warrant this approach. This should also be undertaken in accordance with GLVIA3.

Key contacts: landscape@hants.gov.uk

Public Health (HCC)

- How the proposal promotes the health and wellbeing of the local population
- How the proposal may impact the health and/ or wellbeing of an area and what mitigation measures will be put in place

Key contacts: public.health@hants.gov.uk



We offer a Pre-App service!

Ecology (HCC)

- Require the submission of an Ecological Statement or Report. This will vary in scope and type depending on the nature of the development and range and scale of potential impacts. In the majority of cases it will need to be provided by a [qualified ecologist](#).
- The Ecological Report should identify all potential ecological receptors and impact pathways, set out likely impacts, and demonstrate how impacts have been avoided and, where avoidance is not possible, how impacts can and will be mitigated or compensated. It should be accompanied by a relevant [data search](#) where necessary.
- Where necessary, applications should be accompanied by information to inform a Habitats Regulations Assessment.
- Necessary measures should be reflected on the plans, and correspond with other parts of the planning submission (for example Lighting Plans, Tree Survey and AIA, Landscaping Scheme).
- Permission will be refused if development could cause significant harm and has not been adequately mitigated or compensated for.
- Enhancements will be sought as part of any proposals in line with [National Planning Policy Framework](#) and the Mineral and Waste Authority's duty under the [Natural Environment and Rural Communities Act \(2006\)](#).

Key contacts: ecology.group@hants.gov.uk

3.7 Planning Performance Agreements and the planning process

The use of a [Planning Performance Agreement \(PPA\)](#) may be recommended in some circumstances at the pre application stage or upon submission of a planning application. For example, PPAs may be a useful tool for major minerals or waste sites with complex issues and strong public interest.

PPAs are a project management tool that Local Planning Authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications.

A planning performance agreement can be agreed voluntarily between the applicant and the minerals and waste planning authority prior to the application being submitted.

3.8 Community engagement in the planning process

Community involvement is an essential element of planning for minerals and waste development. Strategic Planning strongly advise that applicants make contact with the local community and the Local County Councillor for the area prior to submitting a planning application. The applicant should make it clear through any community

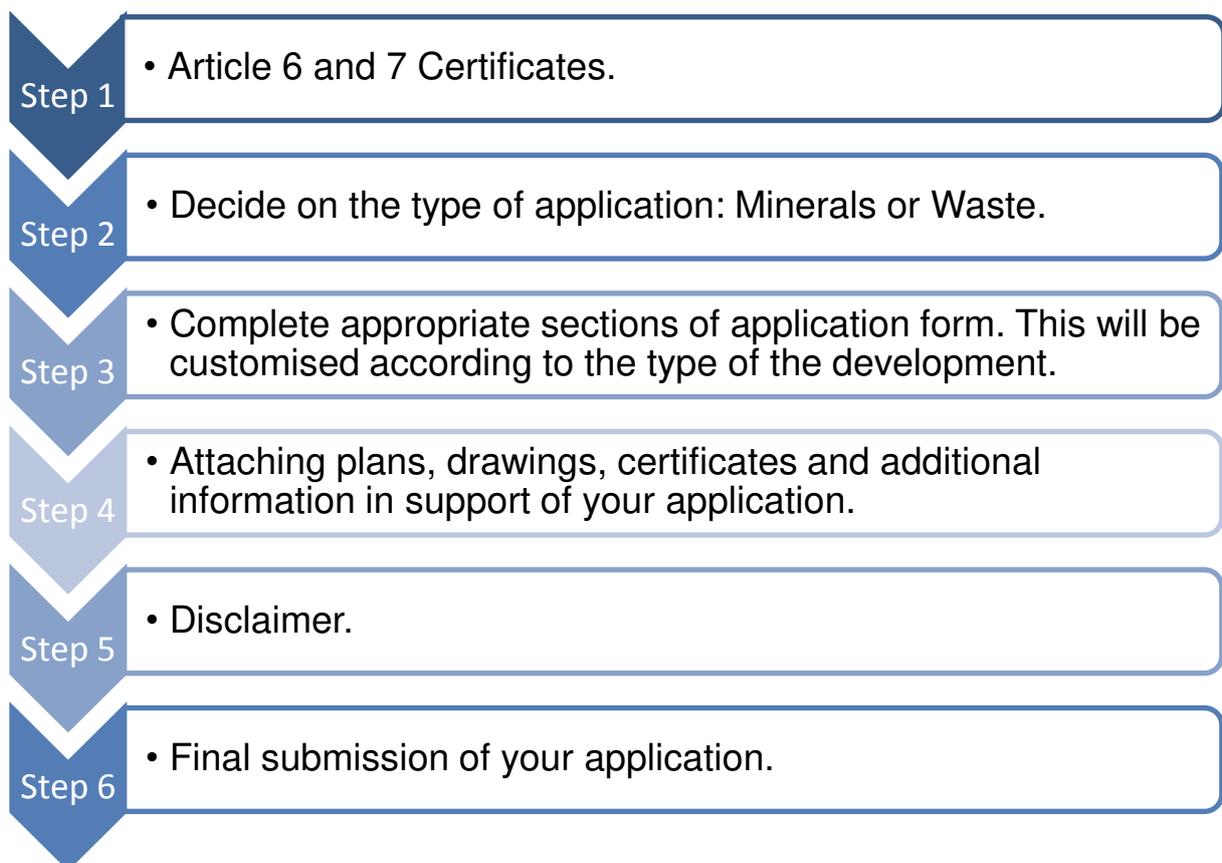
engagement exercises undertaken that this is in addition and separate to the formal public consultation which will accompany any planning application process and is undertaken by the minerals and waste planning authority.

The local community consists of any person who may be affected by planning decisions made by Hampshire County Council. A definition of this can be found within our [Statement of Community Involvement](#). Appropriate approaches to community engagement include letter drops, public exhibitions, liaison panels or design workshops.

Permissions for major minerals and waste developments will include a recommendation for the establishment of a Liaison Panel in accordance with the provisions of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#).

3.9 Filling in the application form

The Hampshire Application Form Guidance Notes has a [step by step guide](#) to filling out the application form online. It also contains useful guidance for submitting an application by post. It is recommended to read the guide carefully before filling out the application form as you will only have one hour to complete all elements.



3.10 How to submit a planning application

Strategic Planning would encourage the online submission of planning applications. The Planning Portal is an online service providing a gateway for the submission of applications for planning consent. Applications can be made online through the planning portal except for mineral developments which are submitted via email or post. Further information may be found on our [website](#).

4. What happens once you have submitted your application?

4.1 Validation

Once the application is considered to be valid, Strategic Planning will:

- Send a copy of the application to the relevant District or Borough Council for registration within 3 working days;
- Send written acknowledgement of the application identifying the Case Officer (Officer allocated to process the planning application) to the applicant within 3 working days; and
- Advise the applicant of the registration number (Application No.) as given by the relevant District or Borough Council once they have registered the application. Please note, this may take up to 2 weeks.



What happens if an application is not valid?

Should the application be considered to be invalid upon submission, then the Validating Officer will notify you within five working days of receipt of the planning application. You will either be notified of any changes or additional information necessary to make the application valid and be given a timeframe to complete this action, or if there are significant issues with the application it will be returned to you and you will have the choice of submitting a revised application or not.

4.2 What happens once your planning application has been validated?

Once your application has been validated and registered, Strategic Planning will undertake consultation and publicity on your application. Minerals and Waste planning applications are required to be determined within **13 weeks** unless extended with your agreement. If the proposal is for an **EIA development**, Strategic Planning will have up to **16 weeks** to issue a decision (unless extended).

Consultation and publicity

Following validation, the application will follow the same statutory consultation procedures as for any other type of major planning application. This formal processing stage usually lasts for 4 weeks (6 weeks for EIA applications). A variety of consultees and interested parties will be consulted on your planning application.

Consultation and publicity includes the following:

- Consultations with the local District Council, any Parish or Town Council and other statutorily defined bodies or consultees which are relevant to your proposal;
- Publicity carried out and notifications sent to neighbouring occupiers; and
- Notifying the relevant County Councillor of the proposal.

The proposal will also be advertised in the local press.

All planning applications submitted to Strategic Planning will be subject to public consultation in accordance with the adopted [Statement of Community Involvement \(SCI\)](#). This sets out the timescales for consultation and locally adopted methods in which consultation and publicity takes place.

If your proposal [departs from the policies](#) or the land use allocation shown in the relevant approved Local Plan, the application will have to be passed to the Secretary of State, before it can be decided. This procedure adds at least an extra month to the overall processing of the application.

Resolving issues and objections

The Case Officer will work with you to determine the application in a positive and proactive manner based on the responses received and professional assessment.

During the determination period, the Case Officer may request further information to satisfy consultees or themselves. If there are concerns or minor objections, which can be resolved by negotiations or amendments to the application, the Case Officer will contact you accordingly.

An extension of time may be requested by the Case Officer to allow the supply of information, if this is deemed appropriate. This procedure does inevitably add to the overall processing time and mean that the time taken for a decision to be made may be extended, especially if further consultations are then needed.

[4.3 Planning and Environmental Permitting Process](#)

The Environment Agency has a role to play in both Planning and Environmental Permitting. The need for an Environmental Permit is separate to the need for planning permission. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

The scope of an Environmental Permit is defined by the activities set out in the [Environmental Permitting Regulations](#) (EPR). The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

We strongly recommend that any operator enter in to pre-application discussions with the Environment Agency regarding their permit application. The Environment Agency offers a charged service for pre-[application and non-statutory discussions](#) for

planning. Pre-application advice is available for new permit, variation, transfer and surrender applications. The Agency offer 15 hours of free advice on how to prepare your application for bespoke permits. If your application relates to a standard permit, or a deployment notification under mobile plant, they can give you up to one hour of advice.

For more information contact planningssd@environment-agency.gov.uk.

4.4 Planning for future uses

Where a proposal is submitted and there may be known future plans / space allocated for the potential extension of that site, an applicant is expected to identify this intention on drawings and plans with explanatory text in the application documents.

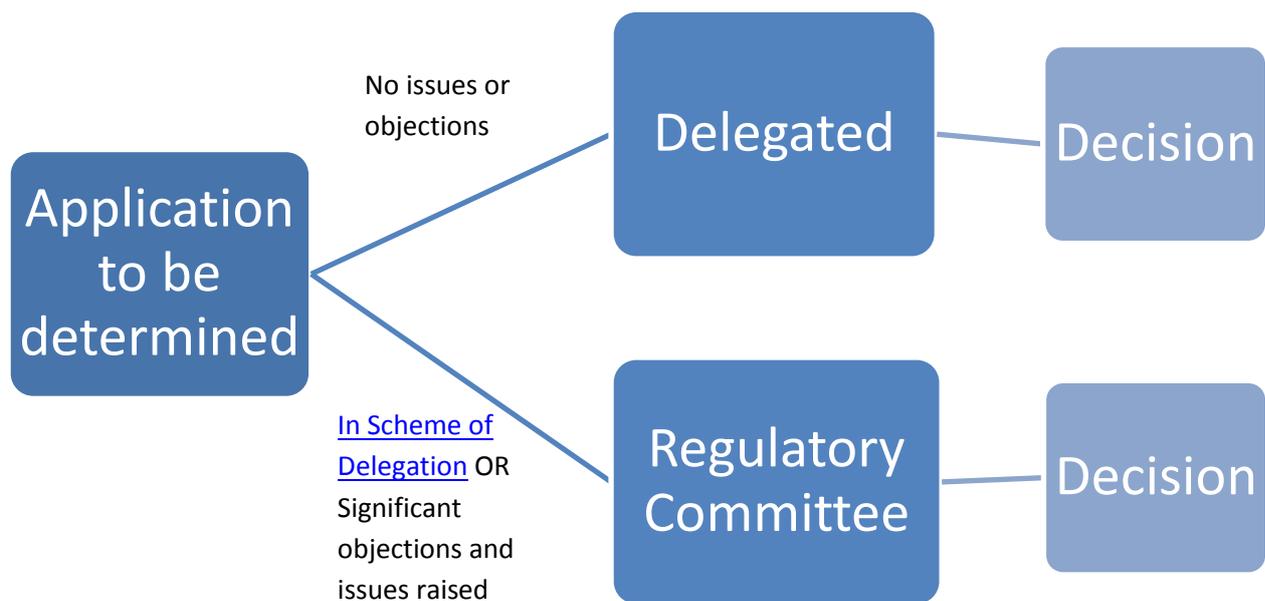
Applicants should be mindful of their proposed site layout and the potential for further/additional future development on a site when preparing planning applications.

4.5 How your application is decided

Applicants must allow at least 13 (for major developments) or **16 weeks** (for EIA developments) **for a decision to be reached**. However, it can take longer with complex proposals, or where objections are received and attempts are made to find an acceptable solution. Please note that most of the determination process is laid down by Statute, rather than by the County Council. Extensions of time between the developer and the planning authority may be agreed if timescales are not likely to be met.

Unless the application is requested by the applicant to be determined by the Secretary of State, then Strategic Planning, as the Minerals and Waste Planning Authority, will determine the application either by delegated powers or through the r Regulatory Committee.

The decision process is laid out below.



The Case Officer will write a report summarising the application and conclusions reached with either a positive (GRANTED) or negative (REFUSED) recommendation. Planning conditions will be attached to any permission granted. Reasons will be provided if a refusal is recommended and conditions as appropriate for an approval.

If there are substantive objections to your proposal, or it is a Departure from the Local Plan, then it will have to be referred to the County Council's Regulatory Committee for determination. This process will be completed as quickly as staff resources allow and as dictated by the Regulatory Committee meeting cycle

The Regulatory Committee process will add at least a month to the overall processing as the Committee only meets once per month, and time also has to be allowed for the preparation and publication of papers in advance of meeting to comply with Access to Information requirements, printing and circulation.

If the local planning authority refuses the application or grants it, but only subject to conditions which the applicant finds unacceptable, the applicant can make an [appeal](#) and have the matter resolved by a Planning Inspector. An appeal is also permitted on the grounds of '[non-determination](#)' when the local planning authority fails to determine the application within the statutory period. Very occasionally the Secretary of State will take the decision.

[4.6 Section 106 agreements](#)

Section 106 legal agreements (Planning Obligations) can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms.

If it is determined at the pre application stage that a proposal will require a Section 106 legal agreement to make the development acceptable, draft heads of terms should be supplied with application in order for it to be valid. Any application which has had pre application discussions indicting this requirement and fails to provide this will not be accepted by the Planning Authority.

Planning obligations must be directly relevant to the proposed development. The land itself, rather than the person or organisation that develops the land, is bound by a Section 106 Agreement, something any future owners will need to take into account.

Planning Obligations are used for two purposes:

1. Compensate for loss or damage created by a development (for example, loss of countryside, ecological sensitive land); and
2. Mitigate a development’s impact (for example, through transport contributions, public recreation space).

If permission is reliant on the completion of a Section 106 legal agreement, in most instances, a recommendation for approval will include a time restriction for refusal of the permission if the legal agreement is not agreed. An example of this is as follows:

- In event that the Section 106 Agreement is not completed by *given date*, then the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

4.7 Planning Conditions

A Planning Authority may grant planning permission subject to conditions. Conditions may include restrictions on what you can do on the premises, or requiring you to get specific approval for aspects of the development, such as the materials to be used, before you can proceed. The authority will always give reasons for each condition it imposes in a decision notice.

<p>Paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are:</p> <ol style="list-style-type: none"> 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise; and 6. reasonable in all other respects.” 	<p>Likely standard conditions for minerals or waste developments may include:</p> <p><i>Commencement, Timescales, Working programme, Tonnages, Operating Hours, Landscape, Arboriculture, Environmental Health issues, Lighting, Highways, Storage, Rights of Way, Archaeology, Nature Conservation, Restoration and Aftercare.</i></p>
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In some circumstances, bespoke conditions will be required to secure a satisfactory development. If you are not prepared to accept the conditions you can either discuss the position with the planning officer, who may be able to suggest ways of overcoming the authority's objections, or you can appeal against the condition(s) that you do not agree with.

Strategic Planning will work with applicants to avoid the use of [pre-commencement conditions](#) where possible. This will be discussed between the Case Officer and applicant in a positive and proactive manner prior to any decision being recommended or made.

5 Ensuring compliance with planning permissions granted

For all operational minerals and waste sites with planning permissions granted by HCC, officers undertake routine monitoring to ensure compliance with planning conditions and/or legal agreements imposed as part of such planning permissions. More detailed information on monitoring and enforcement can be found in the [Planning Enforcement and Site Monitoring Plan](#).

Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- Maintain the integrity of the decision-making process; and
- Help ensure that public acceptance of the decision-making process is maintained

5.1 Submitting schemes required as part of the permission and discharging conditions (Article 27s)

In the case of an approval, conditions may be applied with which an applicant has to comply usually before the development can proceed. For example an applicant has to submit a restoration scheme within 3 months of the application being determined.

Under Article 27 of the [Town and County Planning \(Development Management Procedure\) Order 2015](#), any request to formally discharge a condition attached to a planning application is chargeable. The **charge is £97** and the charge will be applied to each submission, regardless of the number of conditions involved.

It is therefore in the applicant's interest to include as many conditions as possible within each submission. Please use the Article 27 form on the [Planning Portal](#) to submit.

The County Council has a period of 8 weeks within which to determine to Article 27 submissions.

5.2 Changes to permitted schemes

Minor changes can be re-submitted as Article 27's or as Non Material Amendments. These do not require full planning permission. However if there is a larger change which will vary a condition then this will require a section 73 planning application for a variation of condition.

5.3 Temporary permissions

Often mineral and waste planning applications are temporary and the land will be restored once the development has completed, for example a quarry. Temporary permissions are granted and ensure that land is returned to beneficial after use. Applicants may submit a section 73 planning application for an extension of time to vary a condition if extra time is needed to complete the development.

5.4 Breaches of Planning Permission

Where breaches of planning control other problems occur, Strategic Planning may take enforcement action proportionate to the breach. More detailed information on breaches can be found in the [Planning Enforcement and Site Monitoring Plan](#).

Three types of Breach

1. Breach of conditions attached to an existing granted permission.
2. The carrying out of development where there is no planning permission and such permission is unlikely to be granted.
3. The carrying out of development where there is no planning permission but permission is likely to be granted retrospectively.

Common Examples of Breaches

- Unauthorised erection of a structure;
- Development not in accordance with the approved plans of permission;
- Material change of use of a building or land;
- Failure to comply with the conditions attached to a planning permission; and
- Failure to properly maintain land so that it affects the amenity of the area.

Due to the discretionary nature of enforcement, there is a need for procedures to be adopted and followed to ensure a consistent approach in deciding what actions should be taken. More information on this is set out in the [Planning Enforcement and Site Monitoring Plan](#).

5.5 Non Material Amendments to existing planning permissions

The [definition of non-material](#) is the responsibility of each planning authority to determine. The judgement on “materiality” in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just a part of it. The benchmark for forming the judgement on materiality is always the original planning permission. There cannot be a set of rules as to what is or is not “material” as each case is different. It is a matter for planning authority to decide, based on the individual circumstances.

As a general guide, we probably will not be able to accept proposals as non-material amendments” in certain circumstances. This may include if:

- The application site area (red line) differs from the original application;
- The application description differs from the original application;
- The proposal would result in changes to the external details (e.g. facing materials or roof shape) that would materially alter the appearance of the building;
- The amendment significantly increases the size of any part of the development;
- The amendment significantly moves the location of the development;
- The height of the building or structure is increased;
- If the amendment locates any part of the development closer to a neighbour unless the development as amended is in excess of 5 metres from the common boundary with the neighbour; and
- There were any relevant objections to the original proposal which would be compromised by the proposed minor amendment.

If you are proposing minor changes from the approved plans that you think could be considered as a non-material amendment, then you should contact the Case Officer who originally dealt with your application. He or she will be able to advise if the amendments can benefit from this procedure, or whether a new application will be required.

More information on non material amendments to permissions granted by HCC can be found on our [website](#).

6 Site Liaison Panels

Liaison Panels are set up to support the operation of minerals or waste developments in Hampshire. The Liaison Panels ensure continued communication and co-operation between the HCC, local communities (including neighbouring communities outside of Hampshire), the operator, the relevant Hampshire District or Borough Council and other interested parties following planning permission being granted for minerals and waste developments. Liaison Panels are informally constituted bodies of HCC.

Liaison Panels are **not** public meetings, but for representatives of local communities, operating companies and regulatory authorities to discuss on and off-site operations and development progress, particularly with regard to working and restoration, and to foster understanding of the needs of the different parties affected by the operations. Hampshire already has a number of Liaison Panels which allow local communities to be actively involved in the construction phase, operation of minerals or waste sites as well as the restoration and after-use of quarries and waste development sites.

Paragraph 5.59 of the adopted [Hampshire Minerals and Waste Plan](#) (2013) sets out the expectation that all 'major' minerals and waste developments, to be accompanied by a Liaison Panel.

Hampshire County Council has prepared a [Protocol](#) to help operators establish liaison panels.

7 Where can I find out more information?

You can contact Strategic Planning team by:



0300 555 1389



Strategic Planning, Economy, Transport &
Environment Department, Hampshire County Council, Elizabeth
II Court West 1, The Castle, Winchester, Hampshire, SO23
8UD



planning@hants.gov.uk



www.hants.gov.uk/county-planning

8 Useful Links

Hampshire County Council -

<http://www3.hants.gov.uk/mineralsandwaste/planning-application-information.htm>

- Pre-application advice: <http://www3.hants.gov.uk/mineralsandwaste/pre-application-2.html>
- Validation guidance notes: http://www3.hants.gov.uk/application_guidance_notes.pdf
- Hampshire Minerals and Waste Plan: <http://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>
- Oil and Gas in Hampshire Supplementary Planning Document: <http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home/hmwp-spds.htm>
- Minerals and Waste Safeguarding Supplementary Planning Document: <http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home/hmwp-spds.htm>
- Hampshire Statement of Community Involvement (adopted):
- Planning, Enforcement and Site Monitoring Plan (2016): <http://documents.hants.gov.uk/planning-strategic/HampshireCountyCouncilPlanningEnforcementandSiteMonitoringPlanJuly2016.pdf>
- Hampshire Development Management Charter (2016): <http://documents.hants.gov.uk/planning-strategic/HampshireCountyCouncilDevelopmentManagementCharter2016.pdf>

National Planning Practice Guidance -

<http://planningguidance.communities.gov.uk/blog/guidance/>

- What is development: <http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-is-development/>
- Planning performance agreements: <http://planningguidance.communities.gov.uk/blog/guidance/before-submitting-an-application/planning-performance-agreements/>
- Types of Application: <http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/types-of-application/>
- Local information requirements: <http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/validation-requirements/local-information-requirements/>

- Plans:
https://ecab.planningportal.co.uk/uploads/1app/maps_plans_and_planning_apps.pdf
- Decision Making:
<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/decision-taking/>

Planning Portal - <https://www.planningportal.co.uk/>

- Supporting information:
https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/6
- Oil and gas applications:
https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-onshore_oil_gas.pdf
- A guide to the fees:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
- Fees:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

Other

- The Town and Country Planning Regulations 2003:
http://www.legislation.gov.uk/uksi/2003/1033/pdfs/uksi_20031033_en.pdf
- Town and Country Planning Act 1990, section 55:
<http://www.legislation.gov.uk/ukpga/1990/8/part/III/crossheading/meaning-of-development>
- Town and Country Planning Act 1990, section 57:
<http://www.legislation.gov.uk/ukpga/1990/8/part/III/crossheading/requirement-for-planning-permission>
- Environmental Permitting Regulations:
<http://www.legislation.gov.uk/ukdsi/2010/9780111491423/contents>