

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

Hampshire Minerals & Waste Plan

Duty to Cooperate Statement

August 2022



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Executive Summary

Whilst developing the Partial Update of the Hampshire Minerals & Waste Plan (HMWP) for Hampshire County Council, Portsmouth City Council, Southampton City Council, New Forest National Park Authority and South Downs National Park Authority (collectively referred to as the 'Hampshire Authorities'), a number of strategic issues have been identified, as listed below.

Mineral Issues

- 1. Imports of minerals*
- 2. Soft sand supply*
- 3. Sharp sand and gravel supply*

Waste Issues

- 4. Waste management treatment capacity within the Plan area*
- 5. Landfill*

Other Issues

- 6. Inter connective relationship with Isle of Wight Council*

In order to positively address these issues, a number of steps have been undertaken between the Hampshire Authorities and other minerals and waste planning authorities and other organisations.

These include meetings under the duty to cooperate, the preparation of Position Statements, exploring undertaking Statements of Common Ground and requesting information from others to inform the development of the Plan.

The strategic issues identified above are detailed in Appendix 2 together with the actions and outcomes undertaken to-date and provisions in place for further cooperation.

1. Introduction

- 1.1 This duty to co-operate statement covers the Partial Update of the Hampshire Minerals & Waste Plan (HMWP) which has been prepared in partnership by Hampshire County Council, Portsmouth City Council, Southampton City Council, New Forest National Park Authority and South Downs National Park Authority (collectively referred to as the 'Hampshire Authorities').
- 1.2 The Statement sets out the key strategic issues that have been identified as part of the plan preparation and how the Hampshire Authorities worked with other councils, public bodies and other organisations to address these issues and maximise the effectiveness of the Plan.
- 1.3 The duty to co-operate was created in the Localism Act 2011 and places a legal duty on local planning authorities and public bodies to engage constructively, actively and on an on-going basis with a list of 'prescribed' bodies to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 1.4 The National Planning Policy Framework (NPPF) reinforces this requirement¹ and states that co-operation should be effective and on-going. It highlights that joint working should determine where additional infrastructure is required, and whether development need that cannot be met within the Plan area could be met elsewhere². Further guidance is given in the Planning Practice Guidance³.

¹ National Planning Policy Framework (Para. 24):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

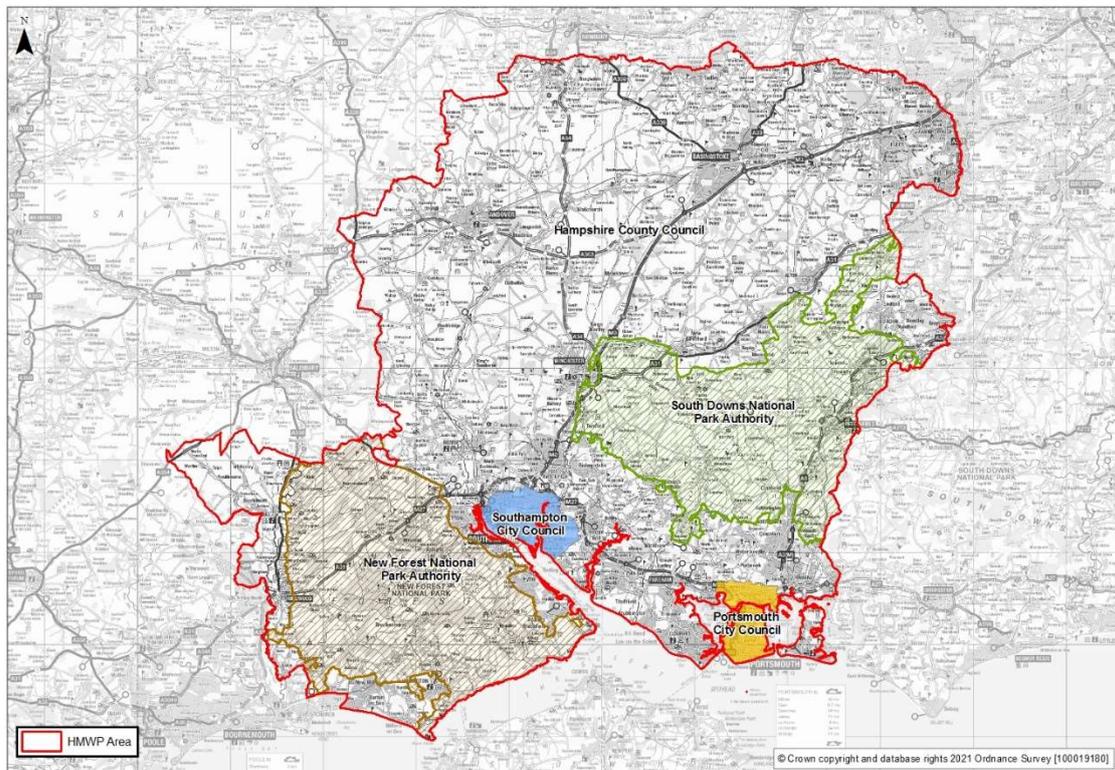
² National Planning Policy Framework (Para. 26)

³ Planning Practice Guidance: <https://www.gov.uk/guidance/plan-making#statutory-duty-and-the-role-of-plans>

2. Strategic Context

2.1 Figure 1 below identifies the administrative areas of the Hampshire Authorities.

Figure 1 - Administrative areas of the Hampshire Authorities



2.2 The five authorities span an area of approximately 377,000 hectares and have a combined population of around 1.86 million.

2.3 Hampshire is characterised by both its urban and rural nature, with the key cities of Southampton and Portsmouth and towns of Andover and Basingstoke, alongside large areas of countryside with smaller settlements and villages. It is also crisscrossed by significant transport corridor routes. The Plan area benefits from significant areas of the natural environment recognised as being of high quality and this is reflected in a large proportion of Hampshire being covered by nature conservation and landscape designations. Hampshire also includes two National Parks located in the New Forest and the South Downs and three Areas of Outstanding Natural Beauty.

2.4 Hampshire has 8 neighbouring Minerals and Waste Planning Authorities including:

- Dorset Council
- Wiltshire Council
- West Berkshire Council
- Bracknell Forest Council

- Wokingham Borough Council
- Surrey County Council
- West Sussex County Council
- Isle of Wight Council

3. Vision for Hampshire

3.1 The proposed updated Vision for the Hampshire Minerals and Waste Plan to 2040 is outlined below:

Carbon neutral and resilient minerals and waste development, which: supports health, wellbeing and quality of life for all; enables the creation of thriving places; and respects Hampshire's unique environment.

3.2 To assist in the delivery of the proposed Vision, the strategic Plan objectives have also been updated:

“Over the next 20 years, the planning of minerals and waste development will help meet Hampshire's present and future needs by protecting the environment, maintaining community quality of life and supporting the economy by:

- Facilitate a reduction in minerals and waste-related carbon emissions to net zero (neutrality) by 2050.*
- Provide a steady and adequate supply of minerals.*
- Plan for a resilient and reliable waste management network*
- Ensure the delivery of minerals and waste development in a way that protects and enhances our natural and historic environments.*
- Ensure communities do not experience a reduction in air quality and are less disturbed by minerals and waste activities.*
- Supports and complements urban regeneration*
- Enable a circular economy that ensures Hampshire continues to prosper whilst reducing its emissions.*
- Support future development requirements with sustainable, high-quality operations.*
- Encourage restoration schemes that improve our health and wellbeing.”*

4. What are the strategic issues?

- 4.1 During Plan preparation, a number of strategic issues have been identified. These are listed below and are detailed in Appendix 2.

Mineral Issues

1. *Imports of minerals*
2. *Soft sand supply*
3. *Sharp sand and gravel supply*

Waste Issues

4. *Waste management treatment capacity within the Plan area*
5. *Landfill*

Other Issues

6. *Inter connective relationship with Isle of Wight*

- 4.2 Although these are the main issues that have currently been identified, these may not be exhaustive. New issues may therefore arise throughout the next stages of Plan preparation and as such ongoing joint working will continue and updates to this Duty to Cooperate Statement will be made.

5. Engagement and cooperation with other organisations

- 5.1 The duty-to-cooperate not only requires cooperation on cross boundary issues but also requires cooperation with organisations responsible for infrastructure or environmental protection. Different issues and different organisations will require different types of cooperation.
- 5.2 Other public bodies, in addition to local planning authorities, are subject to the duty to cooperate by being prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.

These bodies are:

- the Environment Agency
 - the Historic Buildings and Monuments Commission for England (known as Historic England)
 - Natural England
 - the Mayor of London
 - the Civil Aviation Authority
 - the Homes and Communities Agency
 - each clinical commissioning group established under section 14D of the National Health Service Act 2006
 - the National Health Service Commissioning Board
 - the Office of Rail Regulation
 - Transport for London
 - each Integrated Transport Authority
 - each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
 - the Marine Management Organisation.
- 5.3 Engagement has been most extensive with the neighbouring and regional minerals and waste planning authorities however engagement has not only been limited to those organisations covered by the Duty to Cooperate. For example, further engagement has been undertaken with local minerals and waste industry and Network Rail.
- 5.4 In exploring the issues identified, the Hampshire Authorities have undertaken, amongst others, meetings with the neighbouring minerals and waste planning authorities (listed in Appendix 1). Key points from these meetings against each

of the strategic issues are detailed in Appendix 2 and the minutes are included as separate appendices.

5.5 In addition, the Hampshire Authorities are active participants at the South East Waste Planning Advisory Group (SEWPAG) and the South East England Aggregate Working Party (SEEAWP). Collective discussion at these forums has resulted in regional position statements between the southeast minerals and waste planning authorities on the following issues:

Regional

- Soft sand supply (see Appendix 3)
- Inert Waste Deposits on Land (see Appendix 4)
- Strategic Waste Policies (Appendix 5)

5.6 The Hampshire Authorities are also active participants of the Silica Sand working group.

5.7 As a result of these meetings to-date and position statements, no current need has been identified for further Statements of Common Ground between the Hampshire Authorities and others. This will be reviewed as the preparation of the plan progresses.

5.8 The Hampshire Authorities have currently sent Duty to Cooperate requests to 102 other minerals and waste planning authorities regarding movements of both minerals and waste to and from the Plan area and these respective areas. These are listed in Appendix 6.

5.9 In fulfilling its Duty to Cooperate requirements, the Hampshire Authorities have also currently responded to eight Duty to Cooperate request from other minerals and waste planning authorities. These are detailed in Appendix 7.

5.10 Duty to Cooperate meetings will continue to take place as the Plan progresses to submission and adoption. Any Statements of Common Ground will be reviewed regularly as new data becomes available and will be updated, where necessary.

Appendix 1

List of current Duty to Cooperate meetings and Statements of Common Ground

Hampshire Authority Duty to Cooperate meetings
<ul style="list-style-type: none">• Duty to Cooperate meeting with West Berkshire Council (12/01/2017)• Duty to Cooperate meeting with Surrey County Council (10/02/2017)• Duty to Cooperate meeting with West Sussex County Council (08/11/2021)• Duty to Cooperate meeting with Isle of Wight Council (12/11/2021)• Duty to Cooperate meeting with Wiltshire Council (18/11/2021)• Duty to Cooperate meeting with Wokingham Borough Council (23/11/2021)• Duty to Cooperate meeting with West Berkshire Council (30/11/2021)• Duty to Cooperate meeting with Surrey County Council (14/12/2021)• Duty to Cooperate meeting with Dorset Council (16/12/2021)• Duty to Cooperate meeting with Somerset County Council (25/05/2022)• Duty to Cooperate meeting with Oxfordshire County Council (01/07/2022)• Duty to Cooperate meeting with Bracknell Forest Council (01/07/2022)
Hampshire Authority Statements of Common Ground
<ul style="list-style-type: none">• Bilateral Statements of Common Ground Somerset County Council – Crushed rock [to be prepared] Oxfordshire County Council – Landfill [to be prepared]• Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management – signatories (to be confirmed) include: Bracknell Forest Council Brighton & Hove City Council Buckinghamshire Council East Sussex County Council Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities) Isle of Wight Council Kent County Council Medway Council Milton Keynes Council Oxfordshire County Council Reading Borough Council Royal Borough of Windsor and Maidenhead

Slough Borough Council
South Downs National Park Authority
Surrey County Council
West Berkshire Council
West Sussex County Council
Wokingham Borough Council

Appendix 2

Strategic Planning Issues

Issue 1:

Imports of minerals

The National Planning Policy Framework (NPPF)⁴ requires mineral planning authorities to plan for a steady and adequate supply of aggregates.

Due to the nature of minerals only being worked where they are found, there are requirements for mineral to be imported that does not naturally occur within the plan area.

This requires co-ordination between neighbouring and other relevant mineral planning authorities to ensure that local needs can be met.

The strategic planning issue is determining the level of provision that should be made within the plan period to ensure Hampshire fulfils its obligation to meet its reasonable share of aggregate minerals and to ensure that the requirement for minerals imported into Hampshire can continue to be met throughout the plan period.

Evidence base

- Aggregate Monitoring survey 2014
- Aggregate Monitoring survey 2019
- Minerals: Background Study
- Local Aggregate Assessments (LAA)

Organisations engaged

- Neighbouring authorities
- Authorities with known mineral movements

Actions

Duty to Cooperate letters were sent to each mineral planning authority listed above regarding relevant mineral movements to and from Hampshire on the following dates:

⁴ National Planning Policy Framework (Para. 213):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- Bedford Borough Council (09/08/2021)
- Blackburn with Darwen Council (27/10/2021)
- Blackpool Council (27/10/2021)
- Brighton & Hove City Council (27/10/2021)
- Conway County Council (27/10/2021)
- Cornwall Council (27/10/2021)
- Dorset Council (27/10/2021)
- Isle of Wight Council (27/10/2021)
- Lancashire County Council (27/10/2021)
- North Somerset Council (27/10/2021)
- Oxfordshire County Council (27/10/2021)
- Plymouth City Council (27/10/2021)
- Powys County Council (27/10/2021)
- Somerset County Council (27/10/2021)
- Surrey County Council (27/10/2021)
- West Sussex County Council (27/10/2021)
- Wiltshire Council (27/10/2021)

Confirmation of the quantities imported and exported from Hampshire to each MPA was outlined and information on any discrepancies listed was requested.

Outcomes

Duty to Cooperate responses received and logged

The Aggregate Monitoring survey (2014/2019) shows that crushed rock is predominantly imported from Somerset to Hampshire. A separate meeting was held with Somerset County Council at which it was noted that ongoing crushed rock imports should be able to continue, and it was agreed to produce a bilateral Statement of Common Ground.

The Aggregate Monitoring survey (2014) shows that marine sand and gravel was imported predominately into wharves in Hampshire. The Hampshire Authorities have no control over the distribution of marine sand and gravel but can secure supplies through safeguarding their wharves. Hampshire wharves are safeguarded through Policy 16 of the Hampshire Minerals & Waste Plan (adopted 2013)⁵. The Partial Update does not seek to remove this Policy and internal measures to ensure Hampshire County Council is also consulted on proposals affecting wharves in Portsmouth and Southampton. Therefore, a Statement of Common Ground is not

⁵ Hampshire Minerals & Waste Plan (2013):
<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

required to seek supply security.

Plan implications

The information received through the Duty to Cooperate correspondence has corroborated the data supplied through the Aggregate Minerals survey.

This data has been used to prepare the Minerals: Background Study and Local Aggregate Assessments as well as informing the Policy 17 (Aggregate Supply – capacity and source) within the Plan.

Ongoing cooperation

Active participation in regular South East England Aggregate Working Party meetings and the preparation and submission of an annual LAA to seek comments from strategic partners. Should issues arise, further meetings will be held to discuss.

Statement of Common Ground to be prepared with Somerset County Council.

Issue 2:**Soft sand supply**

Soft sand resources in Hampshire are limited, in particular by the proposals that have been received and by the location of the soft sand resources, some of which are in the two National Parks.

There is a need to ensure a steady and adequate supply of soft sand for the Plan period. Many sources of supply have designations which constrain their soft sand supplies.

Evidence base

- Minerals: Background study
- LAAs
- Annual Report for SEEAWP (2020)
- South East Minerals Planning Authorities Position Statement of Common Ground on Soft Sand.

Organisations engaged

- Dorset County Council
- Hampshire County Council
- Oxfordshire County Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire Council
- West Sussex County Council
- Wiltshire Council
- South East England Aggregate Working Party

Actions

Ongoing duty to cooperate meetings with neighbouring authorities and discussion at the South East England Aggregate Working Party (and mineral planning authority pre-meetings).

Review and update of the Position Statement with the South East Mineral Planning Authorities (see Appendix 3).

Outcomes

The wider implications of soft sand supply issues have been recognised through

discussions with the South East mineral planning authorities who have collectively prepared a Position Statement on Soft Sand to establish the baseline situation regarding soft sand and supply and the wider supply issues. It has been agreed that this will be reviewed and updated to reflect recent National Collation data and Local Plan updates.

Plan implications

The information received through the Duty to Cooperate correspondence has corroborated the data supplied through the Aggregate Minerals survey. This data has been used to prepare the Minerals: Background Study and Local Aggregate Assessment.

Ongoing cooperation

The situation will be monitored through the annual LAAs produced for the Hampshire Authorities and the Soft Sand Position Statement will be updated.

Issue 4:**Waste management treatment capacity within the Plan area**

There is currently a small capacity gap in waste management capacity within Hampshire to enable net self-sufficiency. This is projected to grow throughout the plan period and needs to be addressed. The Plan area is reliant on sites in neighbouring waste planning authorities, but also sees imports of waste. A particular issue is the diminishing landfill capacity in Hampshire, but also elsewhere within the region (considered as a separate issue).

Evidence base

- Environment Agency Waste Data Interrogator (2019)
- Waste operator survey results 2019
- Planning permissions
- Environmental permits

Organisations engaged

- DtC meetings with neighbouring authorities
- DtC letters to all waste planning authorities, as per nationally agreed guidance

Waste DtC letters

- Aberdeen City Council (09/08/2021)
- Barking and Dagenham London Borough Council (09/08/2021)
- Bath and North East Somerset Council (09/08/2021)
- Bexley London Borough Council (09/08/2021)
- Birmingham City Council (09/08/2021)
- Bournemouth Christchurch and Poole Planning (09/08/2021)
- Bracknell Forest Council (09/08/2021)
- Bridgend County Borough Council (09/08/2021)
- Brighton and Hove Council (09/08/2021)
- Bristol City Council (09/08/2021)
- Bromley London Borough Council (09/08/2021)
- Buckinghamshire Council (09/08/2021)
- Calderdale Council (09/08/2021)
- Cambridgeshire County Council (09/08/2021)
- Cardiff Council (09/08/2021)
- Cheshire East Council (09/08/2021)
- Cheshire West and Chester Council (09/08/2021)
- Cumbria County Council (09/08/2021)
- Darlington Borough Council (09/08/2021)
- Derbyshire County Council (09/08/2021)

- Devon County Council (09/08/2021)
- Doncaster Council (09/08/2021)
- Dorset Council (09/08/2021)
- Dudley Council (09/08/2021)
- East Sussex County Council (09/08/2021)
- Essex County Council (09/08/2021)
- Falkirk Council (09/08/2021)
- Gloucestershire County Council (09/08/2021)
- Hammersmith and Fulham Council (09/08/2021)
- Hartlepool Borough Council (09/08/2021)
- Havering London Borough (09/08/2021)
- Hertfordshire County Council (09/08/2021)
- Hillingdon Council (09/08/2021)
- Hounslow London Borough (09/08/2021)
- Isle of Wight Council (09/08/2021)
- Kent County Council (09/08/2021)
- Hull City Council (09/08/2021)
- Kirklees Council (09/08/2021)
- Knowsley Council (09/08/2021)
- Lancashire County Council (09/08/2021)
- Leeds City Council (09/08/2021)
- Leicestershire County Council (09/08/2021)
- Lincolnshire County Council (09/08/2021)
- Liverpool City Council (09/08/2021)
- Medway Council (09/08/2021)
- Milton Keynes Council (09/08/2021)
- Newham Council (09/08/2021)
- Newport City Council (09/08/2021)
- Norfolk County Council (09/08/2021)
- North Lincolnshire Council (09/08/2021)
- North Tyneside Council (09/08/2021)
- North Yorkshire County Council (09/08/2021)
- Northamptonshire County Council (09/08/2021)
- Northumberland County Council (09/08/2021)
- Nottingham City Council (09/08/2021)
- Nottinghamshire County Council (09/08/2021)
- Oxfordshire County Council (09/08/2021)
- Pembrokeshire County Council (09/08/2021)
- Peterborough City Council (09/08/2021)
- Plymouth City Council (09/08/2021)
- The Royal Borough of Windsor and Maidenhead (09/08/2021)
- Reading Borough Council (09/08/2021)
- Redcar and Cleveland Council (09/08/2021)

- Renfrewshire Council (09/08/2021)
- Rotherham Metropolitan Borough Council (09/08/2021)
- Salford City Council (09/08/2021)
- Sandwell Council (09/08/2021)
- Sefton Council (09/08/2021)
- Sheffield City Council (09/08/2021)
- Slough Borough Council (09/08/2021)
- South Gloucestershire Council (09/08/2021)
- Somerset County Council (09/08/2021)
- Staffordshire County Council (09/08/2021)
- Stirling Council (09/08/2021)
- Stockton on Tees Borough Council (09/08/2021)
- Stoke on Trent City Council (09/08/2021)
- Suffolk County Council (09/08/2021)
- Sunderland City Council (09/08/2021)
- Surrey County Council (09/08/2021)
- Sutton Council (09/08/2021)
- Swansea Council (09/08/2021)
- Swindon Borough Council (09/08/2021)
- Telford and Wrekin Council (09/08/2021)
- Wakefield Council (09/08/2021)
- Walsall Council (09/08/2021)
- Wandsworth Council (09/08/2021)
- Warwickshire County Council (09/08/2021)
- West Berkshire Council (09/08/2021)
- West Sussex County Council (09/08/2021)
- Wiltshire Council (09/08/2021)
- Wokingham Borough Council (09/08/2021)
- Worcestershire County Council (09/08/2021)
- Warwickshire County Council (09/08/2021)

Actions

- Meetings with neighbouring authorities
- Active participation in SEWPAG

Outcomes

Hampshire has actively engaged with neighbouring authorities on the issue of waste movements and will continue to do so with a view to enable the sustainable and efficient management of waste in line with the waste hierarchy, proximity and net self-sufficiency principles. A number of authorities have said they wish to consider the Draft Plan before deciding whether further Statement of Common Ground are

required.

Hampshire is a signatory to:

- Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (see Appendix
- South East Waste Planning Advisory Group (SEWPAG) Inert Waste Deposit Joint Position Statement (see Appendix

Plan implications

The information received through the Duty to Cooperate correspondence has corroborated the data supplied through the Environment Agency's Waste Data Interrogator.

This data has been used to prepare the Waste: Background Study and has informed the waste policies of the Draft Plan.

Minimum requirements are set out for recycling capacity, recovery capacity is maintained and there is a policy enabling both landfill and the reworking of landfill to come forward within the Plan area.

Ongoing cooperation

Further discussions and meetings where appropriate, alongside cross-boundary working on Local Plan development and at groups such as SEWPAG.

Issue 5:**Landfill**

Non-hazardous landfill has been identified as a regional issue by SEWPAG. Hampshire has had declining landfill capacity since the current Plan was adopted in 2013. Landfill provision allocated in the Plan has largely not been taken up and with the closure of landfills, Hampshire now has only one site.

Evidence base

- Waste: Background Report
- Hampshire Plan Review 2020
- Annual Monitoring Reports (2015-2019)

Organisations engaged

- Neighbouring authorities
- SEWPAG

Actions

The issue has been explored at SEWPAG and Hampshire is a signatory to the Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management. The issue has been raised with all neighbouring authorities. Hampshire exported 145,000 tonnes of waste to non-hazardous landfill in 2019. The key recipient was Oxfordshire with 85,000 tonnes and a DtC meeting was held.

Outcomes

The Plan aims to move waste up the waste hierarchy through minimum requirements for recycling and by maintaining recovery capacity. However, recognising that there will still be waste that goes to landfill and that Hampshire does not have sufficient landfill capacity for this waste, a separate landfill requirement is calculated and landfill capacity up to that level will be encouraged. There is already a landfill policy that deals with the criteria for a site and further policy text is added regarding reworking of landfills which could free further space.

The DtC meeting with Oxfordshire County Council indicated that landfill capacity there is due to be used up before the end of the updated Hampshire Minerals and Waste Plan period. To show that full consideration has been given to these issues a bilateral Statement of Common Ground will be prepared.

Ongoing cooperation

Landfill capacity is monitored on a yearly basis through the Monitoring Report. We will continue to work with SEWPAG and directly with other authorities to address any issues with landfill provision. The need for bilateral Statements of Common Ground will continue to be reviewed.

Statement of Common Ground to be prepared with Oxfordshire County Council.

Issue 6:**Inter connective relationship with Isle of Wight Council**

There has been a longstanding relationship between Hampshire and Isle of Wight in terms of marine aggregate mineral provision.

Evidence base

- Minerals: Background Report
- Aggregate Monitoring Survey data

Organisations engaged

- Isle of Wight Council

Actions

Meetings undertaken with Isle of Wight Council on the following dates:

- 10 February 2017
- 12 November 2021

Outcomes

Issues regarding the connectivity between Hampshire and the Isle of Wight and implications of any dip in capacity on the IoW on its dependence of other sources of minerals and other waste management capacity.

Plan implications

The Plan does not include provision for other authorities, however movements of minerals and waste are not restricted and while not currently deliverable, it has been the Plan's ambition to support the region in its needs. A key element of this will be how the materials can travel to and from the isle of Wight and the Plan makes every effort to safeguard wharves and depots.

Ongoing cooperation

We will continue to maintain close links with the isle of Wight and review the need for a bilateral Statement of Common ground or for including the Isle of Wight's particularly island circumstances and needs in any sub-regional or regional Statements of Common ground that involve it.

Appendix 3

South East Mineral Planning Authorities – Position Statement on Soft Sand

South East – Mineral Planning Authorities Soft Sand Position Statement

Introduction

- 1.1 Section 110 of the Localism Act sets out a “duty to cooperate” in relation to planning of sustainable development, under which planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are significant cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to “strategic matters”, such as the supply of minerals. The Duty to Cooperate therefore applies to the preparation of minerals local plans.
- 1.2 The purpose of this Position Statement is to provide an agreed source of evidence and current policy on the issue of soft sand supply in the South East. The Position Statement underpins effective cooperation and collaboration between the Minerals Planning Authorities of the South East of England in addressing the strategic cross-boundary matter of soft sand supply. It is, however, not intended to be legally binding or to create legal rights.
- 1.3 The Position Statement is intended to form the basis of any Statements of Common Ground (SoCG) to be produced by the parties and agreed by the different Mineral Planning Authorities. Any SoCGs between individual Mineral Planning Authorities will consider, in more detail, the implications of evidence provided in this Position Statement and seek to address issues on soft sand supply, and its coordination between those areas.
- 1.4 The Position Statement as a statement of fact has been agreed by Officers. SoCGs will, dependent on content, be agreed at either officer or Council Member level.
- 1.5 The Minerals Planning Authorities of the South East of England comprise the following authorities:

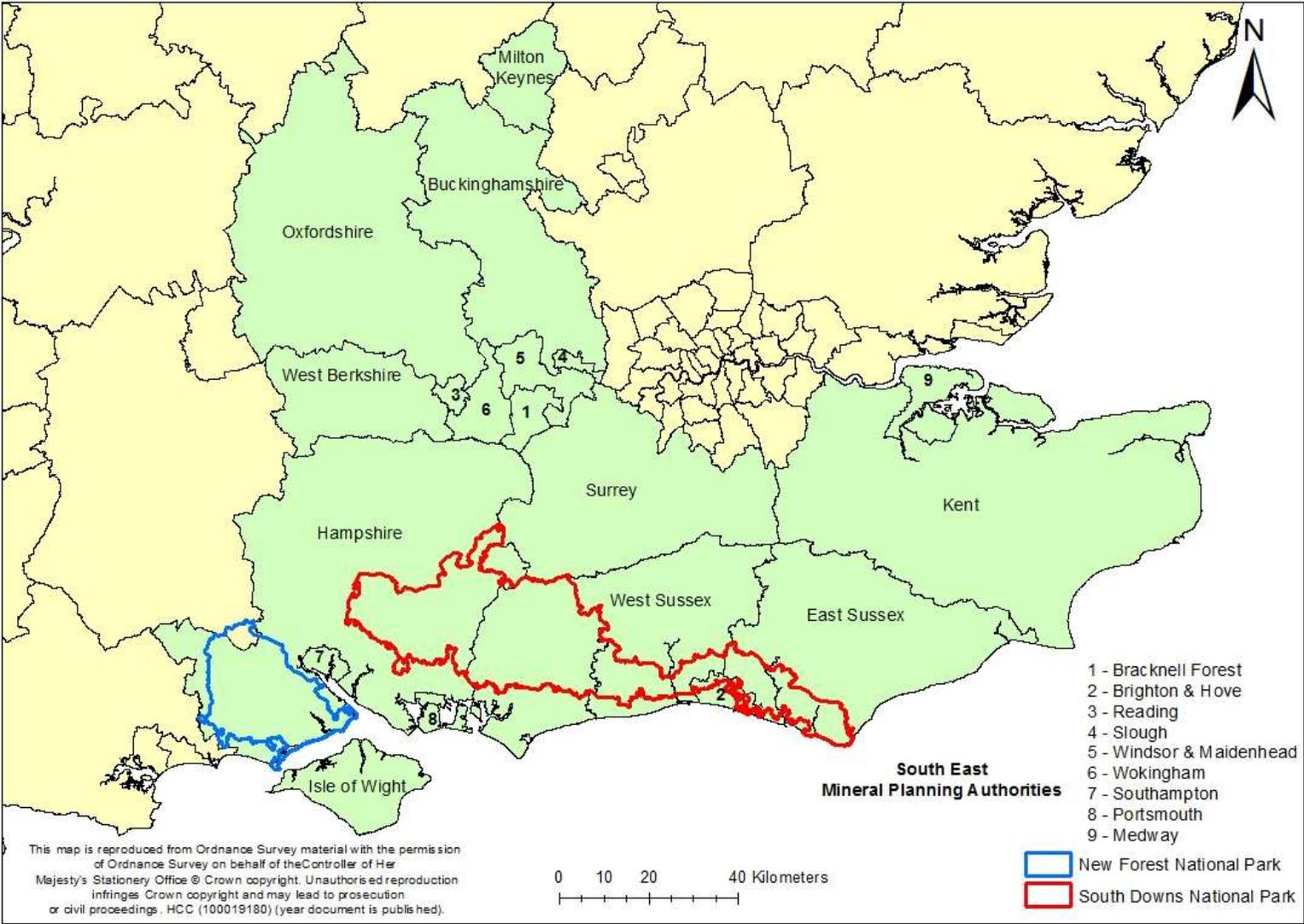
Bracknell Forest Council
Brighton & Hove City Council
Buckinghamshire County Council
East Sussex County Council
Hampshire County Council

Isle of Wight Council
Kent County Council
Medway Council
Milton Keynes Council
New Forest National Park Authority
Oxfordshire County Council
Portsmouth City Council
Reading Borough Council
Royal Borough of Windsor and Maidenhead
Slough Borough Council
South Downs National Park Authority
Southampton City Council
Surrey County Council
West Berkshire Council
West Sussex County Council
Wokingham Borough Council

- 1.6 These authorities are all members of the South East England Aggregate Working Party (SEEAWP) and each is responsible for planning for the supply of minerals in their areas, through the preparation of minerals local plans. Figure 1 shows the location of each of the above authorities within the South East.
- 1.7 A minerals local plan can cover the area of a single Mineral Planning Authority or a larger area administered by more than one Mineral Planning Authority where they decide to act together to prepare joint plans. The following Mineral Planning Authorities have prepared or are preparing Joint Plans:
- Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham;
 - Brighton & Hove, East Sussex and South Downs National Park;
 - Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park;
 - West Sussex and South Downs National Park.
- 1.8 Land-won soft sand in south east England is an important aggregate mineral that, for certain end uses, cannot be easily substituted by other materials (artificial substitutes are not apparently available). Soft sand in the South East is generally fine-grained and has a limited grain size distribution within the deposits. The individual grains (silicon dioxide [SiO₂]) are smooth and well-rounded thus imparting a relatively soft texture and free-flowing nature. These properties are different to those associated with sharp sand which is rough, angular, and used predominantly in concrete production.

- 1.9 Soft sands are commonly deposited in marine environments, where constant movement results in the rounding, polishing and sorting of the grains. The fine, smooth, characteristics of soft sand lend it to be used in building mortar and asphalt by the construction industry.
- 1.10 Soft sand (often known as building sand) has historically been extracted in the south east of England given that the geology of this area includes soft sand bearing deposits. However, not all Mineral Planning Authority areas contain soft sand resources, and, in some areas, the resources are constrained by landscape and environmental designations.

Figure 2: Location of South East Mineral Planning Authorities



Policy Background

2.1 This section sets out the existing policy frameworks in place for planning for soft sand supply.

National Policy

2.2 National policy for minerals is set out in the National Planning Policy Framework⁶. The relevant paragraphs are set out in Appendix A.

2.3 Further guidance on the implementation of the National Planning Policy Framework is set out in the Planning Practice Guidance⁷.

Local Policy

2.4 Many of the South East Mineral Planning Authorities have adopted policies relating to the supply and safeguarding of soft sand (see Appendix B).

⁶ National Planning Policy Framework (2018) (Section 17: Facilitating the sustainable use of minerals) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

⁷ Planning Practice Guidance (Minerals) - <https://www.gov.uk/guidance/minerals>

Issues

3.1 This section outlines the issues known to impact the supply of soft sand in the South East.

Soft sand geology in the South East

3.2 Soft sand has historically been extracted in the south east of England and is sourced from the following geological formations (see Figure 2 and Figure 3):

- the Folkestone Formation (the Folkestone Beds) in Kent, Surrey, Hampshire, West Sussex and East Sussex;
- the Corallian Group, in Oxfordshire;
- the 'Reading Beds' in the Unitary Authorities that make up the former County of Berkshire; and
- the Lower Greensand Group of the Isle of Wight.

3.3 The primary source of soft sand is the Folkestone Formation of the Lower Greensand Group. The Folkestone Formation extends from north west of Lewes in East Sussex, across West Sussex and into Hampshire to Petersfield, where it swings around to the north east and then continues east across Surrey and Kent, meeting the coast at Folkestone (see Figure 2).

3.4 The Folkestone Formation has traditionally been regarded as a source of 'soft sand' used for construction purposes, such as mortar manufacturing, and has also been a source of specialist 'silica sand' (an industrial mineral), especially in Surrey and Kent (see Figure 2). It should be noted that 'soft sand' notation around Canterbury in Figure 3 is the Thanet Sand which is not of equal quality to that of the Folkestone Formation and is for general use such as backfilling and sub-soil.

3.5 In Oxfordshire, soft sand resources are limited to the Corallian Ridge area between Oxford and Faringdon and a small area around Duns Tew in northern Oxfordshire. In West Berkshire soft sand is associated with the 'Reading Beds' formation. The Reading Beds extend into Central and Eastern Berkshire⁸ although there have been no excavations from the formation in this area since the early part of the century.

3.6 The Sandrock Formation within the Lower Greensand Group runs east to west across the south of the Isle of Wight. Whilst the Solent creates a physical barrier in terms of movements, the Island has active quarries which provide a degree of self-sufficiency in relation to soft sand resources.

⁸ Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham.

3.7 It should be noted that there can be a lack of clarity in geology between soft sand and silica sand as they occur in the deposit. This may have implications for meeting soft sand supply requirements as its potential to be used as silica sand in higher value applications is increasingly being considered by the industry. Silica sand is similar but with fewer impurities (a silica content of 95% is classed as silica sand), generally lighter in colour and more commonly used for specialist end-uses, for example glass manufacture, sports pitches, golf courses and equestrian uses.

Constraints

3.8 A significant proportion of the soft sand resource within the Folkestone Bed is located within and adjacent to the following protected areas (see Figure 3):

- South Downs National Park (SDNP)
- Surrey Hills Area of Outstanding Natural Beauty
- Kent Downs Area of Outstanding Natural Beauty

3.9 In addition, historically most of the soft sand deposits from the Reading Bed Formation in West Berkshire that have been worked have been those found in the North Wessex Downs Area of Outstanding Natural Beauty, most notably, an outcrop found around Junction 13 of the M4. Soft sand is also located in the New Forest National Park in the south west of Hampshire.

3.10 The Isle of Wight Area of Outstanding Natural Beauty covers half of the land area of the Island.

3.11 Consideration of how development may impact National Parks and Areas of Outstanding Natural Beauty is a statutory requirement as provided for in Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (National Parks) and Section 85 of the Countryside and Rights of Way Act 2000 (AONBs). Specifically they state that “in exercising or performing any functions in relation to, or so as to affect, land” in these areas, relevant authorities “shall have regard” to their purpose to ensure their continued protection.

3.12 This legal obligation is addressed in Paragraph 172 of the NPPF which states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁹. The scale and extent of development within these designated areas should be limited.

⁹ English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

Planning permission should be refused for major development^(*) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

3.13 The footnote (*) accompanying Paragraph 172 defines major development:

“For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.

3.14 Other constraints to the extraction of land-won soft sand resources include European designations such as Special Protection Areas (SPAs), Special Areas of Conservation (SACs), and nationally designated Sites of Special Scientific Interest (SSSIs) and Ancient Woodland. Urban areas and major infrastructure are also a constraint (although prior extraction during redevelopment is a possibility).

3.15 Consideration of development which may impact European and national designated environmental designations is addressed within the NPPF. Paragraph 170 (a) of the NPPF states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);”

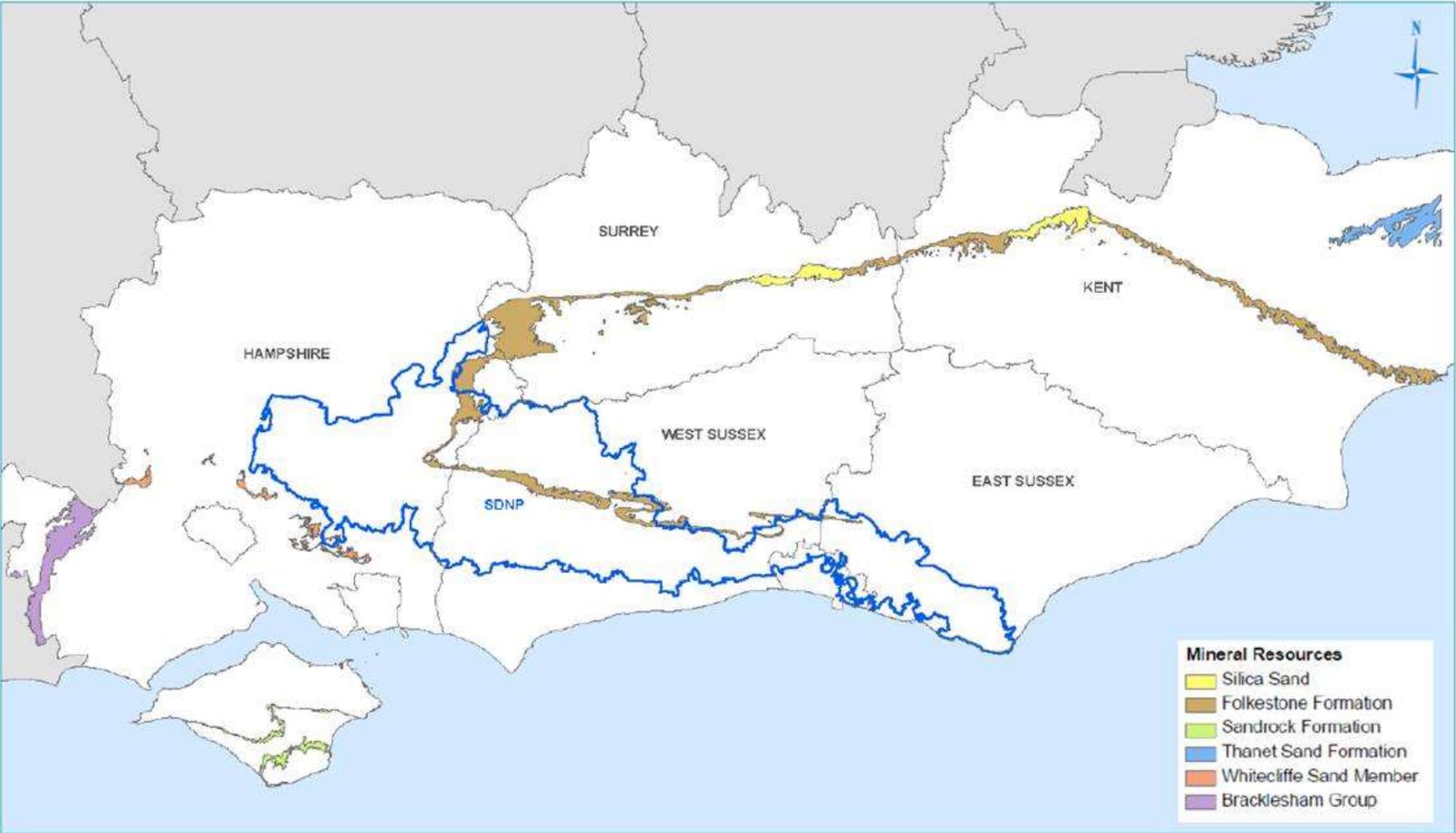
3.16 Paragraph 171 of the NPPF also states:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework¹⁰; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

3.17 Figure 3 shows the distribution of National Parks and Areas of Outstanding Natural Beauty within the South East. These and other environmental designations may impact on the supply of soft sand within the South East.

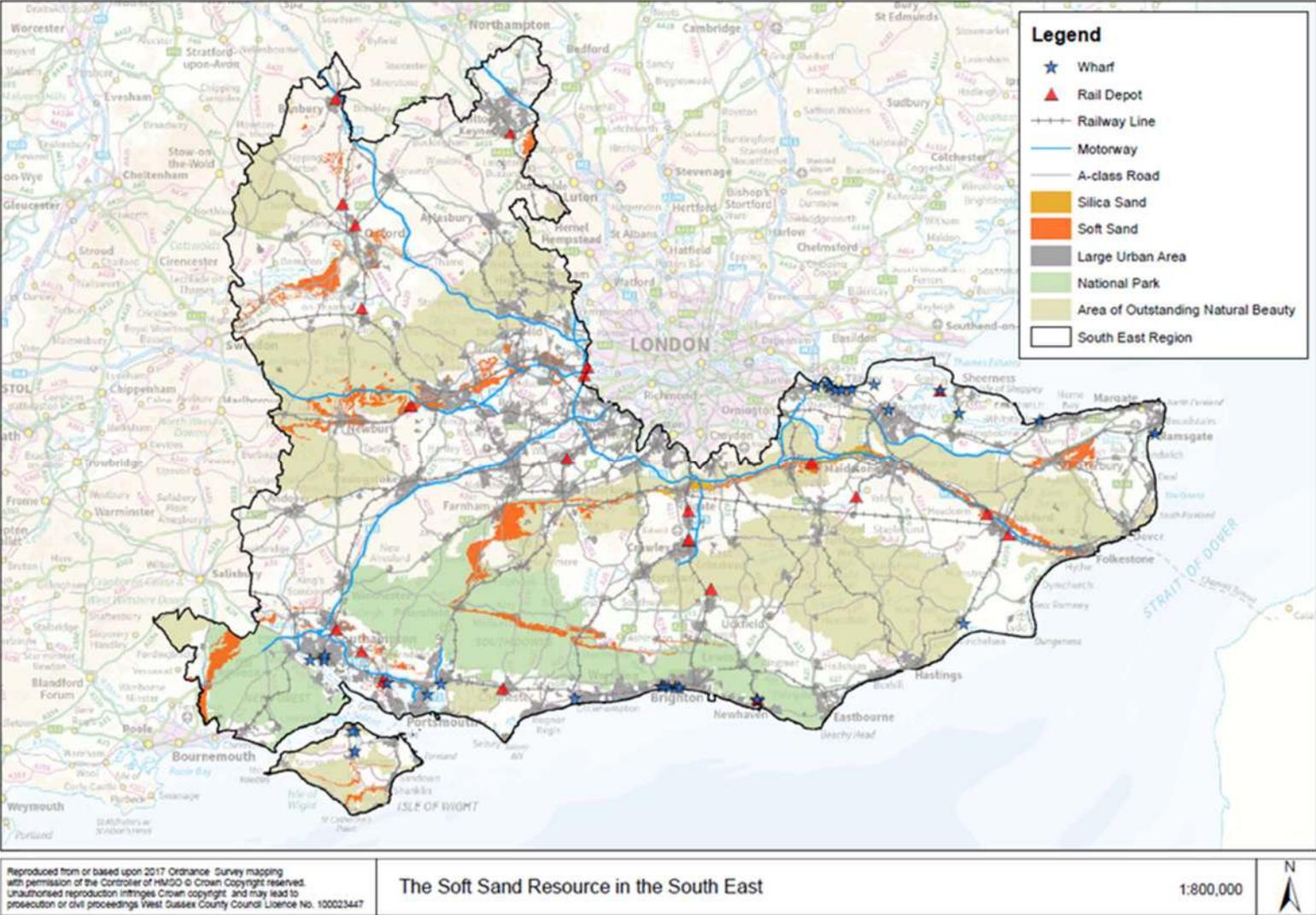
¹⁰ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Figure 2: The Folkestone Formation and other soft sand resources in South East England.



Source: South Downs National Park - Soft Sand Study (Capita Symonds, August 2012)

Figure 3: The soft sand resource in the South East



Source: Draft Statement of Common Ground – West Sussex County Council (2017) <http://www2.westsussex.gov.uk/mlp/osd027.pdf>

Present and future supply

3.18 This section sets out the data regarding soft sand supply outlining sales, trends and known reserves.

Present

3.19 Table 1 shows that the overall trend in total land-won sand and gravel sales in the south east of England was of a year on year general decline from 2008 to 2013, but then gradually increasing again. In 2017 sales of 6.18 million tonnes were the highest since 2008, although still 15% below the 2008 level, and 3% higher than the 10-year average and the 3-year average.

Table 1: Sales of land-won sand and gravel 2008-2017 (Thousand tonnes (Tt))

Year	Sales (Tt)	% Total Sales
2008	7,299	31
2009	6,007	37
2010	6,091	31
2011	5,824	28
2012	5,514	28
2013	5,399	25
2014	5,889	25
2015	5,857	24
2016	5,900	24
2017	6,181	24
10-year average	5,996	27
3-year average	5,979	24

Source: South East Aggregates Monitoring Report 2017 (October 2018)

3.20 Table 2 shows that sales of land-won soft sand in 2017 were 22% below the 2008 level and have increased from a low in 2009 and are now above the 10-year and 3-year averages.

Table 2: Sales of land-won soft sand 2008-2017 (Thousand tonnes (Tt))

Year	Sales (Tt)	% change on previous year	Reserves at end of year (Tt)
2008	2,268	19	30,664
2009	1,387	-39	21,296
2010	1,676	21	34,389
2011	1,524	-9	32,822
2012	1,539	5	32,666
2013	1,560	-2	28,401
2014	1,506	-1	23,126
2015	1,632	6	23,110
2016	1,829	12	23,652
2017	1,759	-4	25,759
% change 2008 - 2017		-22	
10-year average	1,668		27,589
3-year average	1,740		24,174

Source: South East Aggregates Monitoring Report 2017 (October 2018)

- 3.21 In 2017, land-won sand gravel and marine dredged aggregate sales were the equal largest component within the overall sales pattern. This contrasts with previous years when marine dredged aggregates sales have been more dominant. During 2017, there were 39 wharves in the South East, seven of which were inactive.
- 3.22 A total of 50,710 tonnes of marine 'soft' sand was sold at wharves in 2017 with the majority (46,695 tonnes) sold at West Sussex wharves and the rest from the Isle of Wight and Hampshire. This represents 3% of total soft sand sales from quarries and wharves in the South East in 2017.
- 3.23 Sharp sand and gravel is more generally landed at wharves in the South East and is currently not known to be substituting for land-won soft sand to any significant extent.
- Future
- 3.24 Table 3 shows the distribution of permitted reserves in 2017. Kent/Medway and Surrey have the highest level of reserves which account for 64% of overall provision. West Sussex, Buckingham and Oxfordshire account for a further 30%. The highest sales were recorded in Kent/Medway but the only permissions during 2017 were granted in Oxfordshire.

Table 3: South East Soft Sand Reserves and Sales (Thousand tonnes), 2017 (c = confidential)

Area	Reserves at start of 2017	Sales during 2017	Permissions during 2017	Reserves at end of 2017
Berkshire Unitary Authorities	c	c	0	40
Bucks/Milton Keynes	c	c	0	c
East Sussex*	350	0	0	350
Hampshire	c	232	0	570
Isle of Wight	196	12	0	182
Kent/Medway	9,182	519	0	8,848
Oxfordshire	1,341	251	2,015	3,105
Surrey	7,788	394	0	7,679
West Sussex	3,355	c	0	2,745
Total	23,652	1,759	2,015	25,759

Source: South East Aggregates Monitoring Report 2017 (October 2018)

*All reserves in East Sussex are located within the South Downs National Park

3.25 Based on, where appropriate, the LAA rate and/or 10-year average sales which for the South East assumes a collective South East Rate of 1,453¹¹ Thousand tonnes, reserves of soft sand in the South East increased to 17.7 years during 2017 (from 14 years in 2016). However, based on the total South East 2017 sales figures, the reserve figure for soft sand in the South East reduces to 14.6 years. This indicates that sales in 2017 were higher than the assumed collective rate of sales in LAAs.

3.26 It is expected that the Reserves will be bolstered over time from planning permissions being granted for soft sand allocations and windfall sites within the South East. Soft sand allocations in South East mineral local plans are set out in Appendix C. Allocations for soft sand are only provided for in Hampshire, Kent and Surrey albeit these could provide around a further 11 million tonnes. Based on the 2017 sales figures, this would potentially provide an additional 6 years of supply.

Alternative supply

3.27 This section outlines the options for alternative soft sand supply.

Marine-won soft sand

3.28 Some marine sand deposits have mechanical, chemical and physical properties, identical to high quality land-based sands, therefore the end uses are no different. The main differences between the majority of land-based sand and marine sands are the chloride and shell content¹².

¹¹ South-East England Aggregates Monitoring 2017 - Table 13

¹² https://www.bmapa.org/documents/marine_building.pdf

3.29 In England, marine sands are either directly or through blending, used in the production of:

- Mortar for bricklaying and blockmaking
- Screeds
- External renders
- Internal rendering
- Masonry blocks
- Paving blocks

3.30 Marine won sand with properties akin to land-won soft sand is currently sourced from the Bristol Channel as there are extensive deposits of mobile sand across the upper Severn Estuary. The resource has been exploited as the terrestrial alternatives in South Wales are constrained and the depositional environment favours finer sand resources to be available. The resource is as a partial substitute of land-won soft sand and is blended in dry-silo mortar production¹³.

3.31 Research¹⁴ carried out by the Crown Estate shows the extent of the potential sand and gravel resource in the English Channel and Thames Estuary. The report shows that there are likely to be areas of fine sand within the area, but that the 'economic potential of individual sites can only be proved by a detailed evaluation programme'.

3.32 According to British Marine Aggregate Producers Association (BMAPA), marine deposits off the coast of the Netherlands are dominated by fine to medium sand¹⁵. The UK exports some coarse sand and gravel to the Netherlands and it is possible that this fine to medium sand could be imported into the UK.

3.33 Important considerations include:

- Customer product acceptance (ability to meet colour and grading expectations);
- logistics of onshore handling and/or processing;
- retention of fine sands during dredging operations;
- constraints on wharf and fleet capacity.

Outer regional supply opportunities

3.34 The South East Region is abutted by several other Mineral Planning Authority areas: Dorset, Wiltshire and Gloucestershire (South West), Warwickshire (West

¹³ Some marine soft sand is not always a direct substitute for land-won soft sand and requires blending to make a partial substitution for soft sand in mortar production or concrete manufacture. Blending of this nature is not known to currently take place in the South East.

¹⁴ The Mineral Resources of the English Channel and Thames Estuary (BGS) (2013)

¹⁵ The strategic importance of the marine aggregate industry to the UK (BGS) (2007) - https://www.bmapa.org/documents/BMAPA_download.pdf

Midlands), Northamptonshire (East Midlands), Bedfordshire and Hertfordshire (East) and London.

3.35 A review of the most recent Local Aggregate Assessments (LAA) (or BGS information, where required) for these areas and their ability to supply soft sand is provided below:

- Dorset: Poole formation sands mentioned in LAA. BGS report¹⁶ mentions that these can be used as a soft sand mainly as a silica sand.
- Wiltshire: Three quarries with soft sand planning permission. LAA describes theoretically containing extensive deposits of soft sand. Data is however confidential.
- Gloucestershire: Small amount of soft sand described, no other information.
- Warwickshire: No mention of soft sand. BGS 2009 report¹⁷ mentions soft sand in some bedrock formations. However, at the time of writing these were not worked.
- Northamptonshire: There are some deposits of soft sand in the county but the most recent working of a solely soft sand site (at a site to the south-west of Northampton in the Milton Keynes belt) ceased in 2005. There is a soft sand allocation in the Northamptonshire Minerals and Waste Local Plan.
- Bedfordshire: The area contains Woburn sands formation which has soft sand in the form of silica sand¹⁸. However, the LAA does not report soft separately from sharp sand and gravel.
- Hertfordshire: Mainly imports soft sand.
- London: Mainly imports soft sand.

Transportation

3.36 The Aggregate Monitoring survey in 2014 recorded the imports and exports of primary aggregates. Whilst the movement of sand and gravel is recorded, soft separate sand data is not available. Figure 5 shows the South East imports and exports of sand and gravel which suggests that in 2014, the most influential area was London as this involved the highest tonnage levels. It is likely that these figures will have changed since 2014, but more up to date data is not available.

3.37 Major projects can require intensive levels of aggregate and therefore can also influence movements. It is for this reason that major projects are considered as future demand factors in Local Aggregate Assessments. The South East has a number of National Significant Infrastructure Projects which will have an impact

¹⁶ BGS Report: <http://nora.nerc.ac.uk/id/eprint/10759/1/CR01138N.pdf>

¹⁷ BGS Report: <http://nora.nerc.ac.uk/id/eprint/7858/1/OR08065.pdf>

¹⁸ http://www.centralbedfordshire.gov.uk/Images/beds-silica-sands-2_tcm3-25758.pdf

on demand including the proposed Heathrow Expansion, High Speed Rail (HS) 2 and Crossrail. However, the impact will be mainly on demand for concreting sand rather than soft sand.

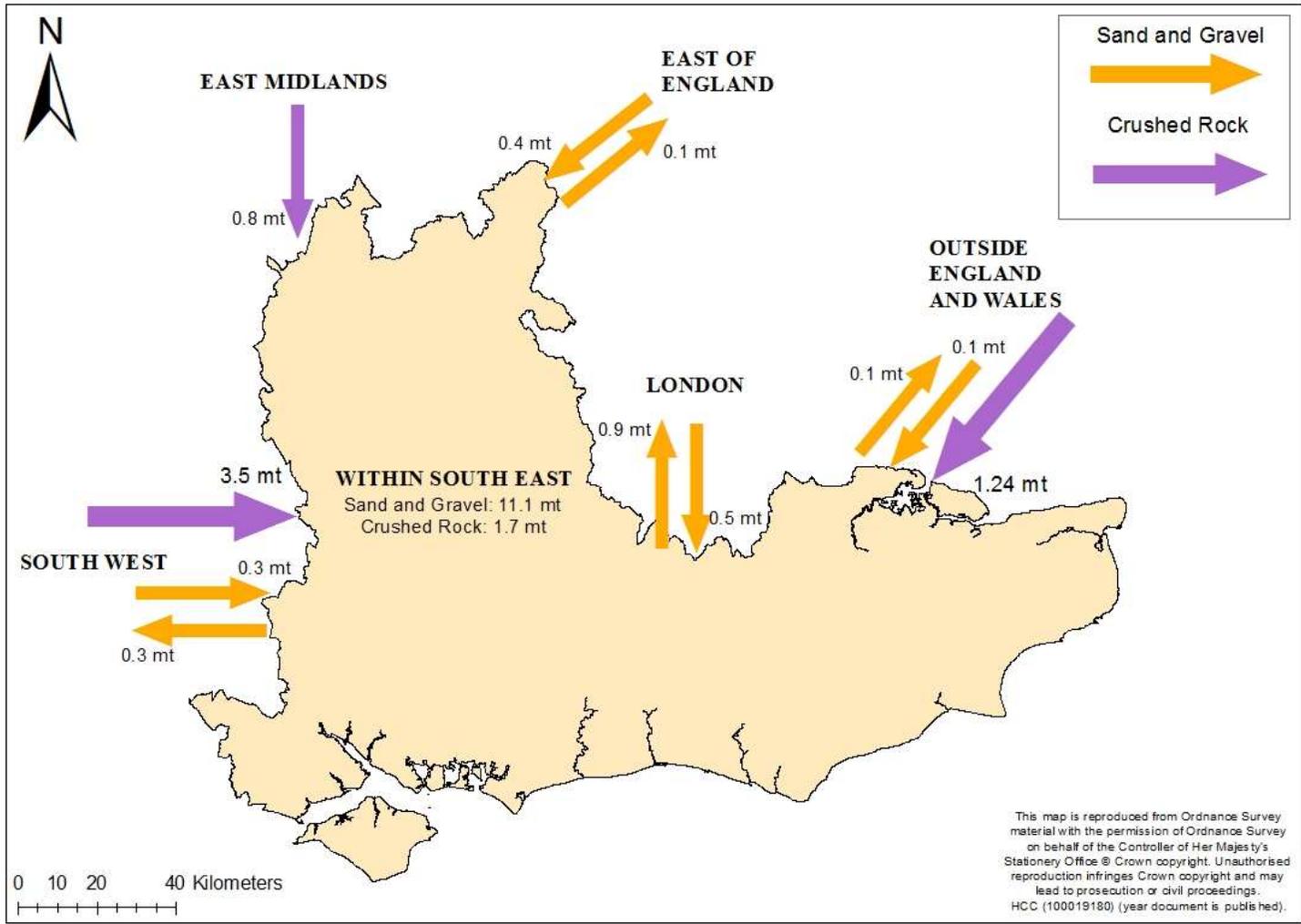
3.38 Monitoring undertaken by the Mineral Products Association indicates that the average road delivery distance for aggregates has varied between 26 and 35 miles in recent years¹⁹. The radius of economic transportation of sand and gravel is often stated to be generally less than 30 miles. However, soft sand in the South East can travel over greater distances, depending on circumstances.

3.39 Reasons for wider distribution may include:

- For national operators, the aggregates are transported to the nearest mortar or asphalt plant, which can often be up to 45 miles (or further) where the end product is made, before onward travel to the end user.
- For the smaller operators, the sand is often used more locally.

¹⁹ Sustainable Development Report (MPA, 2018) - https://mineralproducts.org/documents/MPA_SD_Report_2018.pdf

Figure 5: South East England: Imports and exports of primary aggregates, 2014 (Million tonnes)



Source: South East England Aggregates Monitoring 2017 (SEEAWP, October 2018): <https://www.hants.gov.uk/landplanningandenvironment/seeawp/seeawpdocuments>

Conclusion

- 4.1 This Position Statement sets out technical information with respect to soft sand supply in the South East. The Statement is supported by the South East Mineral Planning Authorities and will be used as a basis for any relevant Statements of Common Ground.
- 4.2 The Statement highlights that the spatial distribution of soft sand is varied and that some of the areas where extraction has historically taken place, or currently takes place, are constrained by landscape and environmental designations.
- 4.3 The Statement indicates that additional sites need to be allocated in minerals plans and permitted by Mineral Planning Authorities to ensure that a steady and adequate supply of soft sand can be maintained in the South East. Due to geology, soft sand resource is focused in a few counties – particularly Surrey, Kent and West Sussex – and the need for future supply will likely need to balance conflict with significant landscape, environmental and recreational constraints
- 4.4 Lastly, the Statement recognises that there are alternatives to land-won supply within the South East, in particular supply from land-won soft sand from surrounding regions and the partial substitution of alternative materials such as marine sands in some applications. However, it is recognised, these alternatives are currently limited and will also have constraints such as the availability of suitable dredgers and dedicated wharf space which would impact the long-term supply of soft sand. Any reliance on them would need to be in line with national policy and justified through evidence and agreements with other authorities (if reliance is on areas outside of the South East).

Appendix A: Relevant National Planning Policy Framework Soft Sand Supply Paragraphs

Paragraph 203 outlines the requirement for minerals:

“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

Paragraph 204 provides the framework for mineral policies:

“Planning policies should:

- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
- b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
- e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
- f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.”

Paragraph 205 outlines the framework for determining applications:

“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy²⁰.

In considering proposals for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;

²⁰ Except in relation to the extraction of coal, where the policy at paragraph 211 of this Framework applies

- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source²¹, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.”

Paragraph 206 outlines the requirement to protect mineral resources:

“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”

Paragraph 207 provides the framework for mineral supply:

“Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years’ sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised²²;

²¹ National planning guidance on minerals sets out how these policies should be implemented.

- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

²² Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

Appendix B: Adopted Soft Sand Policies in the South East (where applicable)

Adopted Plan	Soft Sand Supply Policy	Safeguarding Policy
<i>Buckinghamshire</i>		
<p>Emerging Plan (Due for adoption in 2019): Buckinghamshire Minerals & Waste Local Plan 2016-2036</p>	None	<p>Policy 1: Safeguarding Mineral Resources</p> <p>Minerals are a finite natural resource; in order to secure their long-term conservation Mineral Safeguarding Areas (MSAs) have been defined within Buckinghamshire to prevent mineral resources of local and national importance from being needlessly sterilised by non-minerals development. Mineral resources of local and national importance identified within Buckinghamshire include: sand and gravel deposits of the Thames Valley (situated in the southern half of the county), the Great Ouse Valley east of Buckingham, the sand and gravel deposits in the north of the county, clay-with-flints around Bellingdon and white limestone in the far north of the county.</p> <p>Proposals for development within MSAs, other than that which constitutes exempt development, must demonstrate that:</p> <ul style="list-style-type: none"> - prior extraction of the mineral resource is practicable and environmentally feasible; or - the mineral concerned is not of any value or potential value; or - the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or - there is an overriding need for the development. <p>A Mineral Assessment will be required to accompany the planning application for the proposed non-minerals development, detailing:</p> <ul style="list-style-type: none"> - the size, nature and need for the (non-minerals) development, - the effect of the proposed development on the mineral resource beneath or adjacent to the site,

		<p>– site-specific geological survey data (in addition to the MSAs and BGS mapping data) to establish the existence or otherwise of a mineral resource (detailing resource type, quality, estimated quantity and overburden to reserve ratio),</p> <p>– whether it is feasible and viable to extract the mineral resource ahead of the proposed development to prevent sterilisation and the potential for use (of the mineral resource) in the proposed development, and</p> <p>– where prior extraction can be undertaken how this will be carried out as part of the overall development scheme, with reference to the proposed phasing of operations and construction of the non-mineral development.</p> <p>In the event that the non-mineral development is delayed or not implemented the site must be restored to a stable landform and appropriate after-use.</p>
Central & Eastern Berkshire (Bracknell, Reading, Windsor & Maidenhead and Wokingham)		
<p>Replacement Minerals Local Plan for Berkshire (2001)</p> <p>Emerging Plan (Draft Plan): Central and Eastern Berkshire – Joint Minerals & Waste Plan</p>	<p>[See Slough Borough Council]</p> <p>None.</p>	<p>[See Slough Borough Council]</p> <p>Policy M2: Safeguarding sand and gravel resources “Sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development. Safeguarded mineral resources are defined by the Minerals and Waste Safeguarding Area illustrated on the Policies Map and a list of safeguarded sites will be maintained. Non-minerals development in the Minerals and Waste Safeguarding Area may be permitted if it can be demonstrated that the option of prior extraction has been fully considered as part of an application, and:</p> <ol style="list-style-type: none"> i. Prior extraction is maximised taking into account site constraints and phasing of development; or ii. It can be demonstrated that the sterilisation of mineral resources will not occur; or iii. It would be inappropriate to extract mineral

		resources in that location, with regard to other policies in the Local Development Plan.”
East Sussex and Brighton & Hove		
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)	<p>Policy WMP2: Minerals and waste development affecting the South Downs National Park</p> <p>“a) Minerals and waste development in the South Downs National Park should demonstrate that it contributes to the sustainable development of the area.</p> <p>b) Major minerals and waste development in the South Downs National Park should not take place except in exceptional circumstances, where it can be demonstrated to be in the public interest(23) . In this respect, consideration will be given to:</p> <ul style="list-style-type: none"> i. the need for the development, including in terms of any national considerations; and ii. the impact of permitting or refusing the development upon the local economy; and iii. the cost of and scope for developing outside the designated area or meeting the need in another way; and iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be satisfactorily mitigated. <p>Development will only be in the public interest if the outcomes of i-iv above gives sufficient reason/s to override the potential damage to the natural beauty, cultural heritage, wildlife or quiet enjoyment of the National Park.</p> <p>c) Extensions to existing soft sand quarries or new quarry proposals in the National Park need to conform with (b) above and additionally demonstrate that the need could not be practically achieved by extraction in adjoining Counties.</p> <p>d) Small-scale waste management facilities for local needs should not be precluded from the National Park and should meet the requirements of Policy WMP 7a.</p> <p>e) Proposals for the backfilling of redundant quarries within the National Park need to conform with (b) above</p>	<p>Policy WMP: 14 Safeguarding Mineral Resources</p> <p>“The Authorities will safeguard areas for land-won resource to ensure viable resources are not sterilised. The Authorities will identify Mineral Safeguarding Areas and Mineral Consultation Areas in the Waste and Minerals Sites Plan, and expect to be consulted on any proposal for major development that would have a significant impact on current or future operations.</p> <p>In addition, other non-strategic mineral resources that might need protection will be identified through the Plan review process and in the Waste and Minerals Sites Plan. This will allow a viability assessment to be made around additional resource need over the plan period.”</p>

	and additionally demonstrate net long term benefits to the National Park and that they meet Policy WMP 8b criteria (a) to (e).	
East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)		Policy SP 8 Mineral Safeguarding Areas for land-won minerals resources within the Plan Area; The following land-won minerals resources are identified as Mineral Safeguarding Areasincluding Stanton's Farm, Novington
<i>Hampshire (New Forest, Portsmouth, South Downs & Southampton)</i>		
Hampshire Minerals & Waste Plan (adopted 2013)	<p>Policy 17: Aggregate supply – capacity and source “An adequate and steady supply of aggregates until 2030 will be provided for Hampshire and surrounding areas from local sand and gravel sites at a rate of 1.56mpta, of which 0.28mpta will be soft sand. That supply will also be augmented by safeguarding and developing infrastructure capacity so that alternative sources of aggregate could be provided at the following rates:</p> <ul style="list-style-type: none"> • 1.0mpta of recycled and secondary aggregates; • 2.0mpta of marine-won aggregates; and • 1.0mpta of limestone delivered by rail.” 	<p>Policy 15: Safeguarding – mineral resources “Hampshire’s sand and gravel (sharp sand and gravel and soft sand), silica sand and brick-making clay resources are safeguarded against needless sterilisation by non-minerals development, unless ‘prior extraction’ takes place. Safeguarded mineral resources are defined by a Minerals Safeguarding Area illustrated on the Policies Map. Development without the prior extraction of mineral resources in the Minerals Safeguarding Area may be permitted if:</p> <ol style="list-style-type: none"> a. It can be demonstrated that the sterilisation of minerals resources will not occur; or b. It would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan; or the development would not pose a serious hindrance to mineral development in the vicinity; or c. The merits of the development outweigh the safeguarding of the mineral. <p>The soft sand / potential silica resources at Whitehill & Bordon (Inset Map 5), further illustrated on the Policies Map are included within the MSA and are specifically identified for safeguarding under this policy.</p>
<i>Isle of Wight</i>		
Island Plan Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development	None.	None.

Plan Document (March 2012)		
Kent		
Kent Minerals and waste Local Plan 2013-30 adopted July 2016 Early partial review and minerals sites plan – submitted to SoS in May 2019.	Adopted Policy CSM 2: Supply of Land-won Minerals in Kent identifies a need to maintain landbanks over the Plan period of at least 7 years equivalent to at least 15.6mt, 10.6mt from existing sites and 5.0mt identified as allocations in the Kent Mineral Sites Plan. The need has been re-calculated to be 2.50mt over 2019-30 (plus 7 years at the end of the Plan period) for the Mineral Sites Plan period.	Policy CSM 5: Land-won Mineral Safeguarding safeguards all soft sand deposits in the Folkestone Formation in Kent, as shown on the adopted proposals maps. Exemptions from this presumption to safeguard are capable of being invoked with consideration of the exemption criteria in adopted Policy DM 7: Safeguarding Mineral Resources. Policy is subject to review on the wording of exemption criterion (7) to clarify the status of allocations in local plans for non-mineral development, this is part of an early Partial Review of the Kent Minerals and waste Local Plan 2013-30; a Regulation19 Public Consultation on this review ended on the 8 th March 2019
Medway		
Medway Local Plan (2003)	None.	None.
Milton Keynes		
Milton Keynes Minerals Local Plan (July 2017) (Plan period 2013-2032)	None.	None.
Oxfordshire		
Oxfordshire Minerals & Waste Local Plan – Part 1: Core Strategy (2017)	Policy M2: Provision for working aggregate minerals Provision will be made through policies M3 and M4 to enable the supply of: <ul style="list-style-type: none"> • sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes • soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes • crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive. Permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves	Policy M8: Safeguarding mineral resources Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that: <ul style="list-style-type: none"> • The site has been allocated for development in an adopted local plan or neighbourhood plan; or • The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or • The mineral will be extracted prior to the development taking place.

	<p>with planning permission to be maintained for the extraction of minerals of:</p> <ul style="list-style-type: none"> • at least 7 years for sharp sand and gravel; • at least 7 years for soft sand; • at least 10 years for crushed rock; <p>in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.</p>	<p>Mineral Consultation Areas, based on the Mineral Safeguarding Areas, are shown on the Policies Map. Within these areas the District Councils will consult the County Council on planning applications for non-mineral development.</p>
<i>Slough</i>		
<p>Replacement Minerals Local Plan for Berkshire (2001)</p>	<p>No saved policy</p>	<p>Saved policies:</p> <p>Policy 2 The local planning authorities will oppose development proposal which would cause the sterilisation of mineral deposits in the proposed development site, or which would prejudice the future working of minerals in adjacent sites, except where it is demonstrated that</p> <ul style="list-style-type: none"> (i) The mineral deposit is of no commercial interest, and is unlikely to be so in the future; or (ii) Having regard to all relevant planning considerations, there is an overriding case in favour of allowing the proposed development to proceed without the prior extraction of mineral; or (iii) Extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstances. <p>Policy 2A In appropriate cases, the local planning authorities will encourage the extraction of mineral prior to other more permanent forms of development taking place. Planning permission will be granted on applications for prior extraction of minerals, provided that</p> <ul style="list-style-type: none"> (i) Mineral extraction and restoration to an appropriate standard can be completed within a timetable that would not reasonably prejudice the timetable for the subsequent development; and

		(ii) Mineral extraction and restoration operations, or their associated traffic, would not cause unacceptable impacts on the environment or living conditions
Surrey		
Surrey Minerals Plan (2011) Primary Aggregates Development Plan Document (2011)	None.	<p>Policy MC6 – Safeguarding mineral resources and development.</p> <p>Minerals safeguarding areas have been defined for resources of concreting aggregate, soft sand, silica sand, brick clay and fuller's earth. The mineral planning authority will seek to prevent sterilisation of these resources by other development.</p> <p>Local planning authorities will be expected to consult the mineral planning authority on any proposals for development that would</p> <ul style="list-style-type: none"> i) prejudice the effective operation of sites that are currently in minerals use or permitted for such use, or ii) sterilise mineral resources on preferred areas for future minerals extraction, or iii) sterilise mineral resources within mineral safeguarding areas as shown on their proposals maps. <p>Infrastructure and sites used, or proposed to be used, for minerals development - rail aggregate depots and sites for production of recycled and secondary aggregate - will be safeguarded. Local planning authorities will be expected to consult the mineral planning authority on proposals for non-mineral development in the consultation area around such sites.</p>
West Berkshire		
Replacement Minerals Local Plan for Berkshire (2001)	[See Slough Borough Council]	[See Slough Borough Council]
West Sussex & South Downs		
West Sussex Joint Minerals Local Plan (2018)	Policy M2: Soft Sand	Policy M9: Safeguarding Minerals

	<p>Proposals for land-won soft sand extraction, including extensions of time and physical extensions to existing sites, will be permitted providing that the proposal is needed to meet the shortfall of soft sand of 2.36 million tonnes (or as calculated in the most recent Local Aggregates Assessment) over the Plan period and maintain at least a seven year landbank.</p> <p>The Authorities will commence a single issue soft sand review of this Plan within 6 months of the adoption of this Plan. The Plan Review will be submitted for examination within two years from the commencement of the review and address the shortfall of soft sand at that time (as calculated in the most recent Local Aggregates Assessment). In the event that the reviewed Plan is not submitted within two years then the Plan, in terms of soft sand, will be deemed to be out-of-date.</p>	<p>(a) Existing minerals extraction sites⁴⁴ will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.</p> <p>(b) Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation.</p> <p>Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:</p> <ul style="list-style-type: none"> (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or <p>the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.</p>
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Appendix C: Soft Sand Allocations in adopted or submitted Minerals Plans in the South East (where applicable)

Adopted Plan	Plan Status	Allocation (and status)
<i>Buckinghamshire</i>		
Buckinghamshire Minerals & Waste Local Plan 2016-2036	Due for adoption July 2019.	No specific soft sand allocations although it is recognised that some sand and gravel allocations contain soft sand.
<i>Central & Eastern Berkshire (Bracknell, Reading, Windsor & Maidenhead and Wokingham)</i>		
Replacement Minerals Local Plan for Berkshire (2001)	Adopted (with saved policies)	None.
Central and Eastern Berkshire – Joint Minerals & Waste Plan	Draft Plan (2018)	None.
<i>East Sussex and Brighton & Hove</i>		
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Sites Plan - 2017)	<ul style="list-style-type: none"> • Adopted 2017 • Currently being reviewed. 	None.
<i>Hampshire (New Forest, Portsmouth, South Downs & Southampton)</i>		
Hampshire Minerals & Waste Plan	<ul style="list-style-type: none"> • Adopted 2013 • Reviewed 2018 	<ul style="list-style-type: none"> • Forest Lodge Home Farm, Hythe (soft sand / sharp sand and gravel) – 0.57 million tonnes [permitted 2017] • Purple Haze, Ringwood Forest (soft sand / sharp sand and gravel) – 4 million tonnes
<i>Isle of Wight</i>		
Island Plan Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document	Adopted 2012	None.
<i>Kent</i>		
Kent Mineral Sites Plan 2013-30 at	Submitted to SoS May 2019.	Chapel Farm, Lenham 3.2 million tonnes of potential reserves
<i>Medway</i>		
Medway Local Plan	Adopted 2003	None
<i>Milton Keynes</i>		
Milton Keynes Minerals Local Plan	Adopted July 2017	None
<i>Oxfordshire</i>		
Oxfordshire Minerals & Waste Local Plan – Part 1: Core Strategy	Adopted 2017	<p>[Allocations will be set out in the Part 2: Sites Allocations Document]</p> <p>Policy M3: Principal locations for working aggregate minerals</p> <p>The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:</p>

		<p>Sharp sand and gravel in northern Oxfordshire (Cherwell District and West Oxfordshire District):</p> <ul style="list-style-type: none"> • The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton; in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District): • The Thames and Lower Thame Valleys area from Oxford to Cholsey; • The Thames Valley area from Caversham to Shiplake. <p>Soft sand</p> <ul style="list-style-type: none"> • The Corallian Ridge area from Oxford to Faringdon; • The Duns Tew area. Crushed rock • The area north west of Bicester; • The Burford area south of the A40; • The area east and south east of Faringdon. <p>Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.</p> <p>Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.</p> <p>Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031.</p>
Slough		
Replacement Minerals Local Plan for Berkshire (2001)	Adopted (with saved policies)	None.

Surrey		
Surrey Minerals Plan (2011)	Adopted 2011	Preferred Area P – Mercers Farm, Nutfield Marsh – Granted permission in 2013 Preferred Area R – Runfold South extension - Granted permission in 2007 Preferred Area O – Common Field, Betchworth - Granted permission in 2008
West Berkshire		
Replacement Minerals Local Plan for Berkshire (2001)	Adopted (with saved policies)	None.
West Sussex & South Downs		
West Sussex Joint Minerals Local Plan (2018)	Adopted with a policy on Soft Sand (M2) requiring a Single Issue Soft Sand Review.	No allocations in adopted Plan. The Soft Sand Review will address the need for soft sand.

Appendix 4

South East Waste Planning Advisory Group (SEWPAG) Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England (November 2019)

This Joint Position Statement has been agreed at officer level by the following members of the South East Waste Planning Advisory Group (SEWPAG²³):

- Bracknell Forest Council
- Brighton & Hove City Council
- Buckinghamshire County Council
- East Sussex County Council
- Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)
- Isle of Wight Council
- Kent County Council
- Medway Council
- Milton Keynes Council
- Oxfordshire County Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire Council
- West Sussex County Council
- Wokingham Borough Council

1. Introduction

²³ The South East of England Waste Planning Advisory Group is a group made up of Waste Planning Authorities located in the South East England. The group is intended to co-ordinate planning for the management of waste across the south east of England. The group meets on a quarterly basis and meetings are also attended by representatives of the Environment Agency and the Environmental Services Association.

- 1.1.1.1. As with all wastes, the management of inert waste can involve a number of distinct activities but, unlike other wastes, ultimately, one of these activities frequently involves its permanent deposit on land. The permanent deposit of waste on land is often assumed to be a waste disposal activity, however, in many cases, inert waste can be deposited on land in a way that serves a useful purpose and so the term 'disposal' may be replaced by 'recovery'. This Joint Position Statement (JPS) is intended to set out a consistent approach to the planning for the deposit of inert waste on land in the South East. In doing so, the note is intended to clarify how different approaches to the management of this material are controlled through the planning and environmental permitting systems.
- 1.1.1.2. While this JPS has been prepared by the Waste Planning Authorities in the south east of England, the correct interpretation of related activity (as a waste activity) is frequently a matter for non waste planning authorities (i.e. district and borough councils) to address. Therefore, separate agreements (or protocols) between individual Waste Planning Authorities and non waste planning authorities within their areas may help ensure that this Joint Position Statement is applied consistently across the South East.
- 1.1.1.3. This JPS supports the approach set out in the SEWPAG Memorandum of Understanding²⁴ (MoU) with regards to planning for the management of waste in the South East and is intended to present joint research and evidence which may be used to support the preparation and implementation of waste planning policies. This statement has been prepared with consideration of national planning policy and Planning Practice Guidance (PPG) and will help the production of future Statements of Common Ground (SCG(s)) for the authorities in the South East, where they are required.
- 1.1.1.4. The JPS includes:
- A joint evidence base, agreed by all SEWPAG member authorities, for use as a starting point for preparing plans and policies by identifying possible future needs for the permanent deposit of inert waste to land in the South East.
 - Examples of current policy approaches in adopted Waste Local Plans in the South East of England concerning the permanent deposit of inert waste to land which may also be considered when developing strategies and policies in emerging plans.
- 1.1.1.5. SEWPAG is working to prepare an Annual Monitoring Report for the South East and ultimately any data in those reports will supersede the data presented in this JPS and should be referred to.
- 1.1.1.6. The Environment Agency, Environmental Services Association and Mineral Products Association have all contributed to the content of this document.

²⁴ To be replaced by the SEWPAG Statement of Common Ground

2. Background

2.1. What is meant by ‘permanent deposit of inert waste’?

Inert waste

- 2.1.1.1. Inert waste is defined in the Landfill Directive²⁵ as “waste that does not undergo any significant physical, chemical or biological transformations”. Generally, in this document inert waste refers to waste derived from construction, demolition and excavation (C, D & E) activities. Inert waste derived from construction and demolition and that derived from excavation can be distinguished as set out below.
- 2.1.1.2. Inert waste arising from construction and demolition may include bricks, tiles, ceramics, glass and concrete. Some sorting and separation is generally needed to separate out the inert waste fractions from other non-inert wastes arising from the construction and demolition waste activity. This separation may take place on the site of production (e.g. separation and crushing of concrete frequently forms part of demolition activity) or takes place at a construction and demolition waste processing facility. The products from these activities include soils and recycled aggregates. There is an ‘end of waste’ quality protocol for recycled aggregate²⁶ which means that aggregate produced from inert waste to a certain standard is no longer deemed to be a waste and so its transport and management is not subject to controls on waste management.
- 2.1.1.3. Excavation waste is defined as “naturally occurring soil, stone, rock and similar materials (whether clean or contaminated), which have been excavated as a result of site preparation activities”²⁷. Frequently such waste is transported directly from its point of production to its point of management (deposit) without any interim processing.
- 2.1.1.4. Inert excavation material can be used in such a way that it is not deemed to become a waste i.e. the material is never ‘discarded’ and so does not become waste. This is where the developer knows where the material is going to be used before it is excavated from the production site and that it is of a suitable quality and quantity which means it can be used at the receiving site. Management of material in this way is covered by an agreed industry protocol known as “The Definition of Waste: Development Industry Code of Practice” (DoWCoP). As material managed in accordance with DoWCoP does not become a waste it does not need to be planned for by waste planning authorities (See text box), however its use will be subject to planning controls applied by non-waste planning authorities (e.g. district and borough councils).

²⁵ European Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

²⁶ <https://www.gov.uk/government/publications/quality-protocol-production-of-aggregates-from-inert-waste>

²⁷ Department of Communities and Local Government Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste
<https://webarchive.nationalarchives.gov.uk/20120919231332/http://www.communities.gov.uk/documents/planningandbuilding/pdf/surveyconstruction2005.pdf>

2.1.1.5. The future management of inert waste needs to be taken account of by waste planning authorities in their Waste Local Plans. This means estimating how much of this waste is currently being produced, how much will be produced in future and drafting policy which covers how, and where, it should be managed in future. Issues arising from the management of inert waste relate more to the quantities in which it produced and less to its chemical composition. In light of its benign nature it is more readily managed in a way that serves a useful purpose²⁸.

Permanent deposit

2.1.1.6. The permanent deposit of inert waste on land takes place for a number of reasons including:

- Disposal of that material;
- restoration of mineral voids;
- engineering operations, including:
 - Land improvement/remediation schemes e.g. landraising to improve drainage of agricultural land;
 - landscaping e.g. to create particular landscaping enhancement and/or features;
 - acoustic bunding or bunding to mitigate visual impacts (by hiding) of development;
 - creation of features associated with recreational activities such as on golf courses or at rifle ranges;

2.1.1.7. Inert wastes have been extensively used for the restoration of mineral workings. For example an average, of approximately 55% of sand and gravel sites are restored to agriculture using inert waste to restore to original ground contours²⁹.

2.2. Policy Context

2.2.1. Waste Framework Directive

2.2.1.1. The Waste Framework Directive (2008/98/EC) (as amended), sets requirements for the collection, transport, recovery and disposal of waste. The WFD includes a requirement to apply the 'waste hierarchy' when planning for waste management. The waste hierarchy prioritises different ways in which waste can be managed with the most sustainable method, prevention, at the top of hierarchy, and the least, disposal, at the bottom (See Figure 1 below).

²⁸ N.B. In some circumstances naturally occurring contamination may need to be assessed to ensure any deposit does not pose environmental risk to the hydrogeology of the receiver site – for this reason not all materials are benign.

²⁹ The Survey of Land for Mineral Workings in England, ODPM 2000, p.58.

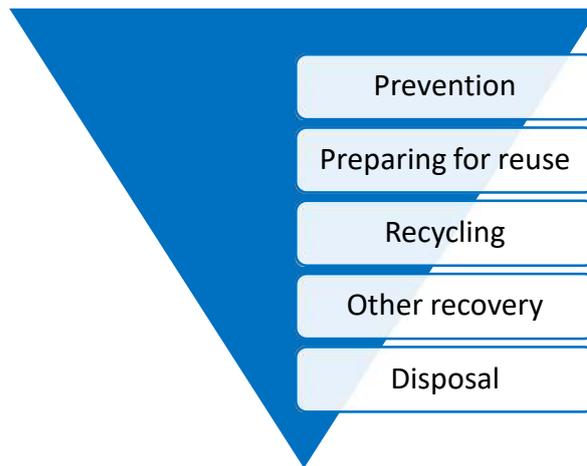


Figure 3 Waste hierarchy

- 2.2.1.2. The WFD defines ‘recovery’ as “any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.”
- 2.2.1.3. Importantly, the WFD recognises that ‘backfilling’ constitutes a ‘recovery’ rather than a ‘disposal’ activity “where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes”.
- 2.2.1.4. The WFD sets the following target for the management of construction, demolition and excavation waste as follows: “by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04³⁰ in the list of waste shall be increased to a minimum of 70 % by weight.”
- 2.2.1.5. The WFD also requires waste planning authorities to have regard to the principles of ‘self-sufficiency’ and ‘proximity’. This means that WPAs should provide for the development of sufficient capacity and enable the delivery of such capacity in the right place at the right time.
- 2.2.2. Landfill Directive (1999/31/EC)
- 2.2.2.1. The Landfill Directive was introduced in July 1999 and defines landfill as waste disposal sites for the deposit of waste onto or into land. The Landfill Directive sets out requirements for the location, management, engineering, closure and monitoring for

³⁰ EWC code 17 05 04 is for ‘other soils and stones’

landfills. The Landfill Directive also includes requirements relating to the characteristics of the waste to be landfilled and sets out essentially three classes of landfill:

- Hazardous waste landfill,
- Non-hazardous waste landfill, and
- Inert landfill.

2.2.2.2. In accordance with the WFD, the Landfill Directive also states that “Whereas the recovery, in accordance with Directive 75/442/EEC³¹, of inert or non-hazardous waste which is suitable, through their use in redevelopment/restoration and filling-in work, or for construction purposes may not constitute a landfilling activity” (paragraph 15 of the Landfill Directive (1999/31/EC)). This means that backfilling (which may include the backfilling of a mineral void) may not be defined as ‘landfill’.

2.2.3. National Planning Policy Framework (2019)

2.2.3.1. The National Planning Policy Framework (NPPF) sets out Government’s planning policies for England. Although the NPPF does not contain specific waste policies, which are instead contained in the separate National Planning Policy for Waste (NPPW) (see below), WPAs preparing local plans and taking decisions on waste applications should have regard to relevant policies from the NPPF.

2.2.3.2. The NPPF states that “planning policies should ... ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place”³².

2.2.4. National Planning Policy for Waste (2014)

2.2.4.1. The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management, and is intended to help satisfy certain requirements of the WFD (Article 28) for members states to prepare a Waste Management Plan. The NPPW notes that the main responsibility for planning for waste lies with WPAs.

2.2.4.2. The NPPW states that “Positive planning plays a pivotal role in delivering this country’s waste ambitions through ... delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy”³³.

³¹ EEC Directive of 15 July 1975 on waste subsequently updated by the Waste Framework Directive

³² National Planning Policy Framework Paragraph 204

³³ National Planning Policy for Waste Paragraph 1

- 2.2.4.3. Under the NPPW, when a WPA is determining a planning application it should “ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”³⁴.
- 2.2.4.4. This can create a tension between encouraging recycling of inert waste, which the waste hierarchy prefers, and encouraging the early completion of landfill/landraise sites and timely restoration of mineral workings. To a certain extent this is recognised by PPG that states: “The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning extensions of time limits to exercise planning permissions may be needed in some circumstances”³⁵.

National Planning Practice Guidance

- 2.2.4.5. The NPPF and NPPW are supported by the national Planning Practice Guidance (PPG). The PPG sets out a list of matters which can be considered as waste operations, including landfill and land raising sites (such as soils to re-profile golf courses)³⁶. The PPG states that “WPAs should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste”³⁷.

Management of inert excavation materials under the “The Definition of Waste: Development Industry Code of Practice” (DoWCoP)

The Definition of Waste: Development Industry Code of Practice (‘DoWCoP’) sets out good practice for the development industry to use when assessing whether excavated materials are classified as waste or not. It also allows the determination, on a site specific basis, when treated excavated waste can cease to be waste for a particular use. Further it describes an auditable system to demonstrate that this Code of Practice has been adhered to.

If materials are dealt with in accordance with this Code of Practice the Environment Agency (EA) considers that those materials are unlikely to be waste if they are used for the purpose of land development. This may be because the materials were never discarded in the first place, or because they have been submitted to a recovery operation which has been completed successfully so that they have ceased to be waste.

Good practice has three basic steps:

1. Ensuring that an adequate Materials Management Plan (MMP) is in place, covering the use of materials on a specific site;
2. Ensuring that the MMP is based on an appropriate risk assessment, that underpins the Remediation Strategy or Design Statement, concluding that the objectives of preventing harm to human health and pollution of the environment will be met if materials are used in the proposed manner; and

³⁴ National Planning Policy for Waste Paragraph 7

³⁵ National Planning Practice Guidance for Waste Paragraph: 048 Reference ID: 28-048-20141016

³⁶ National Planning Practice Guidance for Waste Paragraph: 002 Reference ID: 28-002-20141016

³⁷ National Planning Practice Guidance for Waste Paragraph: 048 Reference ID: 28-048-20141016

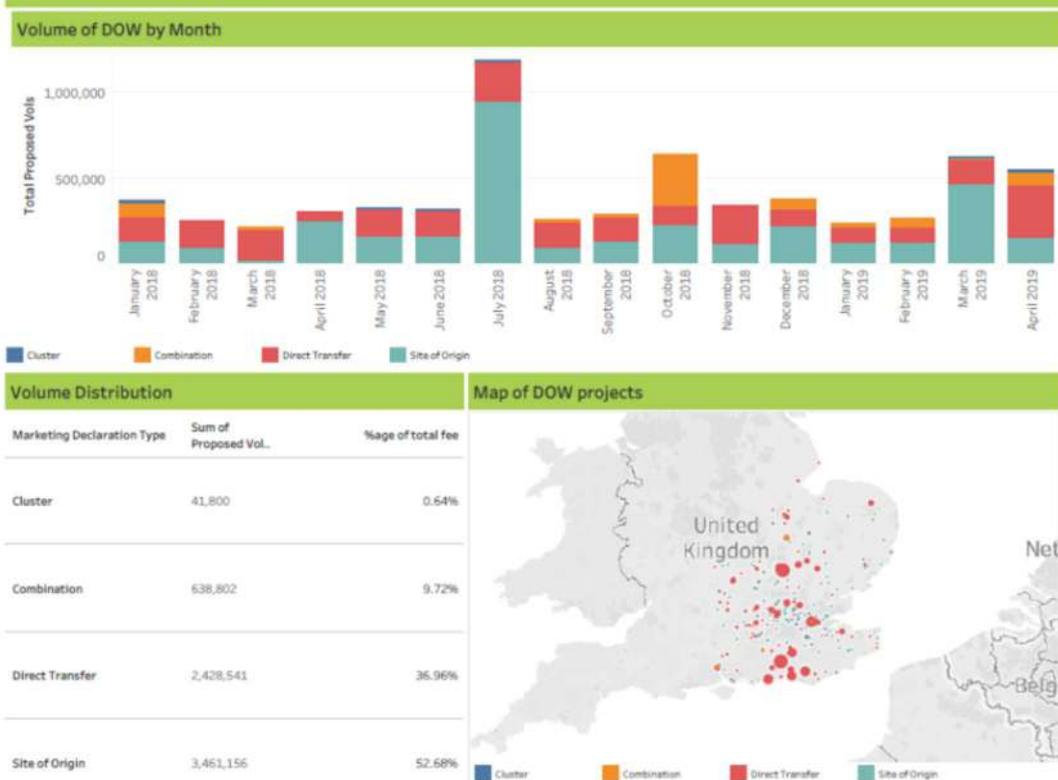
3. Ensuring that materials are actually treated and used as set out in the MMP and that this is subsequently demonstrated in a Verification Report.

To confirm that steps 1 and 2 have been taken, a “Qualified Person” reviews the relevant project documents and provides a Declaration to the EA prior to the use or dispatch of materials.

More information is available in the CL:AIRE Guidance Bulletin 3³⁸.

The amount of waste managed under DoWCoP is illustrated below:

DOW Data as of: 30/04/2019



Source: CL:AIRE

‘Recovery’ or ‘Disposal’

2.2.4.6. Activities which involve the permanent deposit of inert waste to land may be considered to be ‘disposal’ or ‘recovery’ operations and this can depend on whether the activity is being considered from a planning or an environmental permitting perspective. Furthermore, within the context of Environmental Impact Assessment, disposal may include recovery. Clarity is important as policies in Waste Local Plans generally distinguish between disposal and recovery activities.

2.2.4.7. For an activity to be considered ‘recovery’ the main purpose of using the waste materials must be to substitute for non-waste materials (natural resources) which would have been utilised to achieve the development. If the primary purpose of depositing the inert waste is the management of that waste then the activity is classed as disposal.

³⁸ <https://www.claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/112-guidance-bulletin-3-dowcop>

- 2.2.4.8. The Defra guide to the Waste Framework Directive³⁹ considers the difference between disposal and recovery operations and states: “The key feature of a recovery operation is that its principal objective is to ensure that the waste serves a useful purpose by replacing other substances which would have had to be used for that purpose (thereby conserving natural resources”. Further information is contained in Environment Agency Guidance.
- 2.2.4.9. Recovery operations will therefore involve the ‘beneficial use’ of waste material in such a manner that it substitutes for a non-waste material. Whether the deposit of inert waste to land constitutes a disposal or recovery operation therefore depends on the specific characteristics and true purpose of the development. For example, if it is proposed that inert waste is being recovered by its deposit on land for the purpose of creating a golf course it can be expected that there will be a business plan associated with the development of the golf course that demonstrates that this is a viable proposition and so the activity is a genuine recovery activity. Another example would be the remediation of a degraded historic landfill to a sustainable after-use which brings about a substantial improvement in the quality of the land.
- 2.2.4.10. Depending on the details of the development, the permanent deposit of inert waste within a mineral void can be considered to be disposal or recovery. If more than the minimum requisite waste material, and/or unsuitable waste material, is used in the restoration of a mineral void then this will be a disposal activity and classed as a landfill. However, where the local plan provides for the backfilling of the mineral void for a specific after-use and the development facilitates the same using the minimum volume of inert waste necessary then it should be deemed to be ‘recovery’. One of the main factors affecting the decision will be the existence of a clear requirement for a certain quantity of material to be deposited within the void. Such a requirement can include a planning condition associated with a mineral working that requires its restoration by increasing the levels within the void. This position was clarified by the ‘Methley’ case⁴⁰. In light of this case, new guidance on the deposition of waste on land as a recovery activity was published by the Environment Agency on GOV.UK on 18 October 2016⁴¹.
- 2.2.4.11. Landfill is generally considered to be a disposal activity but it should be noted that the Landfill Directive identifies that the deposit of suitable inert material or waste which is used in redevelopment/restoration and filling-in work, or for construction purposes may not constitute a landfilling activity.
- 2.2.4.12. It is important to note that developers may seek to avoid activities involving the permanent deposit of inert waste being classed as disposal as such a classification may

³⁹ ‘Environmental Permitting Guidance The Waste Framework Directive’, Defra, October 2009

⁴⁰ [R \(Tarmac Aggregates Limited\) v The Secretary of State for Environment, Food and Rural Affairs and The Environment Agency \[2015\] EWCA Civ 1149](#)

⁴¹ <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>

incur landfill tax⁴². Furthermore operational controls associated with an Environment Permit allowing landfill may be tighter than those allowing recovery.

- 2.2.4.13. Waste Local Plans should be clear about when development involving the permanent deposit of inert waste on land is considered to be disposal and when it will be considered recovery. To avoid confusion between the planning and permitting regimes it is important that the use of the terms, 'disposal', 'recovery', 'landfill' and 'backfilling' are consistent with their use in the WFD and Landfill Directive.
- 2.2.4.14. Activities (regardless of whether they are disposal or recovery) involving the permanent deposit of inert waste on land will likely require planning permission from the Waste Planning Authority⁴³. A non-waste development involving material managed under DoWCoP will require planning consent from the Local Planning Authority (which, in a two-tier area, will be the District or Borough Council).
- 2.2.4.15. The current planning and environment permitting controls on activities involving the permanent deposit of inert waste on land are summarised in Appendix A.

2.3. Demonstrating Joint Working

2.3.1. Localism Act 2011

- 2.3.1.1. Section 110 of the Localism Act sets out a 'Duty to Cooperate' in relation to planning of sustainable development, under which planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. This includes waste management and the preparation of waste local plans.

2.3.2. Meeting the Duty to Cooperate

- 2.3.2.1. Section 33A(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities and other public bodies to consider entering into agreements on joint approaches. There is no definitive list of actions that constitute effective cooperation.
- 2.3.2.2. However, the NPPF notes that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more

⁴² The restoration of quarries using inert waste is exempt from Landfill Tax

⁴³ The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 prescribe that, "The (i) use of land, (ii) the carrying out of building, engineering or other operations, (iii) or the erection of plant and machinery used or proposed to be used **wholly or mainly** for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste; and (b) the use of land or the carrying out of operations for any purpose ancillary to any use or operations specified in (a), including the formation, laying out, construction or alteration of a vehicular access to any public highway, are county matters."

statements of common ground, documenting the cross-boundary matters being addresses and progressed in cooperation.

- 2.3.2.3. In terms of planning for waste management facilities, the NPPW states that WPAs should “work collaboratively in groups with other waste planning authorities and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management”⁴⁴.
- 2.3.2.4. The NPPW also states⁴⁵ that WPAs should work jointly and collaboratively with each other to collect and share data and information on waste arisings, and take account of:
- (i) Waste arisings across neighbouring waste planning authority areas;
 - (ii) Any waste management requirement identified nationally, including the Government’s latest advice on forecasts of waste arisings and the proportion of waste that can be recycled.”
- 2.3.2.5. The PPG advises that strategic policy-making authorities “should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process”⁴⁶. Further to this the PPG states that actions which are expected to be documented in a statement of common ground include “producing or commissioning joint research and evidence to address cross-boundary matters”⁴⁷
- 2.3.2.6. At the examination of Local Plans, plan making authorities will need to submit comprehensive and robust evidence of the efforts made to cooperate and any outcomes achieved. The Inspector will use “all available evidence including statements of common ground, Authority Monitoring Reports, and other submitted evidence ... to determine whether the duty has been satisfied”⁴⁸.
- 2.3.2.7. This JPS assembles information which contributes to (or meets requirements for) the types of documents set out above insofar as they are concerned with the planning for the permanent deposit of inert waste across local authority boundaries in the south east. This JPS is a useful stage in the process of establishing a common baseline prior to building a strategy (or strategies) agreed between waste planning authorities in the south east (via Statements of Common Ground).

2.4. SEWPAG Memorandum of Understanding

⁴⁴ National Planning Policy for Waste Paragraph 3

⁴⁵ National Planning Policy for Waste Paragraph 2

⁴⁶ National Planning Practice Guidance for plan-making Paragraph: 001 Reference ID: 61-001-20180913

⁴⁷ National Planning Practice Guidance for plan-making Paragraph: 007 Reference ID: 61-007-20180913).

⁴⁸ National Planning Practice Guidance for plan-making Paragraph: 023 Reference ID: 61-023-20180913

- 2.4.1.1. SEWPAG has a Memorandum of Understanding⁴⁹ (MoU) to which all SEWPAG members are signatories. The MoU demonstrates how SEWPAG authorities intend to work together and aims to:
- Ensure that planned provision for waste management in the South East of England is coordinated, as far as is possible, whilst recognising that provision by the waste management industry is based on commercial considerations; and
 - Ensure that the approach to waste planning throughout the South East is consistent between WPAs, whilst reflecting local circumstances and needs.
- 2.4.1.2. Under the MoU SEWPAG member authorities agreed to plan for net self-sufficiency (paragraph 7.2). If WPAs cannot achieve or do not intend to achieve net self-sufficiency this is a matter to be agreed outside the MoU.
- 2.4.1.3. With regards to the wider issue of landfill as a method of dealing with waste, paragraph 7.6 of the MoU states SEWPAG authorities agree that the challenge to be addressed is to implement the waste hierarchy and to enable better, more sustainable, ways of dealing with waste to reduce the current dependence on landfill.
- 2.4.1.4. Paragraph 6.3 of the MoU sets out the joint approach and states that there will “continue to be a need for some landfill capacity to deal with waste in the South East, particularly in the short and medium term before new recycling and treatment facilities are built and become operational”.
3. Capacity for managing inert waste through permanent deposit to land in the South East of England
- 3.1. C, D & E Waste arisings
- 3.1.1. Introduction
- 3.1.1.1. There is no requirement on businesses to submit records of Construction, Demolition & Excavation waste produced and hence estimating quantities for a specific county, with any degree of accuracy, is a challenge.
- 3.1.1.2. Estimates of arisings can be prepared using a ‘Point of management’ method that uses data related to the management of C, D & E waste. This is a Defra method primarily based on records of waste delivered to, and removed from, permitted waste facilities submitted by operators to the Environment Agency (EA). The EA collates this data in its ‘Waste Data Interrogator’ (WDI) on an annual (calendar year) basis. This data is supplemented by data for wastes managed at permitted sites that don’t report through the WDI and recycled aggregate production. Defra has developed a methodology for

⁴⁹ Updated April 2017

measuring C, D & E Waste arisings across the UK to report on progress made towards meeting the revised Waste Framework Directive (rWFD) target to recover⁵⁰ 70% C&D waste by 2020⁵¹.

3.1.2. Methodology

3.1.2.1. The amount of C, D & E waste arising in London and the South East was calculated applying the following equation⁵²:

$$\text{C, D \& E waste} = \text{Inputs to permitted facilities} + \text{outputs from permitted facilities} \\ + \text{recycled aggregates} + \text{exemptions}$$

3.1.2.2. To assess C, D & E waste arisings at a regional level the national methodology⁵³ was modified to reflect local circumstances. In particular:

- Values for waste classed as C, D & E waste managed through permitted sites in London and the South East in 2017 were taken as those reported in the WDI with steps taken to deduct possible double counting and, capture wastes that may have been reclassified as a consequence of processing through intermediate (e.g. transfer) sites. Deductions were made based on the following questions:
 - Does the site receive C,D&E waste from London or the South East?
 - Does the total of C,D&E waste outputs amount to less than the C,D&E waste inputs?
 - Does the site have outputs classed under Chapter 19?
 - What is the difference/shortfall and can that be made up by Chapter 19 waste?
- Adding an estimate of the quantity of waste that may have gone to sites in London and the South East at exempt sites. This is done by reviewing the number of sites which are registered for U1 exemptions for use in construction, as follows:
 - Establish the population of registered exemptions by reference to the Environment Agency 'register of exemptions'.
 - Applying an estimated value for the quantity of waste managed at the U1 exemption from previous research⁵⁴.

⁵⁰ 'Recovery' includes recycling

⁵¹ Methodology for estimating annual waste generation from the Construction, Demolition and Excavation (C, D & E) Sectors in England, March 2012

⁵² Note that when preparing their Waste Local Plans, WPAs may choose to use different methods when calculating arisings of C, D & E waste.

⁵³ Department for Environment, Food and Rural Affairs (DEFRA), 2012, Methodology for estimating annual waste generation from the Construction, Demolition & Excavation (CD&E) Sectors in England

⁵⁴ Surrey County Council survey of exempt sites in 2016

- Adding an estimate of the quantity of waste converted to recycled aggregate in London and the South East. This value has been based on the value used in the London Local Aggregate Assessment (2017) and the South East Aggregates Monitoring Report.

3.1.2.3 The method uses information from several key sources as outlined in

Table 1 below.

Table 1 Data used for calculating Construction, Demolition & Excavation (C, D &E) waste

Data Needed	Data source
Waste dealt with by transfer and treatment facilities	Environment Agency Waste Data Interrogator
Waste sent to landfill sites	Environment Agency Waste Data Interrogator
Waste managed under exemptions	Environment Agency public register of exempt sites WRAP 2008 Estimate and local survey
Waste recycled as aggregate	South East Aggregates Monitoring Survey Report 2017

3.1.3. C, D & E waste arising trends

3.1.3.1. Quantities of C, D & E waste managed at permitted sites in the South East of England and London are set out in the tables below. The source of this data is the Environment Agency Waste Data Interrogator.

Table 2 C,D&E waste arising in the South East and former planning region it was managed based on methodology set out in section 3.1.2

C,D&E waste arising in the South East and managed:	2016	2017
Within South East		11,318,000
South East to elsewhere		1,059,000
South East to London		984,000
Total		13,360,000

Table 3 C,D&E waste arising in London and former planning region it was managed based on methodology set out in section 3.1.2

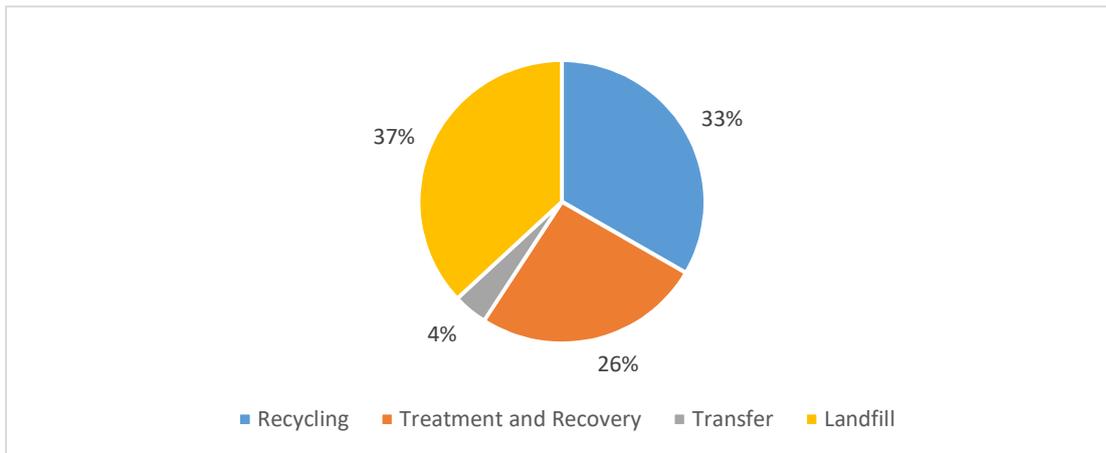
C,D&E waste arising in London and managed:	2016	2017
Within London	4,046,000	4,294,000
London to elsewhere	3,872,000	3,782,000
London to South East	2,353,000	2,291,000

Total	10,271,000	10,367,000
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3.1.4. C, D & E waste management

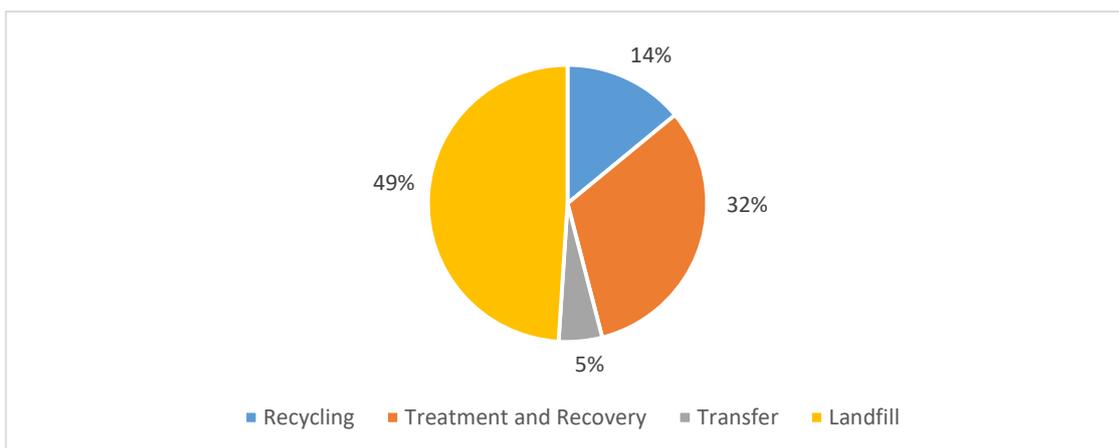
3.1.4.1. Of the estimated waste managed at permitted sites in the south east, shown in Figure 2, a large proportion of C, D & E waste is sent to sites classified by the EA as landfill (37%) though this is mostly to restore old mineral workings which may be taken to constitute a ‘beneficial use’ by planning authorities and is exempt from landfill tax.

Figure 4 Management profile for C, D & E waste in the South East of England



3.1.4.2. A similar exercise for London shows that 49% of estimated C, D & E waste is sent to Landfill, mainly to sites outside of the London Plan area.

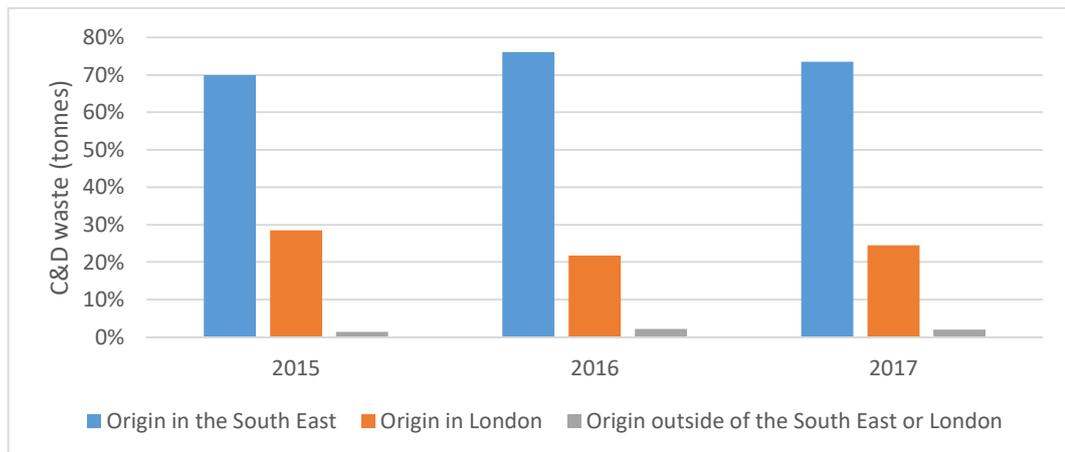
Figure 5 Management profile for C, D & E waste in London



3.1.5. C, D & E waste to landfill

3.1.5.1. Analysis of those facilities identified in the South East of England permitted as inert landfill (Appendix B) show that approximately 25% of waste received at those sites comes from London (Figure 4).

Figure 6 Origin of C, D & E waste managed at facilities in the South East identified by the EA as inert landfill



3.1.5.2. Of these sites over 95% are old mineral workings

3.2. Declining landfill capacity and ongoing need

3.2.1.1. Historically, landfill capacity in the South East has been tied to the number of mineral workings in the region and the need to restore these mineral workings. Traditional restoration schemes have required large amounts of material to fill the void which has resulted once the mineral is extracted.

3.2.1.2. The location of active inert landfill sites in the South East are displayed in Figure 6 below.

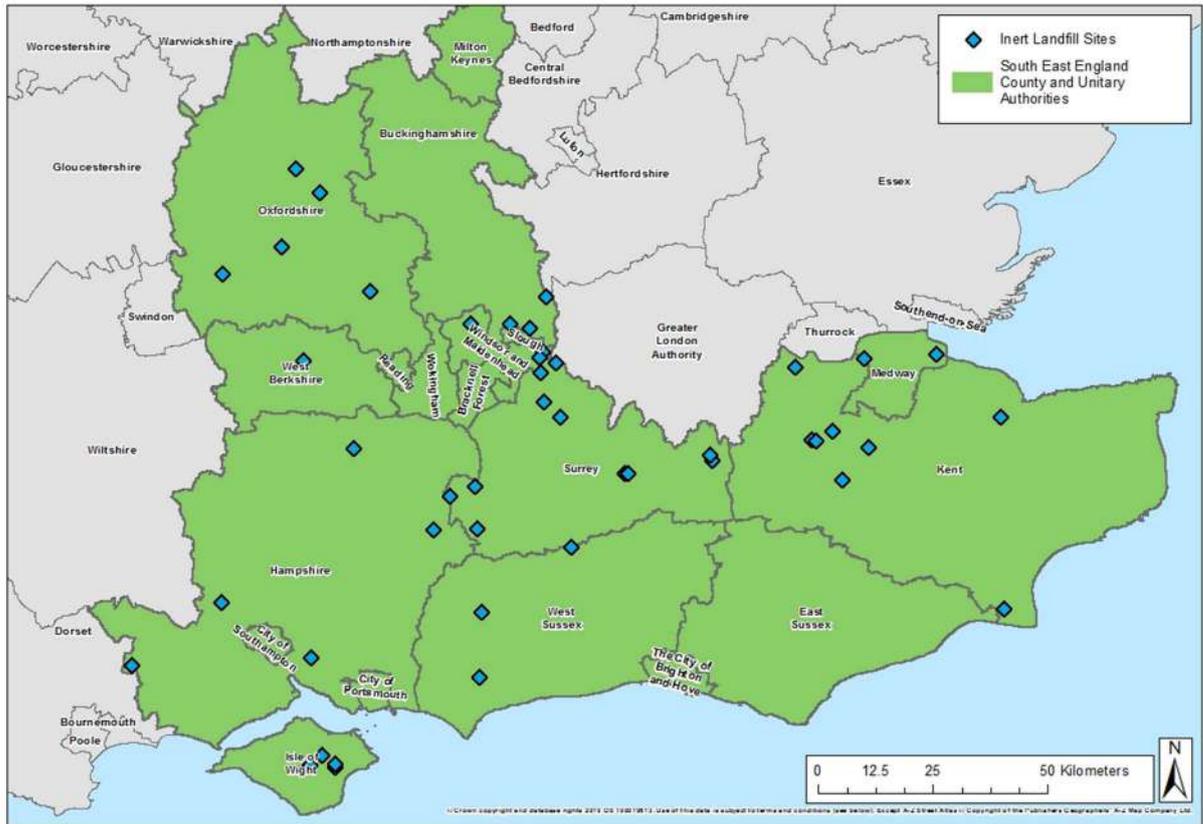


Figure 5 Inert landfill sites in the South East

3.2.1.3. As with non-hazardous landfill, declining capacity of inert landfill is not surprising. Disposal, as a method of waste management, is now seen as an option of last resort. Landfill Tax was introduced as part of the Finance Act 1996 to discourage the disposal of waste to landfill and encourage more sustainable ways of managing waste. As Figure 6 shows, landfill tax has been successful in diverting waste away from landfill by significantly increasing the costs of landfilling and resulting in increased amounts of waste being managed through recycling and other recovery techniques.

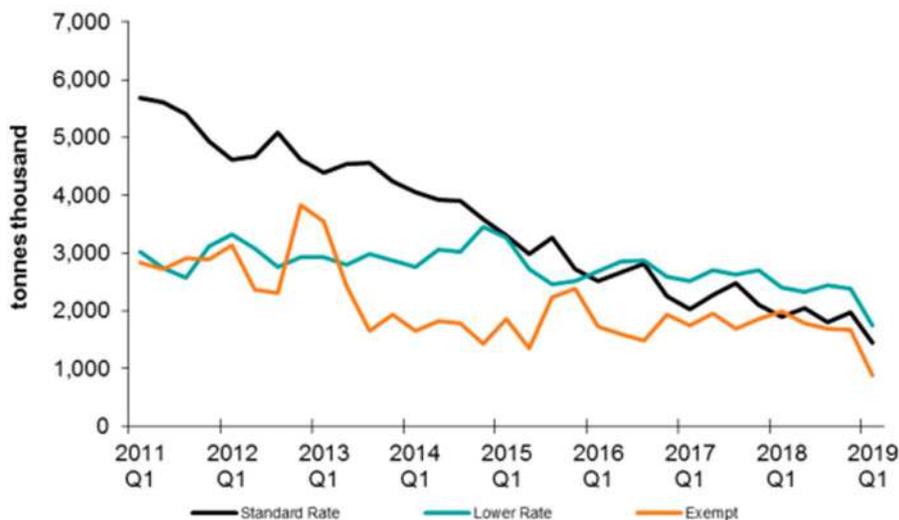


Figure 6 Quantity of landfill at different landfill tax rates (Source: UK Landfill Statistics, April 2019, HMRC)

3.2.1.4. Declining landfill capacity is also partly a function of the introduction of the Groundwater Directive and Landfill Directive which make the development of inert landfill more onerous and expensive, restricting opportunities. The result is that the capacity for the deposit of inert waste to land is decreasing. Inert landfill capacity and inputs to inert landfill in the South East from 2015 to 2017 are shown in Appendix B and Appendix C respectively.

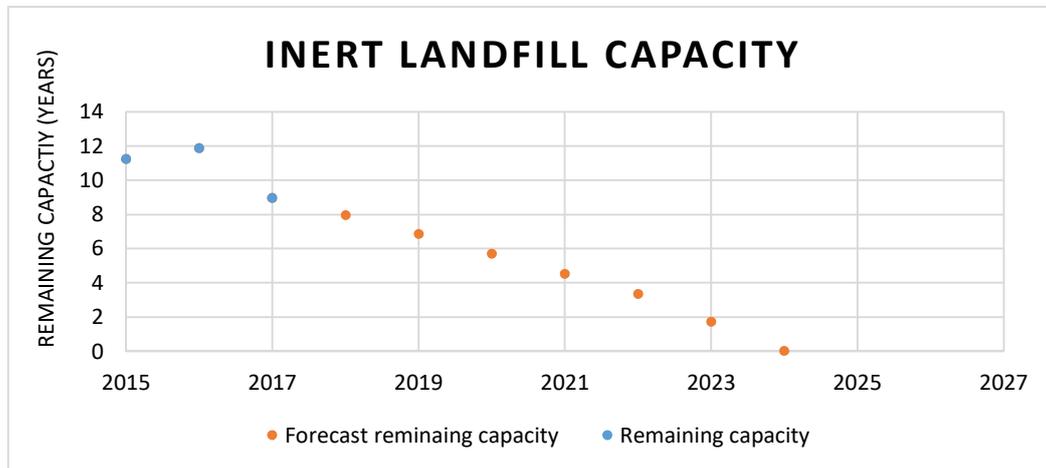


Figure 7 Remaining inert landfill capacity based on 2017 EA Waste Data Interrogator and site information for inert landfill

3.2.1.5. The EA assessment of inert landfill capacity does not take into account constraints and opportunities such as:

- Temporary planning consents which have an end date and premature closures.
- Market factors such as other sites closing or a lack of material which could increase or decrease rates of fill.
- Capacity which may be provided for deposit of inert waste via exempt activities and those classed as recovery.

3.2.1.6. The estimated projection in Figure 7 includes an assumption that the remaining waste which needs to be managed once a facility closes will need to be managed at one of the nearest appropriate locations and that this location will be elsewhere in the South East. However, it is quite possible that inert waste could be transported to facilities outside of the South East.

3.3. Allocated facilities to come forward

3.3.1.1. Table 4 includes allocated sites or allocated extensions to existing sites in adopted mineral local plans which have not yet been developed. There may be reasons that mean these sites may not actually be developed.

Table 4 Planned sites for minerals with a proposed restoration scheme involving deposit of material to land in the South East of England

Facility Name	Authority	Estimated Void (cubic metres)	Start Date (if known)
Hamm Court Farm	Surrey	560,000	-
Milton Park Farm	Surrey	1,700,000	-
Whitehall Farm	Surrey	590,000	-
Homers Farm	Surrey	540,000	-
Watersplash Farm	Surrey	680,000	-
Chalk Lake	Medway	400,000	-
Commissioners Road	Medway	463,600	-
Manor Farm	Medway	900,000	-
Wasing Lower Farm	West Berkshire	1,250,000	-
Extension to West Hoathly Brickworks (allocated in MLP)	West Sussex	Unknown (2-3 years supply)	Early 2020s
North Park	Buckinghamshire	1,500,000	Early 2020s
Slade Farm North	Buckinghamshire	700,000	Mid 2020s – Permission Dec 2018, fill of phasing from year 5.
Total:		9,283,600 ⁵⁵	

3.4. Conclusions

3.4.1.1. If no new capacity becomes available, and annual inputs occur at the same rate as those reported in 2017, existing inert landfill capacity in the South East will be exhausted by 2024⁵⁶ or 2025 (Figure 7)⁵⁷. However, there are a number of factors (highlighted above) that will affect this date.

3.4.1.2. Over the next 10 years a number of inert landfill facilities are planned to close or are likely to close due to restoration being completed. At the same time, based on mineral workings allocated in adopted or emerging minerals plans, it can be expected that a

⁵⁵ (excluding extension to West Hoathly Brickworks)

⁵⁶ This assumes a conversion factor for the remaining capacity of 0.87 tonnes per cubic m³ but it should be noted that in reality the conversion rate will vary depending on the nature of the waste, the forecast waste capacity remaining is therefore a general estimate.

⁵⁷ Based on the Regional Picture Report 2016 <https://www.gov.uk/government/publications/waste-management-for-england-2016>

number of new facilities will be opened creating additional void which may require restoration via the deposit of inert waste.

4. The Issue

4.1. Overview

4.1.1.1. The issues affecting permanent deposit of inert waste on land in the South East of England are as follows:

4.2. The need to restore mineral workings

4.2.1.1. As explained above, the beneficial use of C, D & E waste for inert fill, where this is necessary, can be categorised as a waste recovery operation where it is shown that the principal purpose of the activity is for the use of waste to replace other non-waste materials.

4.2.1.2. In general, inert material derived from C, D & E waste is a valuable resource and when used in mineral site restoration as inert fill (or as capping material for landfilling or landraising activities), is considered to be a recovery, rather than a disposal, operation. 2015 case law (the Methley case) clarified that the use of inert waste for quarry restoration is considered to be disposal unless it is shown that such use is obligated in some way (e.g. by planning condition), in which case it may be deemed a recovery operation⁵⁸ by the Environment Agency (EA). This clarification of the Waste Framework Directive has meant that the EA now more frequently requires an Environmental Permit for landfilling to be obtained before backfilling of mineral voids with inert waste can take place. Where the material is shown not to be a 'waste' (under 'DoWCOP') an Environmental Permit is not required.

4.2.1.3. This clarification regarding the interpretation of the Waste Framework Directive is affecting the development of inert landfill for the following reasons:

- Inert landfills operating under an Environmental Permit can only receive waste that meets certain 'Waste Acceptance Criteria' (WAC).
- Through the Groundwater Directive all inert landfills must be lined with clay due to the risk of that the inert waste received at sites is contaminated with non-inert material.

4.2.1.4. Due to the costs associated with landfill lining some mineral operators have decided to restore their sites with non-hazardous waste as this attracts a higher gate fee and a

⁵⁸ Minerals Product Association The need for inert wastes to restore aggregate mineral workings Position Statement from the Quarry Products Association June 2006, available at: <https://mineralproducts.org/documents/inertfull.pdf>

different WAC testing regime⁵⁹ applies. The result is that potentially in the future more mineral sites will be utilised for landfill of non-hazardous (non-inert) waste rather than inert waste as this would likely attract a higher gate fee.

4.2.1.5. The Minerals Product Association⁶⁰ consider that this approach is impacting on the industry's ability to restore of mineral workings because:

- Landfill operations are generally not allowed in river floodplains where almost all of the UKs sand and gravel is sourced from.
- Landfill operations have an 'onerous regulatory burden' (e.g. requirements for lining and landfill gas management).
- Landfill is discouraged as a way of managing waste in Waste Local Plans and so categorisation of restoration activity as 'landfill' may make it harder to obtain planning permission.

4.2.1.6. The above factors may be taken into account by mineral operators when deciding on whether to offer backfilling as a restoration option for mineral workings in the South East.

4.3. Location of C, D & E Recycling facilities with mineral workings

4.3.1.1. A significant proportion of existing inert C, D & E waste recycling facilities are located on land associated with mineral workings. The recycling activity generally involves treatment, such as crushing and screening, which produces a soil like material and an aggregate. The residual derivative, or product of the recycling process, is an inert soil like material that can be used to restore the mineral working within which the recycling activity is situated and so these facilities usually benefit from temporary permissions associated with the timescale for mineral extraction and site restoration. Such CDE waste processing operations are generally very efficient⁶¹ meaning that the majority of the processed material leaves the site for a use elsewhere and only a small quantity is retained for use in restoration.

4.3.1.2. While temporary permission for inert C, D & E recycling operations may be encouraged, this must also take into account the need for timely restoration of mineral workings. Depending on their exact composition, the deposit of residues from CDE recycling used in the restoration of old mineral workings may require an environmental permit for either inert or non-inert landfill or recovery. The combined impact of policies which

⁵⁹ WAC testing is a limit above which materials are judged before the Landfill class is changed or waste deposit prevented. It specifies the waste acceptance at that class of landfill, not the specific waste acceptance criteria that could be built into a planning permission or site specific permit.

⁶⁰ Minerals Product Association Policy Briefing: The Need to Restore Mineral Sites with Inert Waste June 2015, available at: https://mineralproducts.org/documents/Policy_Briefing_The_Need_to_Restore_Mineral_Sites_with_Inert_Waste_Jun_15.pdf (N.B. Some of the statements made in this briefing are out of date due to the Methley case).

⁶¹ It is estimated that 90% of C&D waste can be recycled.

encourage recycling and the difficulties associated with backfilling using the residues of C, D & E waste recycling, results in a further decrease in the availability of material to restore mineral workings and inevitably slows down the pace of restoration contrary to NPPF policy which encourages the earliest possible restoration.

4.3.1.3. Due to the difficulties associated with restoration of minerals sites by backfilling with inert waste, as set out above, no fill or low-level restoration approaches may need to be accepted more frequently by mineral planning authorities. Such forms of restoration may be inherently beneficial, for example by providing opportunities for recreation and flood storage. Consequently, this means that in the future there is likely to be fewer proposals for restoration by backfilling resulting in reduced voidspace for the management of inert waste which may align with increased recycling rates of C&D waste.

4.4. Excavation waste

4.4.1.1. The majority of CDEW going to licensed landfills is clean excavation waste.

4.4.1.2. DCLG⁶² estimated that the total unprocessed clean excavation waste used or disposed of in licensed landfills in England in 2005 was approximately 20,529,000 tonnes. The same report estimated that 9,008,000 tonnes was used for the restoration of mineral workings⁶³. This clean excavation waste makes up approximately 70% of total C,D&E waste used for restoring mineral workings.

4.4.1.3. Hence, deposit of such waste on land may not necessarily involve disposal and instead is more likely to be used for beneficial purposes (and so may be classed as 'recovery' if it meets the relevant tests in the Waste Framework Directive), particularly in the restoration of old mineral workings.

4.4.1.4. Between January 2018 and April 2019, CLA:RE authorised the management of approximately 7 million tonnes of inert material under DoWCoP in London, the south east and east of England. While this material may have previously been used in the restoration of mineral workings, this approach is consistent with the application of the waste hierarchy which identifies waste prevention as the most beneficial approach.

4.5. London's waste

4.5.1.1. Waste arising in London is planned for by individual London Borough planning authorities or groupings of such authorities. The Local Plans of these boroughs include policies on waste management which must be in general conformity with the London

⁶² Department of Communities and Local Government Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste Table 5.3

⁶³ Department of Communities and Local Government Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste Table 5.6

Plan. The London Plan considers all the waste arising in London and apportions a certain quantity of household and commercial and industrial waste to each Borough for forward planning purposes. However, the London Plan does not apportion Construction, Demolition and Excavation Waste.

- 4.5.1.2. The current London Plan (March 2016) sets a reuse and recycling target of 95% of construction, demolition and excavation waste by 2020. The GLA's suggested changes to the draft of the New London Plan⁶⁴ (December 2017) includes the same target but suggest a revision such that the target does not include excavation waste because "it is recognised that the particular characteristics of excavation waste are such that it is extremely difficult to recycle this waste stream"⁶⁵.
- 4.5.1.3. A report concerned with C, D & E waste⁶⁶ which informs the draft new London Plan indicates that a large proportion of inert waste is recycled or beneficially reused, but that "in provisioning for future waste management requirements, the disposal of [C, D & E waste] to landfill is however a continuing concern – particularly given the finite landfill void available at existing facilities".
- 4.5.1.4. The analysis highlights that the majority of C, D & E waste which originates in London and which is destined for landfill, is exported outside the capital for disposal. In particular, "substantial volumes of London's inert waste are accepted at landfills in the South East and East of England"⁶⁷. The report estimates that in 2015, landfills in the South East received 1.5 Mt of inert waste from London (East of England received 2.2 Mt) and assumes that if "disposal rates remain constant a current levels, inert landfills in the South East have capacity adequate for a further 14 years operation"⁶⁸.
- 4.5.1.5. This compares to the more pessimistic projections estimated in this JPS (see section 3.2). The report recognises that "disposal of [C, D & E waste] generated in London is therefore also contingent on continuing availability of void at these facilities"⁶⁹. The draft new London Plan (December 2017) notes that "when it is intended to export waste to landfill outside of London, it will be important to show that the receiving authority has the capacity to deal with waste over the lifetime of the development."⁷⁰

⁶⁴ The report of the Examination in Public of the London Plan was published on 8 October 2019. This report concludes that the proposed waste policies in the new London Plan taken together with the changes proposed by GLA during the examination are satisfactory and can be adopted by the Mayor. Adoption of the new London Plan is anticipated in Spring 2020.

⁶⁵ GLA Early Suggested Changes to the London Plan (Paragraph 9.7.4A)

⁶⁶ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4)

⁶⁷ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4.2)

⁶⁸ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4.2)

⁶⁹ Greater London Authority Waste Forecasts & Apportionments – Task 2 May 2017 (Paragraph 2.4.2)

⁷⁰ The draft new London Plan (Paragraph 9.7.5)

4.5.1.6. The GLA's proposed changes are intended to reflect this situation with regard to the London Plan's target to achieve net self-sufficiency by 2026 through the insertion of the following text:

“The term net self-sufficiency is meant to apply to all waste streams, with the exception of excavation waste. The particular characteristics of this waste stream mean that it will be very challenging for London to provide either the sites or the level of compensatory provision needed to apply net self-sufficiency to this waste stream.”

4.5.1.7. The changes also propose including an expectation that such material will be put to 'beneficial use' with inclusion of a definition of this term as follows:

Beneficial use (excavation waste): The placement of excavation waste to land in a way that

- provides environmental benefits, particularly through the restoration of priority habitat, flood alleviation or climate change adaptation/mitigation; OR
- contributes towards the restoration of landfill sites and mineral workings

while

- minimising adverse impacts to the environment or communities (for example transport, air quality and other considerations); AND
- demonstrating that the waste cannot be recycled or treated and managed in a more sustainable way.

4.5.1.8. A target of achieving a minimum of 95% beneficial use of excavation waste is also proposed as an additional target within policy SI7.

5. Planning for London's Excavation Waste

5.1. The London Plan

5.1.1.1. Non-hazardous excavation wastes, which includes clean inert excavated materials (such as subsoils and clayey materials arising from tunneling), cannot easily be 'recycled' but can be put to a beneficial use in engineering operations for example in conjunction with land reclamation or coastal defences. It is possible, and preferred, that such operations take place within London, however for large infrastructure projects⁷¹ (such as Crossrail 2

⁷¹ It is suggested that the following quantities of excavation waste have arisen and may arise from the following key infrastructure projects (Source: SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) (May 2017)):

- Crossrail (2009-2018) – 6 million tonnes;
- HS2 (2018-2025) – 19.7 million tonnes;
- Thames Tideway Main Tunnel (2016-2022) – 4.7 million tonnes;
- Northern Line Extension (2016-2020) – 1 million tonnes

and HS2) the significant quantities of excavation waste arising mean that large quantities are likely to be exported for management in neighbouring areas.

- 5.2. C, D & E waste arising in London Estimates produced in this report (see Table 3) suggest that 10,367,000 tonnes of C, D & E waste was produced in London in 2017 of which 22% of this total was managed in the South East of England and 12% specifically at landfill facilities in the South East of England (Table 5).

Table 5 Estimated C, D & E waste arising in London based on reconcile methodology⁷²

	Recycling	Treatment and Recovery ⁷³	Transfer	Disposal to land	Subtotal
Within London	1,400,000	1,219,000	101,000	1,574,000	4,294,000
London to elsewhere	60,000	1,248,000	237,000	2,237,000	3,782,000
London to South East	35,000	819,000	153,000	1,284,000	2,291,000
Total	1,495,000	3,286,000	491,000	5,095,000	10,367,000

- 5.2.1.1. The exact amount of inert waste exported from London to be managed in the South East in future is not clear. However, data underpinning the new London Plan suggest that overall 10,925,000 tonnes of C, D & E waste will be produced in London in 2030⁷⁴.
- 5.2.1.2. Based on this figure and assuming that similar amounts of C, D & E waste are sent to the South East from London approximately 2,414,000 tonnes of C, D & E waste originating in London would require management in the South East of England and approximately 1,353,000 tonnes would require management at landfill facilities in the South East of England.

Table 6 C, D & E waste arising in London which is likely to be managed in the South East of England

	2020	2025	2030	2035
C D & E total arisings in London	10,072,000	10,497,000	10,925,000	11,356,000
Projected to be managed in South East	2,226,000	2,320,000	2,414,000	2,510,000

⁷² See section 3.1.2

⁷³ Including recovery to land e.g. use of waste on/in land, backfilling, restoration where this is not classified as landfill

⁷⁴ Table C1: Intermediate Projected arisings of Construction, Demolition and Excavation Waste, and Hazardous Waste, SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) May 2017

Projected to be managed as landfill in South East	1,247,000	1,300,000	1,353,000	1,406,000
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5.2.1.3. These values are based on waste reported at facilities permitted by the Environment Agency whereas significant quantities of inert waste can be managed by activities that are exempted from permitting requirements and so actual quantities arising and being managed are likely to be much higher. This is supported by data⁷⁵ underpinning the new London Plan which notes that material (particularly excavation waste) is loaded to bulk haulage vehicles at the point of arising, and exported directly out of London.

5.2.1.4. Ongoing reliance on inert landfill facilities in the South East of England in the medium/long term is not possible and it is essential that London meets its recycling targets. In addition, WPAs in the wider south east⁷⁶ may need to prepare a planning policy position that anticipates and accommodates exports of inert excavation waste from London. This may include planning policies that recognise that waste will travel across administrative borders to be managed at one of the nearest appropriate installations.

5.2.1.5. With the large number of significant infrastructure projects planned in London including HS2, Crossrail2, Vauxhall Nine Elms and Silvertown tunnel construction, it can be expected that significant quantities of inert waste will be exported to the South East of England for management for some time to come. More information is needed on the type, amount and timing of waste arising from these projects. This information needs to be provided to enable WPAs in the South East of England to ensure capacity is available to manage these waste arisings.

5.2.1.6. Ongoing dialogue between planning authorities in London and the South East is essential to ensure that excavation waste from London is properly planned for.

6. Best Practice in Planning Policy for Permanent Deposit of Inert Waste on Land

6.1.1.1. Generally, for deposit of inert waste to land, sites are allocated for mineral extraction in Mineral Local Plans requiring restoration schemes which include some element of inert fill e.g. restoration to agriculture. These sites are listed in Table 4.

6.1.1.2. However, it is important that Waste Local Plans include appropriate criteria based policies to enable the permanent deposit of waste to land, particularly where this is considered to be recovery e.g. for the timely restoration of mineral workings. This will

⁷⁵ SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) (May 2017)
https://www.london.gov.uk/sites/default/files/task_2_-_cdew_and_haz_waste_forecasts.pdf

⁷⁶ 'Wider South East' includes south east and east of England

enable the WPAs to demonstrate how they are allowing for the management of inert waste by its permanent deposit on land.

6.1.1.3. A criteria based policy approach has been adopted by a number of WPAs in the South East of England for recovery and/or disposal operations involving the permanent deposit of inert waste to land. These policies have been tested at examination and have been found sound. These policies acknowledge that sites for inert landfill facilities may come forward in the future and that policies need to be flexible to deal with any proposals which do come forward.

6.2. Examples of criteria based policy approach

6.2.1.1. Examples of criteria based policies from adopted Local Plans in the South East of England (Appendix D) are outlined below:

- Policy WMP 8b of the East Sussex Waste and Minerals Local Plan (February 2013)
- Policy CSW 12 of the Kent Minerals and Waste Local Plan (July 2016)
- Policy W8 of the West Sussex Waste Local Plan (April 2014)

7. Conclusions

7.1.1.1. Inert excavation waste is often not easily recycled but lends itself to beneficial uses involving the permanent deposit of this material. Such uses can be classed as 'recovery' rather than 'disposal', for example, the restoration of mineral voids where it meets the criteria for being classed as recovery. It is considered that 100% of inert excavation waste that cannot be recycled can be put to some beneficial use and this should be set as a target in plans.

7.1.1.2. The number and capacity of permitted facilities which involve the permanent deposit of inert waste on land is declining across the South East of England. The available voidspace is under pressure from construction activity in the south east and continued exports of large quantities of inert waste from London.

7.1.1.3. As a counter balance to the issue of declining void space mentioned above, increased recycling rates of C, D & E waste and lack of suitable material mean that existing void space is taking longer to fill i.e. some quarries are taking longer to restore than expected.

7.1.1.4. The tension between the need to achieve timely restoration of existing mineral workings and the desire to increase rates of recycling of inert material creates a challenge for waste planning in balancing options to identify optimum approaches.

7.1.1.5. The tightening of environmental permitting requirements has meant that the permanent deposit of inert material deemed to be waste is more likely to require an

environmental permit (either for disposal or recovery). Such permits include a need for more rigorous, and more costly, preparation and management of such sites.

- 7.1.1.6. There are severe constraints on the ability of producers of inert excavation waste in London to manage this waste within London and export of such waste for management within the South East will continue for the foreseeable future. However, inert waste arising in London can be used to restore mineral workings in the South East of England and so is not necessarily discouraged. Indeed, the achievement of timely restoration of such development is important and the availability of appropriate material, which may not be produced in sufficient quantities locally, is key to this. However, without replenishment, inert landfill capacity in the South East could be exhausted by as early as 2024. Therefore, capacity provision in the South East should continue to be monitored and will need to be taken into account by WPAs when preparing related planning policy. Such policy should recognise the potential benefits of depositing inert waste associated with development that results in positive outcomes such as a healthier and more attractive environment; flood risk alleviation and nature conservation.
- 7.1.1.7. Individual SCGs may be also be prepared between individual WPAs where particular movements of waste requiring deposit of inert waste in a recovery or disposal operation exist which require specific recognition. This is likely to be the case between London Authorities and authorities in the South East in recognition of the unique waste needs of London⁷⁷.
- 7.1.1.8. Several examples of policies from adopted waste local plans in the South East of England are included in Appendix D.
- 7.1.1.9. This document sets out technical information as part of a JPS with respect to the management of inert waste in the South East of England. The document is supported by members of SEWPAG at officer level and information on inert landfill will be reviewed and updated annually in the SEWPAG Annual Monitoring Report (AMR).

⁷⁷ National Planning Practice Guidance for Waste Paragraph: 043

Appendix A – Controls on activities involving the permanent deposit of inert excavation waste on land

Activity	Source of material	Planning control ⁷⁸ (inc. rationale)	EA permit requirement ⁷⁹	Position within Waste Hierarchy	Landfill Tax liability
Backfilling ⁸⁰ a mineral void for purpose of restoring the land following mineral extraction specified in approved restoration plan	Construction site – clean inert excavation waste C, D, E Waste recycling facility	Waste Planning Authority (WPA)/Minerals Planning Authority (MPA) Planning condition specifying need for restoration of mineral site by backfilling to particular levels (e.g. existing ground or low level) Covered by policy on ‘beneficial use’ of inert waste	Environment Permit (Recovery ⁸¹) required	Recovery	Specific exemption
Deposit of material within a mineral void or on any land where the main purpose is disposal of surplus material ⁸²	Construction site – clean inert excavation waste C, D, E Waste	WPA/MPA Covered by policy on inert landfill	Environment Permit (Landfill) required	Disposal	Landfill tax applies at £2/tonne

⁷⁸ PPG (Waste Chapter Para 002) sets out a list of matters which can be considered as waste operations, including landfill and land raising sites (such as soils to re-profile golf courses). PPG (Waste Chapter Para 048) states that “WPAs should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste”.

⁷⁹ Waste exemptions are set out in Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2016

⁸⁰ In the Waste Framework Directive (as amended) “backfilling” means “any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes”.

⁸¹ Recovery has a unique legal definition under the Waste Framework Directive and case law has indicated that there must be planning “obligations” or else substitution tests met to demonstrate genuine recovery activity. Recovery sites are sustainable re-use activities and thereby enable beneficial re-use of waste materials. For more details see <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>.

⁸² N.B. This scenario is unlikely, as ‘disposal’ of inert waste may not be permitted by planning policy as it may be considered that there is no reason why such waste cannot be managed further up the hierarchy i.e. recovered in some way.

Activity	Source of material	Planning control ⁷⁸ (inc. rationale)	EA permit requirement ⁷⁹	Position within Waste Hierarchy	Landfill Tax liability
	recycling facility				
Deposit of material for use as daily cover on a landfill site	Construction site – clean inert excavation waste C, D, E Waste recycling facility	WPA. The planning permission for the landfill site may include a condition requiring that deposited waste is covered on an ongoing basis to avoid odours, vermin, litter, fly infestations, fires and dust.	The need for cover of deposited to avoid odours and dust material will be stipulated as a condition of the Environment Permit. A permit for disposal may include specific recovery activities for final restoration layers above the cap, but daily cover and ad hoc engineering materials may be deemed disposal.	Recovery or disposal	Imported materials used for landfill engineering of basal and side slopes are exempt from LF tax.
Agricultural land raising e.g. to improve drainage	C, D, E Waste recycling facility Construction site – clean inert excavation waste	WPA/MPA Covered by policy on ‘beneficial use’ of inert waste	Land-spreading or land reclamation permit	Recovery	Not applicable
	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required. Covered by DoWCoP.	Materials re-use (Waste prevention (as the ‘material’ has been managed in a way that avoids it becoming waste))	Not applicable
Landscape enhancement features/land sculpture	C, D, E Waste recycling facility	WPA/MPA - covered by policy on ‘beneficial use’ of inert waste.	Environment Permit (Recovery) required	Recovery	Not applicable
	Construction site – clean inert C D E waste	Other LPA (not a WPA matter) where activity forms part of a non-waste development (covered by planning permission for the non-waste	Depending on type of inert waste being used and its quantity then the activity may be exempt		

Activity	Source of material	Planning control ⁷⁸ (inc. rationale)	EA permit requirement ⁷⁹	Position within Waste Hierarchy	Landfill Tax liability
		development).	from the need for an Environment Permit under exemption 'U1' ⁸³ .		
	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required. Covered by DoWCoP.	Materials re-use (Waste prevention (as the 'material' has been managed in a way that avoids it becoming waste))	Not applicable
Acoustic bunding or bunding to mitigate visual impacts (by hiding) of development	C, D, E Waste recycling facility Construction site – clean inert excavation waste brought to site	WPA/MPA - covered by policy on 'beneficial use' of inert waste. Other LPA (not a WPA matter) where activity forms part of a non-waste development (covered by planning permission for the non-waste development).	Environment Permit (Recovery) required. Depending on type of inert waste being used and its quantity then the activity may be exempt from the need for an Environment Permit under exemption 'U1'.	Recovery	Not applicable
	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required where bunds are required as part of development. Covered by DoWCoP.	Materials re-use ((Waste prevention (as the 'material' has been managed in a way that avoids it becoming waste))	Not applicable
Creation of features	C, D, E Waste	WPA/MPA - covered by policy on	These should be fully	Recovery	Not

⁸³ U1 (Use of waste in construction) exemption: "construction" means the carrying on of building or engineering work which includes the repair, alteration, maintenance or improvement of an existing work and preparatory or landscaping works; U1 allows for management of the following types of inert waste: Waste from mineral non-metalliferous excavation, Waste gravel and crushed rock (with specific exemption), Waste sand and clays, Shellfish shells from which the soft tissue or flesh has been removed, Waste ceramics, bricks, tiles and construction products (after thermal processing), Waste concrete and concrete sludge, Concrete, Bricks, Tiles and ceramics, Mixtures of concrete, bricks, tiles and ceramics (with specific exemption), Dredging spoil (with specific exemption), Track ballast (with specific exemption), Glass, Minerals (for example sand, stones), Aggregates only. There are different thresholds on the quantity of waste that may be used. For more details see <https://www.gov.uk/guidance/waste-exemptions-using-waste>

Activity	Source of material	Planning control ⁷⁸ (inc. rationale)	EA permit requirement ⁷⁹	Position within Waste Hierarchy	Landfill Tax liability
associated with recreational activities such as mounding on golf courses and bunds at rifle ranges.	recycling facility Construction site – clean inert excavation waste brought to site	‘beneficial use’ of inert waste. Other LPA (not a WPA matter) where development is fully purposed and supported by a business plan and supporting evidence for actual use as such, not an aspiration to create a leisure facility but with no true business plan which shows viability of use post deposit	purposed and supported by a business plan and supporting evidence for actual use as such, not an aspiration to create a leisure facility but with no true business plan to enable use post deposit. Recovery permit		applicable
	Clean material excavated on site of use and/or specifically sourced for the purpose of the development	Other LPA (not a WPA matter) Development is covered by planning permission for a non-waste development	Not required. Covered by DoWCoP.	Materials re-use ((Waste prevention (as the ‘material’ has been managed in a way that avoids it becoming waste))	Not applicable

Appendix B – Permanent Deposit of Inert Waste on Land in the South East

Table 7 Summary of inert landfill inputs by site based on the Environment Agency Waste Data (WDI) Interrogator in tonnes

Sites highlighted in yellow are those not matched to a site in the WDI so these may have planning permission but have not started operating

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Hérons Nest Landfill	Land at Heron’s Nest, Station Road, Theale, Reading	Alan Hadley Ltd.	Berkshire	West Berkshire	35,806	-	-
Moores Farm Quarry	Moores Farm, Pingewood, Reading. RG30 3UH	Caversham Restoration Ltd.	Berkshire	West Berkshire	9,025	26,918	4,791
Kennetholme Quarry	Kennetholme Farm, Bath Road, Midgham, Reading. RG18 9DR	Grundon Waste Management Ltd.	Berkshire	West Berkshire	112,394	89,770	75,485
Copyhold Farm Landfill	Priors Court Road, Curridge RG16 9DR	Raymond Brown Minerals & Recycling Ltd	Berkshire	West Berkshire	37,597	1,966	-
Hindhay Quarry	Hindhay Quarry, Furze Platt Road, Pinkneys Green, Maidenhead, Ber, SL6 6NL,	Summerlease Limited	Berkshire	Windsor and Maidenhead	-	-	-
Horton Brook Quarry	Horton, Slough, Berkshire SL3 0LP	Jayflex (Aggregates) Ltd	Berkshire	Slough	195,420	203,355	64,680
Hythe End Farm Landfill	Hythe End Road, Wraysbury TW19 5AW	Charles Morris Fertilizers Limited	Berkshire	Windsor and Maidenhead	-	-	-
Kingsmead Landfill	Kingsmead Landfill, Stanwell Road, Horton, Berkshire, SL3 9PA	Cemex UK Materials Limited	Berkshire	Windsor and Maidenhead	189,762	-	-
All Souls	Wexham Park Lane. Wexham SL3 6LX	Tarmac Ltd	Buckinghamshire	South Buckinghamshire	112,200	57,707	52,541

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Farm Quarry							
Beechwood Nurseries Landfill	Farnham Lane, Farnham Royal, Berkshire SL2 3SD	Summerleaze Limited	Buckinghamshire	Slough	103,688	-	-
Denham Park Farm	Denham Park Farm, Denham Green, Buckinghamshire, UB9 5DL,	Ingrebourne Valley Ltd	Buckinghamshire	South Buckinghamshire	155,612	11,581	86,090
Bleak Hill 1 Landfill Site	Nea Road, Ringwood BH24 3PL	Cemex UK Ltd	Hampshire	New Forest	130,530	43,781	59,515
Kingsley Quarry	Sandybridge Farm, Main Road, Kinglsey, Hants, GU35 9NQ,	Sita U K Limited	Hampshire	East Hampshire	38,731	-	-
Manor Farm Landfill Site	Manor Farm, Tadley RG26 5HW	G. B. Foot Ltd	Hampshire	Basingstoke and Deane	-	-	-
Roke Manor Quarry	Shootash, Romsey, Hampshire, SO51 6GA,	Raymond Brown Minerals And Recycling Limited	Hampshire	Test Valley	-	172,329	149,761
Rookery Farm Landfill	Botley Road, Burrridge SO31 1BL	Raymond Brown Eco Bio Limited	Hampshire	Fareham	-	-	-
Knighton Sandpit Landfill	Newchurch PO36 ONS	Knighton Sandpit Limited	Isle of Wight	Isle of Wight	17,506	9,170	7,830
Lower Knighton Landfill	Lower Knighton Road, Newchurch PO30 ONS	Reynolds and Read Ltd	Isle of Wight	Isle of Wight	17,506	9,170	7,830

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Lynn Pit Landfill	Briddlesford Road, Down End PO30 2PD	Westridge Developments Ltd	Isle of Wight	Isle of Wight	45,403	41,879	49,506
St Georges Down Quarry	Newport, Isle Of Wight, PO30 3BX,	Wight Building Materials Limited	Isle of Wight	Isle of Wight	-	-	-
Allens Bank, Lydd	Allens Bank, Lydd	Brett Aggregates Ltd	Kent	Shepway	-	-	-
Alpha Lake	Brett Aggregates, North Sea Terminal, Salt Lane, Cliffe, Kent, ME3 7SX,	Brett Aggregates Limited	Kent	Medway	-	-	-
Arnolds Lodge Landfill	Hale Street, East Peckham, Tonbridge TN12 5HL	J Clubb Limited	Kent	Tonbridge and Malling	73,613	72,210	8,082
Borough Green Inert Landfill	Borough Green Sand Pit, Sevenoaks TN15 8HJ	Borough Green Sand Pits Ltd	Kent	Tonbridge and Malling	-	-	-
Borough Green Landfill	Wrotham Road, Sevenoaks TN15 8DN	Robert Body Haulage Limited	Kent	Tonbridge and Malling	349,842	348,609	397,252
Ham Farm Landfill	Ham Road, Faversham ME13 7TS	Brett Aggregates Ltd	Kent	Swale	-	2,737	-
Hermitage Quarry Inert Landfill	Hermitage Lane, Maidstone ME16 9NT	Gallagher Aggregates Limited	Kent	Tonbridge and Malling	355,578	214,676	327,715

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Perry's Farm	Grain Road, Isle of Grain, Rochester ME3 0AW	J Clubb Limited	Kent	Medway	-	-	-
Stone Pit II, Dartford	St James Lane, Stone, Dartford DA9 9DT	Seer Restoration Ltd	Kent	Dartford	221,522	425,398	283,066
Wrotham Quarry At Addington	Wrotham Quarry, Trottiscliffe Road, Addington Wrotham, Kent, ME19 5DL,	Ferns Surfacing Limited	Kent	Tonbridge and Malling	-	-	-
EWELME 2	Wallingford OX10 6PJ	S Grundon (Waste) Ltd	Oxfordshire	South Oxfordshire	1	1,118	37
Shellingford Quarry Landfill	Stanford-in-the-Vale SN7 8HE	Multi - Agg Limited	Oxfordshire	Vale of White Horse	127,015	79,051	122,816
Shipton Quarry	Shipton Quarry, Shipton On Cherwell, Oxfordshire, OX5 3EL,	Alan Hadley Limited	Oxfordshire	Cherwell	177,358	173,073	205,566
Upwood Quarry	Upwood Quarry, Besselsleigh, Abingdon, Oxfordshire, OX13 5DW,	Hills Quarry Products Limited	Oxfordshire	Vale of White Horse	30,715	112,843	79,141
Woodeaton Quarry	Mckenna Environmental Limited, Woodeaton Quarry, Noke, Woodeaton, Oxfordshire, OX3 9TJ,	Mckenna Environmental Limited	Oxfordshire	Cherwell	61,860	-	-
Addlestone Quarry Landfill	Addlestone Quarry, Byfleet Road, Weybridge KT15 3LA	RMC MATERIALS LTD	Surrey	Runnymede	54,036	38,343	88,336

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Alton Road Sand Pit	Alton Road Sand Pit, Alton Road, Wrecclesham, Farnham, Surrey, GU10 5EL,	Earthline Limited	Surrey	Waverley	127,427	-	-
Betchworth Sand Quarry Landfill	Reigate Road Quarry, Reigate Road, Betchworth RH3 7HB	J & J Franks Ltd	Surrey	Reigate and Banstead	165,227	193,087	147,001
Homefield Landfill Site	Homefield Sandpit, Guildford Road, Farnham GU10 1PG	Chambers Runfold Plc	Surrey	Waverley	26,807	25,247	57,537
Laleham Quarry	Littleton Lane, Shepperton TW17 0NF	Brett Aggregates Limited	Surrey	Spelthorne	-	240,538	232,263
Mercers South	Nutfield		Surrey	Tandridge	14,470	-	83,263
Oxted Quarry Landfill	Chalk Pit Lane, Oxted RH8 0QW	Southern Gravel Limited	Surrey	Tandridge	143,455	-	4,783
Oxted Sandpit	Barrow Green Road		Surrey	Tandridge	-	-	-
stanwell III landfill	Staines TW19 7XT	Cappagh Public Works Limited	Surrey	Spelthorne	6,048	14,450	21,796
Stock Farm Stone Quarry	Hyde Lane, Farnham GU10 2LP	TJ Landfill	Surrey	Waverley	46,606	-	-

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Boxgrove Landfill	Tinwood Lane, Eartham, Chichester, West Sussex, PO18 ONB	Inert Waste Recycling Limited	West Sussex	Chichester	181,722	-	56,961
Pendean Landfill	Oaklands Lane, Midhurst GU29 0ER	Cemex UK Materials Limited	West Sussex	Chichester	65,687	98,283	50,732
Rudgwick Landfill Site	Rudgwick Brickworks, Lynwick Street, Rudgwick, West Sussex, RH12 3DH	Restoration to Agriculture Ltd	West Sussex	Horsham	202,219	-	-
Subtotal					3,632,38	2,707,289	2,724,376

Appendix C – Inert landfill Capacity in the South East

Table 8 Remaining void for inert landfill facilities in the South East of England based on Environment Agency returns for remaining void space (updated by MPA)

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Copyhold Farm Landfill	Priors Court Road, Curridge RG16 9DR	Raymond Brown Minerals & Recycling Ltd	Berkshire	West Berkshire	2,000	5,530	5,530
Hindhay Quarry	Hindhay Quarry, Furze Platt Road, Pinkneys Green, Maidenhead, Ber, SL6 6NL,	Summerleaze Limited	Berkshire	Windsor and Maidenhead	-	250,000	250,000
Horton Brook Quarry	Horton, Slough, Berkshire SL3 0LP	Jayflex (Aggregates) Ltd	Berkshire	Slough	811,600	747,000	623,318
Hythe End Farm Landfill	Hythe End Road, Wraysbury TW19 5AW	Charles Morris Fertilizers Limited	Berkshire	Windsor and Maidenhead	60,000	60,000	60,000
Kingsmead Landfill	Kingsmead Landfill, Stanwell Road, Horton, Berkshire, SL3 9PA	Cemex UK Materials Limited	Berkshire	Windsor and Maidenhead	4,340,000	4,340,000	4,340,000
All Souls Farm Quarry	Wexham Park Lane. Wexham SL3 6LX	Tarmac Ltd	Buckinghamshire	South Buckinghamshire	69,000	39,819	30,815
Beechwood Nurseries Landfill	Farnham Lane, Farnham Royal, Berkshire SL2 3SD	Summerleaze Limited	Buckinghamshire	Slough	-	400,000	352,500
Denham	Denham Park Farm, Denham	Ingrebourne Valley	Buckinghamshire	South Buckinghamshire	1,888,419	1,802,329	1,646,717

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Park Farm	Green, Buckinghamshire, UB9 5DL,	Ltd					
Bleak Hill 1 Landfill Site	Nea Road, Ringwood BH24 3PL	Cemex UK Ltd	Hampshire	New Forest	992,578	1,626,479	1,495,949
Kingsley Quarry	Sandybridge Farm, Main Road, Kinglsey, Hants, GU35 9NQ,	Sita U K Limited	Hampshire	East Hampshire	-	140,000	109,016
Manor Farm Landfill Site	Manor Farm, Tadley RG26 5HW	G. B. Foot Ltd	Hampshire	Basingstoke and Deane	223,000	223,000	223,000
Roke Manor Quarry	Shootash, Romsey, Hampshire, SO51 6GA,	Raymond Brown Minerals And Recycling Limited	Hampshire	Test Valley	-	-	551,200
Rookery Farm Landfill	Botley Road, Burridge SO31 1BL	Raymond Brown Eco Bio Limited	Hampshire	Fareham	879,885	879,885	879,885
Knighton Sandpit Landfill	Newchurch PO36 ONS	Knighton Sandpit Limited	Isle of Wight	Isle of Wight	347,298	352,933	356,562
Lower Knighton Landfill	Lower Knighton Road, Newchurch PO30 ONS	Reynolds and Read Ltd	Isle of Wight	Isle of Wight	203,127	195,610	178,104
Lynn Pit Landfill	Briddlesford Road, Down End PO30 2PD	Westridge Developments Ltd	Isle of Wight	Isle of Wight	Closed	28,270	28,270
St Georges	Newport, Isle Of Wight, PO30 3BX,	Wight Building	Isle of Wight	Isle of Wight	-	-	300,000

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Down Quarry		Materials Limited					
Allens Bank, Lydd	Allens Bank, Lydd	Brett Aggregates Ltd	Kent	Shepway	-	-	Pre-operational
Alpha Lake	Brett Aggregates, North Sea Terminal, Salt Lane, Cliffe, Kent, ME3 7SX,	Brett Aggregates Limited	Kent	Medway	-	-	Pre operational
Arnolds Lodge Landfill	Hale Street, East Peckham, Tonbridge TN12 5HL	J Clubb Limited	Kent	Tonbridge and Malling	19,418	15,000	50,000
Borough Green Inert Landfill	Borough Green Sand Pit, Sevenoaks TN15 8HJ	Borough Green Sand Pits Ltd	Kent	Tonbridge and Malling	170,035	860,000	781,150
Borough Green Landfill	Wrotham Road, Sevenoaks TN15 8DN	Robert Body Haulage Limited	Kent	Tonbridge and Malling	2,293,793	2,171,493	1,974,881
Ham Farm Landfill	Ham Road, Faversham ME13 7TS	Brett Aggregates Ltd	Kent	Swale	115,000	115,000	115,000 (site now restored)
Hermitage Quarry Inert Landfill	Hermitage Lane, Maidstone ME16 9NT	Gallagher Aggregates Limited	Kent	Tonbridge and Malling	324,467	870,828	693,039 ⁸⁴

⁸⁴ KCC data suggests 8.6 million based on information provided by operator

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Perry's Farm	Grain Road, Isle of Grain, Rochester ME3 0AW	J Clubb Limited	Kent	Medway	50,000	50,000	50,000
Stone Pit II, Dartford	St James Lane, Stone, Dartford DA9 9DT	Seer Restoration Ltd	Kent	Dartford	1,309,084	1,001,541	735,516
Wrotham Quarry At Addington	Wrotham Quarry, Trottiscliffe Road, Addington Wrotham, Kent, ME19 5DL,	Ferns Surfacing Limited	Kent	Tonbridge and Malling	-	-	Pre operational
Bowling Green Farm	Stanford in the Vale	Hills Quarry Products	Oxfordshire	Vale of White Horse	-	-	950,000
Gill Mill Quarry	Ducklington	Smiths of Bletchington	Oxfordshire	West Oxfordshire	1250000	1,250,000	950,000
Caversham Quarry	Eye & Dunsden	Lafarge Ltd	Oxfordshire	South Oxfordshire	860000	860000	860,000
EWELME 2	Wallingford OX10 6PJ	S Grundon (Waste) Ltd	Oxfordshire	South Oxfordshire	133,300	133,300	133,300
Shellingford Quarry Landfill	Stanford-in-the-Vale SN7 8HE	Multi - Agg Limited	Oxfordshire	Vale of White Horse	1,750,000	1,630,000	1,561,343
Shipton Quarry	Shipton Quarry, Shipton On Cherwell, Oxfordshire, OX5 3EL,	Alan Hadley Limited	Oxfordshire	Cherwell	1,850,000	1,740,000	1,644,131
Upwood Quarry	Upwood Quarry, Besselsleigh, Abingdon, Oxfordshire, OX13	Hills Quarry Products Limited	Oxfordshire	Vale of White Horse	415,000	353,304	339,455

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
	5DW,						
Woodeaton Quarry	Mckenna Environmental Limited, Woodeaton Quarry, Noke, Woodeaton, Oxfordshire, OX3 9TJ,	Mckenna Environmental Limited	Oxfordshire	Cherwell	-	-	400,000
Addlestone Quarry Landfill	Addlestone Quarry, Byfleet Road, Weybridge KT15 3LA	RMC MATERIALS LTD	Surrey	Runnymede	679,916	615,058	551,145
Alton Road Sand Pit	Alton Road Sand Pit, Alton Road, Wrecclesham, Farnham, Surrey, GU10 5EL,	Earthline Limited	Surrey	Waverley	-	2,593,000	2,524,000
Betchworth Sand Quarry Landfill	Reigate Road Quarry, Reigate Road, Betchworth RH3 7HB	J & J Franks Ltd	Surrey	Reigate and Banstead	439,000	389,000	200,000
Homefield Landfill Site	Homefield Sandpit, Guildford Road, Farnham GU10 1PG	Chambers Runfold Plc	Surrey	Waverley	1,373,265	1,146,623	1,102,992
Laleham Quarry	Littleton Lane, Shepperton TW17 ONF	Brett Aggregates Limited	Surrey	Spelthorne	979,000	979,000	979,000
Mercers South	Nutfield		Surrey	Tandridge	-	-	-
Oxted Quarry Landfill	Chalk Pit Lane, Oxted RH8 0QW	Southern Gravel Limited	Surrey	Tandridge	2,386,475	2,381,692	2,238,824

Facility name	Facility address	Operator name	Former planning sub region	Local authority	2015	2016	2017
Oxted Sandpit	Barrow Green Road		Surrey	Tandridge	-	-	-
stanwell III landfill	Staines TW19 7XT	Cappagh Public Works Limited	Surrey	Spelthorne	113,439	101,154	101,154
Stock Farm Stone Quarry	Hyde Lane, Farnham GU10 2LP	TJ Landfill	Surrey	Waverley	33,800	33,800	22,025
Boxgrove Landfill	Tinwood Lane, Eartham, Chichester, West Sussex, PO18 0NB	Inert Waste Recycling Limited	West Sussex	Chichester	640,000	417,078	417,078
Pendean Landfill	Oaklands Lane, Midhurst GU29 0ER	Cemex UK Materials Limited	West Sussex	Chichester	-	-	-
Rudgwick Landfill Site	Rudgwick Brickworks, Lynwick Street, Rudgwick, West Sussex, RH12 3DH	Restoration to Agriculture Ltd	West Sussex	Horsham	580,071	270,732	246,000
Subtotal					27,581, 970	31,068,458	29,292,860

Appendix D – Examples of criteria based policies

Example 1: Policy WMP 8b of the East Sussex Waste and Minerals Local Plan (February 2013)

Deposit of Inert Waste on Land for Beneficial Uses

Proposals for the deposit of only inert waste on land will be permitted, subject to other policies of the Development Plan for the area, where relevant, where it is demonstrated that the proposal:

- a. conforms with Policy WMP 8a (a, c, d); and
- b. is an engineering operation such as that which forms part of a comprehensive scheme for restoration of suitable previously developed land or minerals sites; or
- c. significantly enhances other development or its setting; or
- d. would result in appropriate measurable improvement to the use or operation of agricultural and/or forestry land; and
- e. the resulting final landform, landscape and afteruse enhances the environment and is sympathetic to the land uses, landscape, visual amenity and nature conservation interests of the site and the surrounding area including its landscape character; and the minimum volume of inert material is used to achieve necessary improvements; and
- f. where appropriate, the proposal includes ancillary on-site facilities for the recovery of the waste which can be managed by methods further up the waste hierarchy.

Example 2: Policy CSW 12 of the Kent Minerals and Waste Local Plan (July 2016)

Inert Waste Management in Kent

Planning permission for the disposal of inert waste will be granted where:

1. it can be demonstrated that the waste cannot be managed in a more sustainable way
2. it is for the restoration of landfill sites and mineral workings
3. environmental benefits will result from the development, in particular the creation of priority habitat
4. that sufficient material is available to restore the site within agreed timescales
5. the proposal avoids causing unacceptable adverse impacts to the environment or communities

Example 3: Policy W8 of the West Sussex Waste Local Plan (July 2013)

Recovery Operations involving the Depositing of Inert Waste to Land

Proposals for recovery operations involving the depositing of inert waste to land (including for the continuation in duration, or the physical extension of, existing operations) will be permitted provided that:

- (a) the proposal results in clear benefits for the site and, where possible, the wider area;
- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;
- (d) the material to be reused is suitable for its intended use;
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;
- (g) the proposal accords with Policy W13 (Protected Landscapes);
- (h) any important mineral reserves would not be sterilised; and
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20.

Appendix E - Glossary

Term	Definition
Aggregates	A basic material used in construction and principally consist of primary aggregates – sand, gravel and crushed rock. In addition, some recycled and secondary materials are used for construction purposes. These include construction, demolition and excavation (C, D & E) waste, bituminous materials such as road planings, mineral wastes such as colliery spoil and slate waste, other industrial wastes including pulverised fuel ash and blast furnace slag.
Biodegradable Waste	Waste that is able to decompose through the action of bacteria or other microbes, including materials such as paper, food waste and garden waste.
Catchment	The geographical area served by a particular waste management activity. This will vary according to the adequacy of transport links and the economics of transporting different types of waste.
Circular Economy	A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.
Construction, Demolition and Excavation (CD&E) Waste	The combined waste produced from earth moving activities, demolition of existing buildings/structures and construction of new buildings/structures. It mostly comprises brick, concrete, hardcore, subsoil and topsoil, but can also include timber, metals and plastics.
Department for Environment, Farming and Rural Affairs (DEFRA)	The UK government department responsible for policy and regulations on environmental (including waste management), food and rural issues.
Development Plan	The development plan has statutory status as the starting point for decision making. Section 38(6) of the <i>Planning and Compulsory Purchase Act 2004</i> and Section 70(2) of the TCPA 1990 require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For waste proposals within Surrey the development plan comprises waste development plan documents and local plans and development plan documents as prepared by the Districts and Boroughs of the County as well as neighbourhood plans.
Development Plan Documents (DPDs)	These are planning policy documents which make up the Local Plan. Development plan documents include the core strategy, site-specific allocations of land and, where needed, area action plans. There will also be an adopted policies map which illustrates the spatial extent of policies that must be prepared and maintained to accompany all DPDs.
Disposal	Disposal means any waste management operation which is not ‘recovery’ even where the operation has a secondary consequence, the reclamation of substances or energy.
Duty to Cooperate (DtC)	A legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters. Waste management is considered to be a strategic cross boundary matter.
Hazardous waste	Controlled waste that is dangerous or difficult to treat, keep, store or dispose of, so that special provision is required for dealing with it. Hazardous wastes are the more dangerous wastes and include toxic wastes, acids, alkaline solutions, asbestos, fluorescent tubes, batteries, oil, fly ash

Term	Definition
	(flue ash), industrial solvents, oily sludges, pesticides, pharmaceutical compounds, photographic chemicals, waste oils, wood preservatives. If improperly handled, treated or disposed of, a waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above. Defined in the Hazardous Waste (England and Wales) Regulations 2005 (as amended).
Household waste	This is waste from a domestic property, caravan, and residential home or from premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home.
Inert waste	Inert waste means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater ¹ . Non-inert (including non-hazardous) waste is all other waste other than as identified above.
Landfill and Landraise	The term landfill relates to waste disposal mainly below ground level (by filling a void) whereas landraise refers to waste disposal mainly above pre-existing ground levels. They are generally the least preferred method of waste management.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.
Ministry of Housing Communities and Local Government (MHCLG)	The government department responsible for the planning system and creating national planning policy and guidance.
National Planning Policy Framework (NPPF)	The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Amongst other things it sets out the Government's policy on preparing Local Plans.
National Planning Policy for Waste (NPPW)	Adopted in October 2014, this document sets out the government's detailed waste planning policies.
Net self-sufficiency	To provide enough waste management facilities to manage the equivalent amount of waste arising within the Plan Area.
Non-inert Waste	This is a waste that will biodegrade or decompose, releasing environmental pollutants. Examples include: wood and wood products, paper and cardboard, vegetation and vegetable matter, leather, rubber and food processing wastes.
Other Recovery	'Other Recovery' is not specifically defined in the revised Waste Framework Directive, although 'energy recovery' is referenced as an example. It can be assumed by their exclusion in the

Term	Definition
	definition of recycling, that processing of wastes into materials to be used as fuels or for backfilling can be considered 'other recovery'.
Pollution	Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.
Planning Practice Guidance (PPG)	Government guidance intended to assist practitioners in interpreting the National Planning Policy Framework.
Recovery	Recovery means any waste management operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
Recovery to Land	This is considered to be the use of inert material for a genuine beneficial use such as landscape and/or amenity improvements.
Recycling	Recycling means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. Includes the reprocessing of organic material but not energy recovery or the reprocessing into materials that are to be used as fuels or for backfilling operations.
Residual waste	The elements of the waste streams that remain following recovery operations. Residual waste usually needs to be managed by disposal e.g. landfill.
Restoration	Process of returning a site or area to its former or future use following mineral extraction. It includes processes that take place before and during mineral extraction (stripping and protection of soils) and operations after extraction up until the after-use is established on the site.
Reuse	The commercial sector can reuse products designed to be used a number of times, such as reusable packaging. Household items can be refillable containers or reuse plastic bags. Reuse contributes to sustainable development and can save raw materials, energy and transport costs.
Site Waste Management Plan	A plan which sets out how resources will be managed and waste controlled at all stages of a construction project, including: <ul style="list-style-type: none"> • What types of waste will be generated. • How the waste will be managed. • Which contractors will be used to ensure the waste is correctly recycled or disposed of responsibly and legally.
Tonne	Metric Ton. 1000 kilos, equal to 2004 lbs.
tpa	Tonnes per annum.
mtpa	Million tonnes per annum.

Term	Definition
Waste	Any substance or object that the holder or the possessor either discards or intends or is required to discard.
Waste arisings	This is the amount of waste produced in a given area during a given period of time, usually reported as tonnes per annum (tpa).
Waste Framework Directive (WFD)	An EU Directive which provides the overarching legislative framework for the collection, transport, recovery and disposal of waste. It defines certain terms, such as 'waste', 'recovery' and 'disposal' to ensure that a uniform approach is taken across the EU.
Waste hierarchy	A concept devised by the Waste Framework Directive (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery and disposal (least preferred).
Waste Management Industry	This comprises businesses and not-for-profit organisations carrying out the collection, treatment and disposal of waste.
Waste Planning Authority (WPA)	The local authority responsible for waste development planning and control. These are unitary authorities, including National Park Authorities, and county councils in non-unitary areas.
Waste streams	Waste produced by different sectors and with different composition such as 'commercial and industrial' or 'hazardous'.
Waste Transfer	Process where waste is taken from waste producers, and taken for treatment, recycling and/or disposal.
Waste Transfer Station (WTS)	Part of waste transfer network which enables materials to be sorted and organised before being sent on for final processing.

Appendix 5
Statement of Common Ground between Waste Planning
Authority members of the South East Waste Planning Advisory
Group Concerning Strategic Policies for Waste Management

September 2021

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1.0 Introduction and Parties involved

1.1 National policy¹ states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* and *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 National policy² expects that Local Plans will include ‘non-strategic’ and ‘strategic’ policies, and explains that strategic policies should.....*“set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:.....infrastructure”* and this includes *“for.....waste management”*.

1.3 National policy³ states: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.”*

1.4 The management of waste has no regard to administrative boundaries, with waste arising in one authority’s area frequently being managed in another. Furthermore, in order to secure economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. This is recognised in the current⁴ National Planning Policy for Waste that expects waste planning authorities to: *“plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;”*. For these reasons the management of waste is a cross boundary strategic matter, the planning for which requires co-operation between waste planning authorities.

1.5 This document represents a **Statement of Common Ground between Waste Planning Authorities in the South East (SCG)** concerning the strategic matter of planning for the management of waste. The waste planning authorities in the south east have responsibility for planning for the future management of waste in their areas by including relevant strategic policies in their Local Plans.

1.6 The waste planning authorities in the south east (‘the Parties’) are as follows:

- Bracknell Forest Council
- Brighton & Hove City Council
- Buckinghamshire Council
- East Sussex County Council
- Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)
- Isle of Wight Council

¹ Paragraph 24 and 25 of the National Planning Policy Framework February 2019

² Paragraph 20 of the National Planning Policy Framework February 2019

³ Paragraph 27 of the National Planning Policy Framework February 2019

⁴ The version of National Planning Policy for Waste referred to in this document was published on 16 October 2014: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

- Kent County Council
- Medway Council
- Milton Keynes Council
- Oxfordshire County Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire Council
- West Sussex County Council
- Wokingham Borough Council

1.7 This SCG has the following broad aims:

- To ensure that planned provision for waste management in the South East of England is co-ordinated, as far as is possible, whilst recognising that provision by waste industry is based on commercial considerations;
- to ensure that the approach to waste planning throughout the South East is consistent between authorities;
- to help ensure that sufficient waste management capacity is planned for within each authority area which in turn will lead to regional net self sufficiency; and,
- to provide evidence of co-operation that has occurred, and is occurring, between the south east Waste Planning Authorities (WPAs) which helps underpin the preparation of their waste planning policies

1.8 The SCG sets out matters of agreement, reflecting the spirit of co-operation between the Parties. It is, however, not intended to be legally binding or to create legal rights.

1.9 This SCG replaces the 'Memorandum of Understanding between the Waste Planning Authorities of the South East of England, April 2017'.

2.0 Strategic Matters and Areas of Agreement

Net self-sufficiency

2.1 **The Parties agree** that they will plan for net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. For the avoidance of doubt, **the Parties agree** that they will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other waste local plan area which are basing their waste policies on achieving the principle of net self-sufficiency.

2.2 **The Parties accept** that when using this principle to test policy, it may not be possible to meet this requirement for all waste streams, particularly where a specialist facility is required to manage specialist waste streams such as hazardous waste.

2.3 **The Parties agree** that they will therefore prepare plans which provide for the development of facilities that will manage waste produced within, and beyond, their areas based on net self-sufficiency and in accordance with the waste hierarchy.

2.4 **The Parties recognise that** there may be cases where, despite assessing reasonable options, some waste will not be planned to be managed within a waste plan area because of difficulty in delivering sufficient recovery⁵ or disposal capacity (E.g. Due to certain designations e.g. Green Belt, AoNB, National Park (see sections below)). **The Parties agree** that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

2.5 **The Parties note** that, despite assessing reasonable options, there may be some kinds of waste requiring specialist treatment that cannot be managed within their own plan area, either in the short term or within the relevant plan period. These may include hazardous wastes and radioactive wastes. Where provision for the management of these wastes will be planned for in a different waste planning authority area, this will need to be considered between the relevant authorities. **The Parties agree** that provision for some kinds of wastes, including hazardous and radioactive waste, from other authority areas may be included in a waste local plan but that any provision for facilities to accommodate this waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

Supporting information:

2.6 *Net self-sufficiency is a principle generally applied to waste planning that means an authority will plan for waste management facilities with sufficient capacity to manage an amount of waste that is equivalent to the amount predicted to arise within its area (irrespective of imports and exports). This helps ensure that sufficient waste management capacity is provided consistent with National Planning Policy for Waste⁶.*

2.7 *The approach of net self-sufficiency in the south east was originally set out in the South East Plan and was subsequently included in the Memorandum of Understanding⁷ between the WPAs in the South East. Therefore, all WPAs in the south east have calculated waste management requirements that need to be planned for in their areas on this basis. Examination of such plans has found that this is a sound basis on which to plan for future waste management requirements.*

⁵ 'Recovery' includes recycling.

⁶ Paragraph 3 of NPPW includes: "Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet **the identified needs of their area** for the management of waste streams."

⁷ Memorandum of Understanding between the Waste Planning Authorities of the South East of England, April 2017

Movements of waste between authorities

2.8 **The Parties recognise** that the application of net self-sufficiency in local plans does not mean that an exact equivalent amount of waste, of the same type, will be transported between areas. It is possible that particular conditions exist which mean more waste is transported to one authority than another. However net self-sufficiency means that such a situation would, in principle, be broadly balanced by movements between other authorities.

2.9 **The Parties recognise** that for a majority of existing waste management facilities, there are no restrictions on the handling of waste that has arisen outside their authority area. In order to avoid impediments to the normal functioning of the waste management market, **the Parties agree** that they will seek to avoid preparing planning policy that might hinder the movement of waste between areas (e.g. through the use of 'catchment' conditions) while recognising the proximity principle expectation that waste will be managed at the nearest appropriate facility.

2.10 Notwithstanding, the agreement in paragraph 2.4, **the Parties agree** that they can rely on ongoing movements of waste to other areas provided there are no conditions related to the planning permission for any particular site which might hinder the receipt of waste from other areas.

2.11 Where movements of waste between areas are taking place which are of such a size and nature that separate provision would need to be planned for if they were to cease, **the Parties agree** that there will be a need for dialogue between areas to establish the existence of any planning matter which might hinder such an arrangement in future. Such waste movements are considered to be 'strategic'. **The Parties agree** that what constitutes a 'strategic' level of waste movements will vary between authorities, however the levels set out below provide a starting point for considering whether dialogue is required:

- Non-hazardous waste – 5,000 tonnes per annum
- Hazardous waste 100t per annum
- Inert waste - 10,000t inert per annum

2.12 **The Parties agree** that agreement on ongoing waste movements between authorities may be achieved by an exchange of letters and that a separate SCG may not be required.

2.13 **The Parties agree** that when any WPA is updating waste planning policy that might affect the ongoing import of waste from another area that is considered to be 'strategic' in nature, it will notify the affected authority at related stages of consultation.

2.14 Regardless of the need for specific dialogue between individual authorities on strategic matters, **the Parties agree** that they will notify all other waste planning authorities at those stages of plan-making which involve publication of draft approaches and plans.

2.15 Although the Parties agree to the principle of net self-sufficiency, **the Parties also recognise** that particular constraints within a WPA area may mean that planning to achieve net self-sufficiency would not be consistent with the principles of sustainable development as set out in the NPPF and NPPW. **The Parties agree** that any WPA which seeks the management of waste on the basis of net export would need to provide robust evidence that clearly demonstrated that plans to meet needs within its area would not be consistent with the NPPF and NPPW.

2.16 **The Parties agree** that they will work together in the consideration of how to plan for the implications arising from the management of waste from London and any other authority areas that are not party to this SCG.

Permanent deposit of inert excavation waste

2.17 **The Parties agree** that the use of inert excavation waste arising in London is not discouraged. Indeed, the achievement of timely restoration of mineral workings is important and the availability of appropriate material, which may not be produced in sufficient quantities locally, is key to this. **The Parties agree** that available inert waste voidspace in the south east should continue to be monitored and will be taken into account when preparing related planning policy.

2.18 **The Parties recognise** that individual SCGs may be also be prepared between individual WPAs where particular movements of waste requiring permanent deposit of inert excavation waste in a recovery or disposal operation exist which require specific recognition. This is likely to be the case between London Authorities and authorities in the South East in recognition of the unique waste needs of London⁸.

2.19 **The Parties agree** that while not all inert excavation waste can be recycled, close to 100% can be put to some beneficial use and this should be the starting point when setting targets in plans.

Supporting information

2.20 *The permanent deposit of inert excavation waste on land may be beneficial and so can be classed as 'recovery' rather than 'disposal', for example, the restoration of mineral voids where it meets the criteria for being classed as recovery⁹.*

2.21 *Although inert excavation waste is not included in the London Plan target for net self-sufficiency, there is a target of 95% beneficial use¹⁰ of excavation waste (Policy SI7 4c) which applies to exports. There are severe constraints on the ability of producers of inert excavation waste in London to manage this waste within London and export of such waste for management within the south east will continue for the foreseeable future. However, inert excavation waste arising in London can be used to restore mineral workings in the south east.*

Safeguarding

2.22 **The Parties agree** to safeguard waste management capacity in their own areas through robust policies in their respective development plans on waste management. **The Parties agree** that this means their Plans will include a presumption against granting permission for other forms of development which could result in reductions in physical or operational capacity (either by reductions in numbers and size of sites or by reduction in site throughput or restrictions on operation).

⁸ National Planning Practice Guidance for Waste Paragraph: 043

⁹ See the SEWPAG Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England, which recognises that inert excavation waste is often not easily recycled but lends itself to beneficial uses.

¹⁰ The London Plan also provides a definition of 'beneficial use'.

The Parties agree that, when preparing local plans, where development is proposed that would result in a reduction in capacity, the need for that capacity in meeting the needs of other local plan areas will be taken into account.

2.23 **The Parties agree** that it may be appropriate to allow the development of land that is permitted or allocated for waste management for a non-waste use where ongoing management of waste in that location would not be consistent with the principles of sustainable development as set out in the NPPF and NPPW.

Green Belt

2.24 Whilst it is recognised that waste management constitutes inappropriate development in the Green Belt, **the Parties agree** that the inability of the waste to be practically managed in other locations outside of the Green Belt, including those outside of the WPA area, may be one factor that would go toward comprising very special circumstances.

Supporting information

2.25 *As waste management is considered inappropriate development within Green Belt, the opportunities for developing waste facilities consistent with national policy in several WPA areas in the south east are reduced (as illustrated on Figure 1). Proposals will only be considered acceptable if ‘very special circumstances’ are shown to exist, which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm, such as the preservation of openness of Green Belt designated land¹¹.*

Areas of Outstanding Natural Beauty

2.26 **The Parties agree** that the presence of AONBs within the areas of the parties to this SCG is a constraint for the management of waste. **The Parties agree** that any proposal (including allocations in Plans) within an AONB would be considered against the existing development plan, national policy and guidance. **The Parties agree that** smaller scale waste development may be suitable in an AONB, in particular where it requires a countryside location or would serve a specific local need.

Supporting information

2.27 *An Area of Outstanding Natural Beauty (AONB) is land protected by the Countryside and Rights of Way Act 2000. As shown on Figure 1 the south east includes several Areas of Outstanding Natural Beauty. The Countryside and Rights of Way Act (2000) sets out that local authorities must ensure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of AONBs. The development of major waste management facilities within AONBs is not encouraged by existing policy. Footnote 55 of the NPPF (2019) states that the question of whether a development proposal is ‘major’ in an AONB is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*

¹¹ See paragraphs 143 and 144 of the NPPF

National Parks

2.28 **The Parties agree that** smaller scale waste development may be suitable in a National Park, in particular where it requires a countryside location or would serve a specific local need. **The Parties agree that** any proposal (including allocations in Plans) would be considered against the existing development plan, national policy and guidance.

Supporting information

2.29 *National Parks are designated through the National Parks and Access to the Countryside Act 1949. The South Downs National Park and New Forest National Park are both situated within the south east as shown in Figure 1. The development of major waste management facilities within National Parks is not encouraged by existing policy¹². Footnote 55 of the NPPF (2019) states that the question of whether a development proposal is ‘major’ in a national park is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

Non-Hazardous Waste Landfill

2.30 **The Parties agree that** despite the management of waste at higher levels of the waste hierarchy (in accordance with NPPW) there will continue to be a need for some landfill capacity to deal with waste in the South East and that this matter will therefore need to be addressed in their Local Plans.

2.31 When planning for non-hazardous landfill, **the Parties agree that** such facilities are regional in nature and will therefore receive waste from beyond the area within which they are located. **The Parties agree that** they will therefore consider the ability of their own area to accommodate new non-hazardous landfill capacity as well as the ability of other areas to meet their own needs over the period being planned for (in line with the agreement in paragraph 2.4).

2.32 **The Parties agree that** the assessment of need for any new¹³ non-hazardous landfill will also consider impacts associated with vehicle movements of waste across the South East.

Supporting information

2.33 *The SEWPAG Joint Position Statement on Non Hazardous Landfill (and subsequent SEWPAG Annual Monitoring Reports) recognise that there is a declining amount of non-inert landfill capacity in the south east.*

¹² See paragraph 172 of the NPPF

¹³ This includes extensions to existing sites

General

2.33 **The Parties agree** that the greatest challenge to be addressed is to implement the waste hierarchy and promote the circular economy by enabling better, more sustainable, ways of dealing with waste and to reduce the current dependence on landfill.

2.34 **The Parties agree** to continue to positively plan to meet any shortfalls in waste management capacity in their areas and to enable the delivery of new facilities. This includes making appropriate provision in their local plans, including, as required, the allocation of sites for new recycling and other recovery facilities.

2.35 **The Parties recognise** that private sector businesses (and, therefore, commercial considerations) will determine whether new merchant waste management facilities will be built and what types of technology will be used.

2.36 **The Parties agree** that they will seek to ensure that the matters in this SCG are reflected in the waste local plans that they prepare (including, in the case of unitary authorities, any local plans that include waste policies); this includes the allocation of sites.

3.0 Signatories

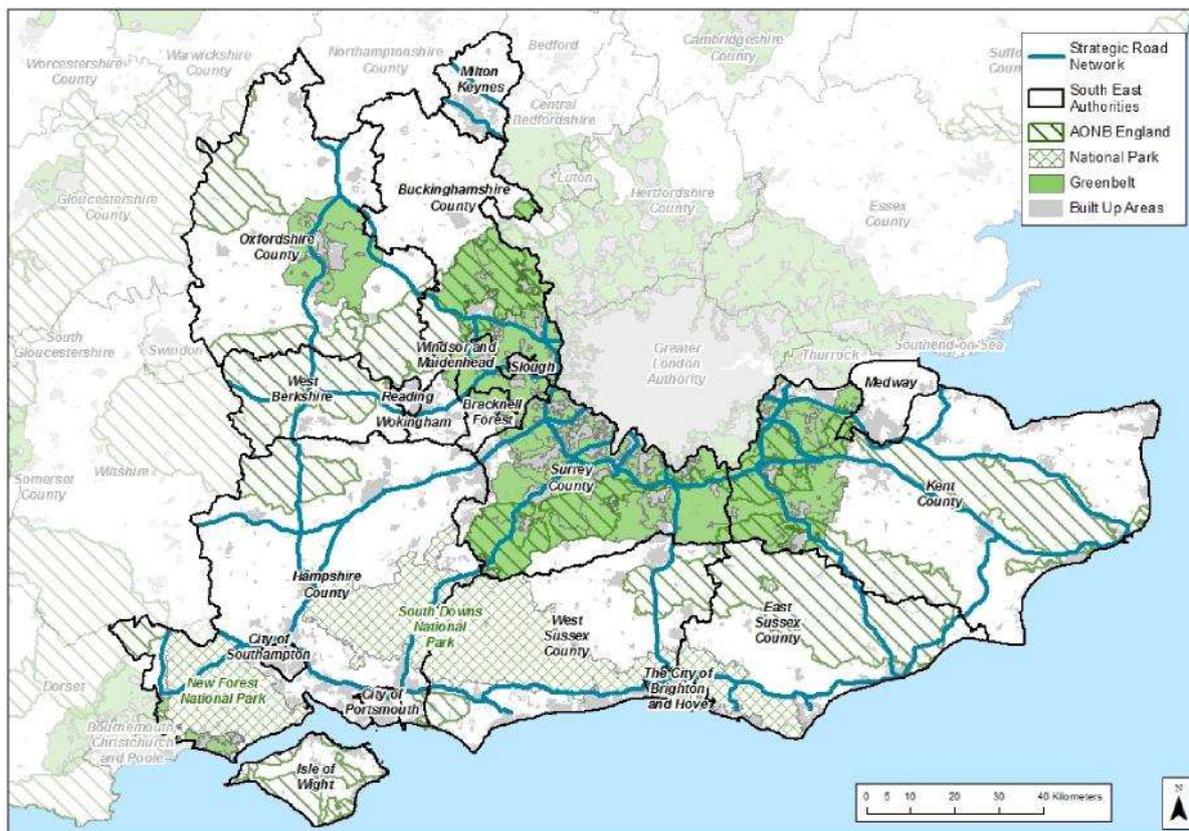
3.1 This statement is agreed by the waste planning authorities listed above. A separate document is maintained on the SEWPAG area of the Local Government Association Knowledgehub website¹⁴ showing details of signatories. The template for this document is included at Appendix 1.

¹⁴ <https://khub.net/group/southeastwasteplanningadvisorygroupsewpag>

4.0 Strategic Geography

4.1 The location of each of the south east WPAs is shown in Figure 1 below.

Figure 1: Location of south east Waste Planning Authorities



4.2 There are good road and rail connections between the WPAs in the south east, including the M25, M2, M3, M4, M26, M23 and M20, which facilitate the movement of waste between authorities. Other key spatial issues were identified in the revoked South East Plan (2009) which are still relevant as follows:

- The extent of protective designations including Green Belt, Areas of Outstanding Natural Beauty and National Parks;
- unprecedented population growth;
- potential for significant economic growth;
- pressures on social and physical infrastructure;
- the need to stabilise the region’s ecological footprint;
- declining household size;
- demand for housing;
- increasing development pressure on land; and
- the effects of climate change.

5.0 Additional Strategic Matters

5.1 The Parties to this SCG are also party to the following Joint Position Statements:

- Non-hazardous landfill in the South East of England
- Permanent Deposit of Inert Waste to Land in the South East of England

6.0 Cooperation Activities

6.1 Activities undertaken when in the process of addressing the strategic cross-boundary matter of waste management, whilst cooperating, are summarised as follows:

- Input to draft proposals for planning policy concerning waste management in each others' areas as appropriate;
- membership of the South East Waste Planning Advisory Group and signatories to related joint position statements and Annual Monitoring Reports;
- ad-hoc exchange of information (via correspondence and meetings) related to the monitoring of waste movements and management capacity;
- Undertaking a co-ordinated annual survey across the region of waste management capacity; and,
- preparation of bespoke Statements of Common Ground between individual authorities on specific matters affecting those authorities.

6.2 More generally, the Parties will continue to share knowledge and information relevant to strategic cross-boundary issues relating to waste planning.

6.3 The Parties recognise that there will not always be full agreement with respect to all of the issues on which they have a duty to cooperate. For the avoidance of doubt, this SCG shall not fetter the discretion of any of the Parties in relation to any of its statutory powers and duties, and is not intended to be legally binding.

7.0 Governance and Future Arrangements

7.1 The Parties to this Statement have worked together in an ongoing and constructive manner. The Parties will continue to cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning of waste management. Appropriate officers of each Party to this Statement will liaise formally through correspondence and meetings (usually four times a year) of SEWPAG.

7.2 The Parties will review this SCG at least every 12 months and establish whether this SCG requires updating. Specific matters likely to prompt updates of this SCG include the following:

- Changes to waste management capacity and patterns of waste arising within the south east
- Evidence which shows significant changes in the level of waste movements between the authorities within and beyond the south east.

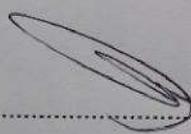
Appendix 1 – Template for Details of Signatories

Bracknell Forest Council

Bracknell Forest Council

Name of Signatory *Alan Lewis Turner*

Position *Executive member for Planning and Transport*

Signature 

Date..... *19.5.20*

Brighton & Hove City Council

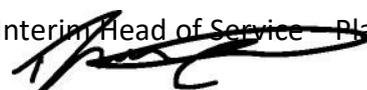
Name of Signatory: Max Woodford.....

Position: Assistant Director - City Development and Regeneration

Signature: M Woodford Date: 07.04.20

Buckinghamshire Council

Name of Signatory ...Darran Eggleton.....

Position ...... Interim Head of Service – Planning Policy and Compliance.....

Signature Date...20/08/20.....

East Sussex County Council

Name of Signatory: Edward Sheath

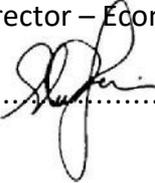
Position: Head of Planning and Environment.....

Signature: E Sheath Date: 30.04.20

Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)

Name of Signatory Stuart Jarvis

Position Director – Economy, Transport and Environment

Signature.....  Date 26/07/2021

Isle of Wight Council

Name of Signatory ..Ollie Boulter.....

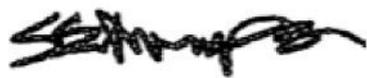
Position ..Strategic Manager for Planning & Infrastructure Delivery.....

Signature ..  Date 14 August 2020.....

Kent County Council

Name of Signatory Sharon Thompson

Position Head of Planning Applications

Signature ..  Date 27th April 2020

Medway Council

Name of Signatory ..E. J. CHITTY.....

Position ..Portfolio Holder.....

Signature .. 

Date 27th July 2020

Milton Keynes Council

Name of Signatory.....

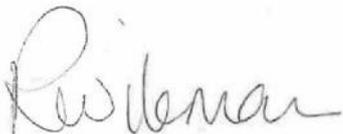
Position

Signature Date

Oxfordshire County Council

Name of Signatory..... Rachel Wileman

Position Assistant Director Strategic Infrastructure and Planning

Signature 

Date.....14th December 2020

Reading Borough Council

Name of Signatory – Councillor Tony Page

Position - Lead Councillor for Strategic Environment, Planning and Transport

Signature -  Date - 17/08/21

Royal Borough of Windsor and Maidenhead

Name of Signatory – Cllr Coppinger

Position – Lead Member

Signature - Date – 31/08/21

Slough Borough Council

Name of Signatory.....

Position

Signature Date

South Downs National Park Authority

Name of Signatory.....

Position

Signature Date

Surrey County Council

Name of Signatory Clr Natalie Bramhall

Position Cabinet Member for Environment & Climate Change

Signature Natalie J. Bramhall Date 29/07/2020

West Berkshire Council

Name of Signatory.....

Position

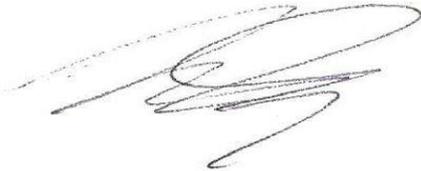
Signature Date

West Sussex County Council

Name of Signatory: Mike Elkington

Position: Head of Planning Services

Signature:



Date: 31 March 2020

Wokingham Borough Council

Name of Signatory - Chris Traill

Position – Director, Place and Growth

Signature Date – 30/07/20

Appendix 6

List of Duty to Cooperate requests

Hampshire Authority Duty to Cooperate requests		
MWPA	Dates	
	Mineral DtC Letter sent on 27 October 2021	Waste DtC letter sent on 09 August 2019
Aberdeen City Council		Yes
Barking and Dagenham London Borough Council		Yes
Bath and North East Somerset Council		Yes
Bedford Borough Council	Yes	
Bexley London Borough Council		Yes
Birmingham City Council		Yes
Blackburn with Darwen Council	Yes	
Blackpool Council	Yes	
Bournemouth Christchurch and Poole Planning		Yes
Bracknell Forest Council		Yes
Bridgend County Borough Council		Yes
Brighton and Hove Council	Yes	Yes
Bristol City Council		Yes
Bromley London Borough Council		Yes
Buckinghamshire Council		Yes
Calderdale Council		Yes
Cambridgeshire County Council		Yes
Cardiff Council		Yes
Cheshire East Council		Yes
Cheshire West and Chester Council		Yes
Conway County Council	Yes	
Cornwall Council	Yes	
Cumbria County Council		Yes
Darlington Borough Council		Yes
Derbyshire County Council		Yes
Devon County Council		Yes
Doncaster Council		Yes
Dorset Council	Yes	Yes
Dudley Council		Yes
East Sussex County Council		Yes
Essex County Council		Yes
Falkirk Council		Yes
Gloucestershire County Council		Yes
Hammersmith and Fulham Council		Yes
Hartlepool Borough Council		Yes

Havering London Borough		Yes
Hertfordshire County Council		Yes
Hillingdon Council		Yes
Hounslow London Borough		Yes
Isle of Wight Council	Yes	Yes
Kent County Council		Yes
Hull City Council		Yes
Kirklees Council		Yes
Knowsley Council		Yes
Lancashire County Council	Yes	Yes
Leeds City Council		Yes
Leicestershire County Council		Yes
Lincolnshire County Council		Yes
Liverpool City Council		Yes
Medway Council		Yes
Milton Keynes Council		Yes
Newham Council		Yes
Newport City Council		Yes
Norfolk County Council		Yes
North Lincolnshire Council		Yes
North Somerset Council	Yes	
North Tyneside Council		Yes
North Yorkshire County Council		Yes
Northamptonshire County Council		Yes
Northumberland County Council		Yes
Nottingham City Council		Yes
Nottinghamshire County Council		Yes
Oxfordshire County Council	Yes	Yes
Pembrokeshire County Council		Yes
Peterborough City Council		Yes
Plymouth City Council	Yes	Yes
Powys County Council	Yes	
The Royal Borough of Windsor and Maidenhead		Yes
Reading Borough Council		Yes
Redcar and Cleveland Council		Yes
Renfrewshire Council		Yes
Rotherham Metropolitan Borough Council		Yes
Salford City Council		Yes
Sandwell Council		Yes
Sefton Council		Yes
Sheffield City Council		Yes
Slough Borough Council		Yes
South Gloucestershire Council		Yes
Somerset County Council	Yes	Yes
Staffordshire County Council		Yes
Stirling Council		Yes

Stockton on Tees Borough Council		Yes
Stoke on Trent City Council		Yes
Suffolk County Council		Yes
Sunderland City Council		Yes
Surrey County Council	Yes	Yes
Sutton Council		Yes
Swansea Council		Yes
Swindon Borough Council		Yes
Telford and Wrekin Council		Yes
Wakefield Council		Yes
Walsall Council		Yes
Wandsworth Council		Yes
Warwickshire County Council		Yes
West Berkshire Council		Yes
West Sussex County Council	Yes	Yes
Wiltshire Council	Yes	Yes
Wokingham Borough Council		Yes
Worcestershire County Council		Yes
Warwickshire County Council		Yes

* Buckinghamshire Council formed 1 April 2020, previous to this date, the authority was known as Buckinghamshire County Council

** Dorset Council formed 1 April 2019, previous to this date, the authority was known as Dorset County Council

Appendix 7

Other Duty to Cooperate and consultation responses

Hampshire Authority Duty to Cooperate and consultation responses (to date)	
Duty to Cooperate responses	
Authority (responding to)	Date response sent
Hertfordshire County Council	08/01/2020
Hertfordshire County Council	08/01/2020
Buckinghamshire Council	20/02/2020
Northamptonshire County Council	19/08/2020
Medway Council	18/05/2021
South Yorkshire Waste Planning Authorities	13/10/2021
Surrey County Council	01/04/2022
Hertfordshire County Council	22/03/2022
Consultation responses	
Authority (responding to)	Date response sent

Appendix 8

Duty to Cooperate Meeting Minutes – Isle of Wight Council

Hampshire County Council and Isle of Wight Council DtC Meeting – 12/11/2021

Attendees – Chris Mills (CM) (IoW), James Brewer (JB) (IoW), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

Plan updates

CM thanked HCC for the DtC letter dated 27th October. CM queried the mineral movement figures within the letter, of Crushed Rock and Sand and Gravel. CM is not sure if these imports are actually happening. CM suggests dealing with this after the meeting, SC agrees.

IT asked the IoW team to outline the current IoW Plan situation. JB outlined that the IoW Local Plan went out to Reg 18 consultation in Summer 2021, Reg 19 is expected to be in Spring 2022 but likely to be delayed to April. Then submission will likely be Summer 2022.

JB continued that the IoW Minerals and Waste Plan preparation likely to begin towards the end of Summer 2022.

IT outlined that HCC has been working with the Central and Eastern Berkshire Authorities (CEB) with their Joint Minerals and Waste Plan. The CEB Plan was submitted and public hearings were held in Sept and Oct 2021. Aiming for Modifications consultation soon on Plan.

IT continued that the Hampshire Minerals and Waste Plan (HMWP) was reviewed in 2018 and then again in 2020, which concluded that parts of the Plan would benefit from being updated. HCC would like to keep the update fairly limited and a Plan programme is now in place for the partial update.

Call for Sites was extended, to avoid the need for multiple calls and sites are still being processed. HCC is currently hoping to go for Reg 18 consultation Summer 2022. HCC is aiming for just one Reg 18 consultation because it's only a partial update. Hoping to get some input from DtC for the draft plan.

DM policies

IT outlined the changes to the HMWP DM policies, highlighting that the climate change policy was not being implemented well, this is being strengthened and will require a Climate Change assessment, including carbon emissions data.

The biodiversity policy will also be strengthened, and will require demonstrable biodiversity gains.

A new policy is being considered surrounding water quality, which will look to include river quality and nutrient neutrality.

Minerals policies

SC outlined that the HMWP apportionment figures have struggled to be met during the Plan period. Therefore, the update is looking to reduce the supply requirements in line with sales and forecasts which should help improve the landbank. HCC are aware that there is uncertainty in the industry at the moment, however, HCC has a figure they are confident in. HCC are also considering having a fallback position which uses the LAA figure. This would be used until the Plan figure could be reassessed in the event of not reaching it.

SC stated that an application for the Purple Haze site allocation has come in, this has not yet been decided and may require further information.

Some soft sand sites have come forward in the Call for Sites, one site in the South Downs National Park but could be more silica sand than soft sand. HCC has been hopeful of offering surplus soft sand to neighbouring areas but currently this is unlikely. HCC is building in the unplanned opportunities (windfall sites) into their mineral calculations based on past evidence.

HCC Wharves and Depots Needs Assessment work is ongoing, struggling to contact some key operators. The main point is that capacity is reducing. Marchwood military port has recently been taken over and development plans show marine aggregate uses, although there is no capacity data at this early stage. Southampton Port Masterplan is still in draft. As such, the land at Dibden Bay may come forward but no timeline is available. Overall, the Plan will be looking at setting realistic context and highlighting that HMWP Area needs more capacity.

Chalk – no changes to report

Clay – Existing HMWP allocation for Michelmersh has been permitted. Selborne extension has not come forward and the site brickworks continues to be non-operational.

IT asked whether loW see any future issues with supply which would increase the loW reliance on HCC minerals? Windfall opportunities can be up to 250,000 tonnes per annum which will hopefully plug any gaps in the HCC allocations but increase in mineral exports will affect this.

CM added that the BGS 2019 collation data highlighted an issue with double counting. CM outlines that he has evidence of shipments coming from Southampton/Marchwood, although the AWP secretary suggests it should be the final point of sale counting tonnage not the intermediary, so there is some confusion on the tonnages coming in.

CM outlines that loW have 2 aggregate wharves, and their significance has increased over the last few years as currently on the loW the balance of supply is 55 – 75% marine won over last 5 – 10 years. One of the wharves is very shallow and requires a special barge to access, this wharf could be showing some double handling of minerals. The other wharf requires significant investment and in the future this wharf will have serious issues for importation. CM suggests this tonnage is unlikely to be a significant amount to the region, but the loW deep water wharf has limits on size of vessel meaning the future of the site is uncertain. Questions remain over loW vessel capacity and wharf availability. It has been estimated that about 100,000 tonnes will need to come from land-won on the loW, or road transfer. Crushed rock is all imported to the loW.

CM outlines that a large application is expected from Aggregate Industries for an estimated 700,000 – 800,000 tonnes of Sand and Gravel.

Marine access and import issue is the big point to raise. When Plan preparation begins further conversations will be needed. Wharf operator/owner investment in the wharves is under question.

CM acknowledges the comments on the HCC Update apportionment figure which he finds very interesting, adding that the loW was unable to hit apportionment until recent years. loW exceeded figures for the last 3 years. The last loW MWLP was combined with the Local Plan, some mineral site allocations were large and unlikely to come forward. Allocations were too large and their landbank tonnages within the calculations have caused a skew in the landbank, meaning that now the loW is well below the statutory requirements.

CM outlined that Waste on the loW has been a struggle. There is a lack of internal information sharing and Waste Management do not get involved in Planning.

Positive movements towards monitoring waste driven by SEWPAG. IoW lacks the expertise to assess the Waste situation, meaning there is potential in the future to collaborate on the waste situation. Internal conversations have pointed towards asking for a collaboration with HCC.

IT suggests HCC would be interested in helping and that Melissa Spriggs is the key contact.

CM outlines that IoW is an exporter of waste due to its size and population. Unfortunately, CM does not currently have information about waste streams to new facilities or the feedstock used in the new EfW facility.

Waste

IT outlines that current HMWP allocations do not include waste, as HCC had lots of small waste sites coming forward which did not require allocations. HCC had also taken the approach that they did not want to be too prescriptive on sites.

The HMWP Update Call for Sites had a few strategic site proposals which may be allocated, but the locational policies will remain to guide new sites.

IT explained that questions still exist about how to determine how much recovery and recycling capacity should come forward. Waste arisings scenarios have been tricky and discussed at SEWPAG. SEWPAG discussion to be programmed in for other authorities to contribute. Scenarios at the moment look like low, medium and high arisings with a range of recycling percentages, then the middle one will be picked as a most realistic option. The implementation of these figures may be hard to achieve but the locational policies will be a more significant tool.

IT stressed that the key point is that the update will hopefully push recycling over recovery capacity. HCC are hoping to strengthen waste hierarchy provisions, including requirements for a waste hierarchy assessment in new site assessments.

There are questions about the overlaps with the EA remit.

IT added that the Alton EfW will cause waste data to be challenged, this is fully expected.

IT suggests WasteDataFlow data could be gained for the IoW. WDI is also generally available, though MSW data is not completely compatible because the WDI groups Household, Commercial & Industrial figures but this can still be useful.

CM asks Ilina regarding growth rates for waste. Is HCC looking at ONS growth? IT suggested attending the SEWPAG meeting on growth rate estimates and stated that any methodology will be shared with SEWPAG.

IT outlined that she used a number of different methods including ONS data, 5 – 10 year averages and DEFRA data. The method involved listed the percentage growth rates and looked for the middle value. Hazardous waste showed a worryingly high growth rate which did not particularly make it with other waste trends.

IT added that waste growth was a question that the inspectors raised for the CEB examinations.

CM added that the IoW faces uncertainty surrounding waste infrastructure which will need to be paid for by developer contributions from housing growth.

IT suggests that the link to ONS data is not clear-cut as in the HCC area, MSW tonnages are dropping year on year despite the increase in housing.

IT asked if CM or JB believe a SoCG is required? CM added that IoW wants to support HCC, however there are potential issues for future thought and if these issues arise CM is happy to update HCC and continue the discussion.

JB thinks if there is a separate SoCG, it would need to consider that, as an island, the IoW are slightly different to other authorities and have different needs in terms of waste and mineral movements. More a recognition of the island status and different

situation to other authorities. This would be a consistent position with other IoW Plans.

Appendix 9

Duty to Cooperate Meeting Minutes – West Sussex County Council

Hampshire County Council and West Sussex County Council DtC Meeting – 08/11/2021

Attendees – Eleanor Harman (EH) (WSCC), Rupy Sandhu (RS) (WSCC), Ilina Todorovska (IT) (HCC), Melissa Spriggs (MS) (HCC), Andy Denton (HCC)

Notes:

IT thanked all for coming and outlined the process of the meeting.

IT asked West Sussex to give a brief outline of the West Sussex Plans.

RS outlined that West Sussex Joint Minerals Local Plan was adopted in 2018, with the soft sand update adopted in 2021.

- West Sussex are experiencing some landbank and mineral supply issues at the moment, but the fallback is a criteria-based policy if sites come forward.

Two of three soft sand allocations are in the South Downs National Park, if these came forward, they would be required to go through exceptional circumstances, as per Policy M2 of the Plan, and would be decided by the SDNPA.

- West Sussex have a Statement of Common Ground (SoCG) with neighbouring authorities on Wharves.
- West Sussex have sufficient recycled and secondary aggregate capacity and have 3 remaining brickworks with 25 year landbanks. An application is currently in for a clay pit although this is not connected to a brickworks;

RS continued West Sussex Joint Waste Local Plan was adopted in 2014 and reviewed in 2019. This will be reviewed again in 2024.

- Some allocations have come forward and have been permitted, including an incinerator permitted on appeal;
- Another incinerator application has been received on an allocated site at Ford, that is already permitted for some waste uses (MRF & Gasification);
- Waste capacity is good, arisings show slight increase, expecting more C, D&E waste and less C&I.
- RDF to be included in the figures even though it gets exported at this time to Europe and these arisings of RDF still fit within capacity estimates.
- West Sussex have an allocation for non-haz landfill extension, Biffa have brought forward an application for a hydrogen gas site on the landfill extension allocation. Biffa do not think landfill extension will come forward in Plan period. There could therefore be landfill capacity issue in the future, but unsure.

IT thanked for update.

IT outlined that the Hampshire Minerals and Waste Plan (HWMP) was reviewed in 2018, identifying some potential issues and resolved to review again in 2020. Review in 2020 concluded that parts of the Plan would benefit from being updated. Plan programme is now in place to partially update the HMWP. Some policies will be updated to bring them in line with current national guidance.

There has been a long Call for Sites, not multiple. So will all be included in one Reg 18 stage. Sites are still under assessment.

The HMWP Update will include all national updates, which have caused some delays, potentially until Summer 2022 for the draft Plan consultation.

IT stated that ideas on how to proceed were being worked up but would welcome thoughts from WSCC on whether SoCGs are required.

DM policies – strengthened where we could, particularly the climate change policy.

- Hampshire are keen to strengthen the climate change policy by requiring a specific climate change assessment within applications. MS added that carbon reduction figures are to be included in climate change assessments, to try to future proof the policy.
- Biodiversity policy will also be strengthened by incorporating demonstrable biodiversity gains.
- A new policy is being considered to address water quality, impact on sensitive rivers and nutrient neutrality.
- It is likely that the Community Benefits policy is being dropped as it was found not to be enforceable.

IT highlighted that Central & Eastern Berkshire Plan looked to include a site history policy, HMWP is also looking to strengthen this issue and will watch how this progresses in the Berkshire Plan.

Minerals Policies – Hampshire apportionment figures within current HMWP have struggled to be met during Plan period. Therefore, the Update is looking to reduce supply requirements in line with sales and forecasts which should in turn help improve the landbank. HCC are aware that there is uncertainty in the industry at the moment. However, HCC has a figure they are confident in but are also considering having a fallback position which uses the LAA figure. This would be used until the Plan figure could be reassessed in the event of not reaching it.

- MS stated that the Purple Haze allocation – application for soft sand extraction in the New Forest District has come in but is not yet decided and may require further information.

Some soft sand sites have come forward in the Call for Sites, one site in the South Downs National Park but could be more silica sand than soft sand. HCC has been hopeful of offering surplus soft sand to neighbouring areas but currently this is unlikely. HCC is building in the unplanned opportunities (windfall sites) into their mineral calculations.

HCC Wharves and Depots Needs Assessment work is ongoing, struggling to contact some key operators. The main point is that capacity is reducing. Marchwood military port has recently been taken over and development plans show marine aggregate uses, although there is no capacity data at this early stage. HCC are not quite sure what is happening with Southampton Port Masterplan which is still in draft. As such, the land at Dibden Bay may come forward but no timeline is available. Overall, the Plan will be looking at setting realistic context and highlighting that HMWP Area needs more capacity.

Recycled aggregate – Capacity looks ok presently. Policies are in place to encourage sites, but sales are still going down and indications are this is a market issue. Operator survey is being compiled to see whether any Policy changes can help this situation.

Clay – Old HMWP allocation for Michelmersh has been permitted. Selborne extension has not come forward and the site brickworks continues to be non-operational.

Chalk – no changes

RS asked if the update will extend the Plan period? MS answered forecasting to 2050 was too far, so the vision could look to 2050 but Plan is likely to be forecasted to 2040.

RS asked if the old apportionment for minerals were together and are they being split for this update? MS answered that the HMWP does split the figures and the Update will also include 2 figures, one for soft sand and one for Sharp sand and gravel.

RS asked if any wharves came forward in the Call for Sites? MS confirmed that none has been proposed yet.

RS queried wharf capacity figures from operators and added that for the West Sussex Plan, capacity figures were theoretical, based on the area of a site, most operators in the area considered this to be appropriate. RS offered to send this to Hampshire.

EH asked about the HCC aggregate figure and whether this is in the LAA or a new method? MS outlined that it is an existing method, and that HCC are confident due to response received at the SEEAWP meetings.

EH asked about unplanned sites and whether these tonnages were from prior extraction? MS added that some prior extraction opportunities have come forward although this is more about windfall minerals sites that come forward without allocation.

Waste Policies – HMWP preparation had lots of smaller waste sites which did not require allocation. HCC had also taken the approach that they did not want to be too prescriptive on sites. The HMWP Update Call for Sites had a few strategic site proposals which may be allocated, but the locational policies will remain to guide new sites. Other waste policies have been clarified to assist with implementation. Plan monitoring shows HCC is meeting needs but not in recycling apportionment, although it's around the right place. Waste needs have been updated around the Waste Hierarchy implementation and Waste Hierarchy Assessments are being considered as a new requirements for new applications. It is recognised that this creates an issue of Environment Agency overlap but this will assist with decision-making. There is also the potential to have a requirement for Heat production capabilities rather than 'Heat ready'.

IT explained that questions still exist about how to determine how much recovery and recycling capacity should come forward. Waste arisings scenarios have been tricky and discussed at SEWPAG. SEWPAG discussion to be programmed in for other authorities to contribute. Scenarios at the moment look like low, medium and high arisings with a range of recycling percentages, then the middle one will be picked as a most realistic option. The implementation of these figures will be hard to achieve but the locational policies will be a more significant tool.

MS added that IT has been asked to consider the lifespan of the current infrastructure and a potential for a drop in efficiency over time but recognised that this would be difficult to quantify.

RS added that this is an interesting topic of discussion. Fallback position in West Sussex is that if operators can demonstrate a need then they just need to comply with the policies.

RS asked if MSW is being used for the waste scenarios and then allowing industry to do the others? IT outlined that HCC are using non-haz (household, commercial and industrial) as the WDI groups this stream.

IT explained that landfill in Hampshire is a difficult subject. HCC are currently falling below the Plan targets. Landfill allocations have not come forward, so non-haz landfill is an issue in Hampshire. There is a landfill policy in the HMWP with locational criteria but this is determined by operator interest. Less than 10% of non-haz waste is put in landfill currently, and a new policy for the reworking of landfills is being put into HMWP Update.

RS added that West Sussex has a zero waste to landfill position, but it is likely that 3% will always be going to landfill. West Sussex have a landfill allocation but if zero waste going then West Sussex need additional recovery capacity, RS suggests looking at putting this into HMWP Update (reference Table 3 of West Sussex Waste Local Plan) – IT added that landfill requirement is currently proposed in the Update but in recycling and recovery capacity there is an assumption of no landfill.

RS adds that an EfW is currently proposed on the Ford allocation which has an extant permission for gasification and is safeguarded as such. This then becomes a complicated safeguarding issue. If permitted, the EfW would also be safeguarded as a new waste facility. Allocated sites are safeguarded in the WLP from development that would prevent or prejudice their development for the allocated waste use.

RS also added that consideration of Anaerobic Digestion (AD) is tricky. In West Sussex, the inspector determined that AD sites for Farm Waste should not be included in capacity figures. This increases waste capacity shortfalls. West Sussex AMR explains issues.

IT that outlined what was not being looked at for updating – HMWP Plan update will not touch some policies (wastewater, haz waste etc) as it is a partial update not a full Plan update.

IT welcomes comments and ideas. RS added that soft sand SoCG has now gone to Hampshire. Beyond this, RS is unsure if an SoCG is required between WSCC and HCC. MS added that the soft sand issue may need to be regional or 2 sub-regional SoCGs.

EH observed that the last Joint Position Statement was done in 2018 through SEWPAG and that given the situation with regard to non-inert landfill sites in Hampshire and West Sussex and throughout the South East it may be necessary for an update. IT added that this will be after the recycled aggregate work.

Appendix 10

Duty to Cooperate Meeting Minutes – Wiltshire Council

Hampshire County Council and Wiltshire Council DtC Meeting – 18/11/2021

Attendees – Jason Day (JD) (WC), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

Wiltshire Plan

JD outlined that in Wiltshire the separate Minerals and Waste Core Strategy + Development Control Policies documents were adopted in 2009, with site allocations being adopted in 2013. The plan area covers Swindon Borough as well. Wiltshire Council LDS gives commitment to assess whether there is a need to review the plans, but this is not currently underway.

Hampshire Minerals and Waste Plan

IT outlined that the Hampshire Minerals and Waste Plan (HMWP) was adopted in 2013, reviewed in 2018 and again in 2020. The 2020 review found that an update was required.

IT outlined that HCC have worked in collaboration with the Joint Central and Eastern Berkshire (JCEB) Authorities to produce their Minerals and Waste Plan. The JCEB Plan has recently been taken to examination.

IT noted that the HMWP update has gone out for a focussed Call for Site. This included a long window for submitting sites, to avoid the need for multiple Calls. HCC is planning to go out on a single Reg 18 draft plan consultation next summer (2022). HCC are still processing submitted sites, but getting an idea of which sites are available.

IT explains that HCC would like to run through a high level overview of the changes to the HMWP policies coming forward in the partial update and then invite JD to comment.

IT outlined that HCC are not requesting to do bilateral SoCGs but will consider them if requested.

DM policies

IT explained that within the 2020 Review of the HMWP, most Development Management policies came out green (in the traffic light system). However, the Plan Vision is being updated, so some DM policies will also be updated.

IT outlined that the climate change policy was not being well implemented so the update is looking to strengthen it. Including the requirement for the submission of climate change assessments to make sure applicants are considering the effects of development on the climate.

IT continued that the update is also looking to update the Biodiversity policy, with hopes to strengthen requirements surrounding Biodiversity Net Gain.

The update is also hoping to introduce a new Water policy, to look at river catchments and river quality as well as nutrient neutrality.

IT added that updates from the Environment Bill/Act will need to be included.

JD agreed that the changes make sense.

Mineral policies

SC outlined that currently and in recent years the HMWP has struggled to meet the apportionment figures set out for sand and gravel. So, under the review HCC are looking to reduce the figures in line with previous sales figures and LAA rates. HCC have a figure that we are confident in, and have been looking forward and

forecasting using it. HCC understand there is some uncertainty in Industry, but have looked to insert a trigger in the policy, where if sales were higher than the Plan figure HCC would return to a fall back position of the LAA rate until the Plan could be reviewed.

SC added that one soft sand site has come forward, but it is in the SDNP and looking quite constrained. HCC were initially hopeful to offer surplus soft sand to other areas but this is now looking unlikely.

SC added that HCC are building windfall sites into their landbank calculations based on evidence of past contributions.

HCC is currently conducting a wharf study, showing reducing capacity due to shallow wharves upstream closing. A new application has come forward for Marchwood military port, which is proposing an aggregate use on site. There is no operator as of yet. HCC are also unsure of when the Southampton Masterplan will be coming through.

Chalk – no changes

Clay – HCC's old Michelmersh brickworks allocation came forward and was permitted, however, the Selbourne brickworks allocation has not come forward.

JD asked if HCC looks at soft sand and sharp sand separately Wiltshire Council (WC) currently look at these combined, but industry comments suggest now separating these SC outlines that HCC have a plan rate for combined sand and gravel but have had to split them down based on sales figures etc. This is due to sales proportions used in landbank calculations can affect the rate that is produced, so splitting them creates a better landbank picture.

SC continued that where soft sand is constrained, such as within a National Park, we can argue a need for it, but silica sand does not have a national shortage, so the National Parks will not allow silica sand developments.

JD says that is very helpful, SC added that on the silica sand, a discussion is held at AWP as whether this is included in soft sand but it's on the operator to determine what they sell the product as.

JD asked about forecasting, adding that WC have not produced an LAA in a number of years and asks what HCCs sales averages and forecasting looks like. SC outlined that HCC have done a rundown using growth rate forecasting, ONS housing rate growth, and the Bank of England growth rate figure. These have been forecasted over the Plan period and looked at the end figures, then gauged what the most appropriate rate would be. Industry appeared to be happy with the forecasting.

SC added that the last couple of years were a bit different due to the pandemic and the UK leaving the EU. Forecasting was done on more appropriate figures.

Waste policies

IT outlined that the HMWP waste policies are slightly different to the mineral ones, because there were lots of smaller sites which did not need to be allocated in the current Plan, so a locational policy was used. Only landfill was allocated.

The HMWP Update Call for Sites has seen some more strategic sites come forward. The waste industry can be more reactive, HCC may allocate some but will largely stick with the locational policy.

IT added that there is a decreasing provision of landfill in Hampshire, due to allocations not coming forward and other sites closing early. The HMWP has a landfill policy and we will still enable it but no proposals are coming forward. HCC is involved with SEWPAG to look at the regional nature of landfill. SoCG in place outlining the regional requirements.

IT explained that other waste arisings and capacity methodologies are currently in the works with SEWPAG to have a regional agreement.

IT added that HCC is looking carefully at waste growth. There is not much information on predicting waste and HCC are hoping to have a regional meeting on this. The approach HCC is taking, looks at all waste growth ranges and picking the middle figure. HCC are looking at the arisings growth rates and the potential future recycling rates and then picking the middle figure. This sets out a range of figures, HCC is less certain on waste data than minerals.

IT outlines that the current HMWP has been struggling with waste hierarchy provisions, it has been hard to implement due to a crossover with the EA. Industry argue that there are double requirements. HCC are looking to include waste hierarchy assessment requirements in the update so that sites will consider this.

HCC is also looking to require heat output in new facilities and will look to push recycling over recovery.

JD outlines the waste growth issue is on the table at the SWTAB, and agrees that a range of figures might be the best approach. JD has not come across the industry push back on the Waste Hierarchy. WC are having issues with what matters should be subject to planning conditions or covered by EA permits. WC allocations had 32 sites but only 2 have come forward, there is an identified need to look into why this is.

JD added that WC has a couple of landfills that are coming under pressure from further afield and it is uncertain what will happen when they come to the end of their lifespan.

IT added that some interest in gasification came forward in the current HMWP but they were not developed. Some recycling facilities died out because they were not viable. Might need to wait for government policy to push recycling for these to come back. There are volatile market forces in recycling material markets, and operators are often more focussed on the here and now.

IT outlined that there are a number of HMWP policies not being updated. Haz waste is not being updated, but HCC will wait and see if any comments come forward surrounding this.

IT asks if there are any issues or if WC would need a SoCG.

JD referred to DtC letter received from HCC which indicated mineral movements between 1-10% from Wiltshire go to Hampshire, which not considered significant. On waste, inert material coming in from Hampshire to Wiltshire for quarry restorations. Overall, movements don't appear to be strategic. Doesn't look to be a need for a SoCG.

JD added that the hazardous landfill site in WC is the interesting one as it doesn't have too many years left, and situation will need to be monitored going forward.

IT thanked JD for his input.

Appendix 11

Duty to Cooperate Meeting Minutes – Somerset County Council

Hampshire County Council and Somerset County Council DtC Meeting – 25/05/2022
Attendees – Andrew Gunn (AG) (SCC), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

Plan updates

AG outlined that Somerset has been approved to become a Unitary Authority. Decisions are ongoing whether to produce a separate Minerals and Waste Plan or roll it into the Local Plan. Operators in Somerset have expressed their desire to get a standalone Minerals and Waste Plan.

AG confirmed that Somerset is the largest producer of crushed rock. Recent changes in the Council's political control will bring in potential changes to how Minerals and Waste are prioritised. Somerset's Chief Executive is leaving with an open call for the position ongoing.

IT explained that the Hampshire Minerals and Waste Plan (HMWP) was adopted in 2013, with a review in 2018. This review resolved to review again in 2 years and the 2020 review concluded that a partial update to the HMWP was required.

IT continued that the update is ongoing, it was planned to be light touch but having got into it, the evidence is having to be fully refreshed. The update has been delayed a little bit due to government legislation and some large applications. HCC are looking to send a draft Plan to Council in the Autumn. IT added that the HMWP covers the New Forest National Park, some of the South Downs National Park (SDNPA) as well as Southampton and Portsmouth City Councils.

IT confirmed that HCC are only planning to do one Reg 18 consultation as it is only an update.

DM policies

IT outlined the changes to the HMWP DM policies, highlighting that the climate change policy was not being implemented well, this is being strengthened

The biodiversity policy will also be strengthened, and will require demonstrable biodiversity gains.

IT added that due to new EA guidance, there will be some updates to the existing flooding policy.

AG asked whether nutrient neutrality is being included? IT is unsure how much nutrient neutrality affects Minerals and Waste sites and confirmed that this is being put in to cover HCC, but the need for it is not yet determined.

AG thinks this issue needs to be a much more strategic consideration, rather than site by site.

Minerals policies

SC outlined that the HMWP apportionment figures have struggled to be met during the Plan period. Therefore, the update is looking to reduce the supply requirements in line with sales and forecasts which should help improve the landbank. HCC are aware that there is uncertainty in the industry at the moment, however, HCC has a figure they are confident in. HCC are also considering having a fallback position which uses the LAA figure. This would be used until the Plan figure could be reassessed in the event of not reaching it.

AG asked how many mineral sites HCC have. SC confirmed there are quite a few, and some more have recently come forward to application. SC confirmed that the HMWP period is looking ok to be covered by sharp sand and gravel.

AG confirmed that SCC do not have any sand and gravel sites and that they have a Statement of Common Ground (SoCG) in place with Devon and Cornwall Councils for this need. There is a current sand and gravel application in at a site straddling the border in an AONB, awaiting decision. AG is hoping to look into this issue in the Plan review.

SC confirmed that soft sand in HCC is usually found within the SDNPA, so is highly constrained.

AG asks if any of these sites are specialist. SC confirms that no silica/soft sand sites are for glass making use and that the SDNPA state that as there is no national need for silica sand they do not support silica sand applications.

SC outlined that HCC has no crushed rock in Hampshire's geology. Historic sales figures suggest 70 – 80% of imports come from the Somerset Area with a small percentage coming from the Midlands. The imports are mainly rail linked, however, the most recent HCC LAA showed a small amount of crushed rock coming through wharves.

AG asked how many rail depots HCC has? SC confirmed Eastleigh, Botley and Fareham rail depots and one in Southampton.

SC stated that HCC is working on the assumption that SCC has a supply of crushed rock and may be able to continue this supply to HCC. Is this the case? AG confirmed that the landbank is healthy in terms of crushed rock (roughly 27 years). SCC do not see any issues with continuing supply to Hampshire, if HCC want an SoCG this is no problem.

AG added that having spoken to the rail linked Torr quarry in Somerset, an issue appears to be that priority of minerals on the rail network is low so this needs to change to increase supply via rail.

SC asked if any other authorities have come to SCC with similar issues. AG confirmed that SCC have an SoCG with West Berkshire. IT added that most SoCGs are light touch however the Central & Eastern Berkshire Joint Minerals and Waste Plan Inspectors wanted full SoCGs. AG agreed and is happy to go down the SoCG route.

SC explained that HCC's safeguarding policies will stay in place and will safeguard rail and wharf imports.

SC added that issues are coming forward in the coastal cities looking to build waterfront properties in close proximity to HCC's safeguarded wharves.

AG confirmed that a small wharf is present in SCC but no minerals currently come in via it. The wharf is still present and maintained but not in operation.

Waste policies

IT outlined that HCC are hoping to strengthen waste hierarchy provisions, including requirements for a waste hierarchy assessment in new site assessments. There are questions about the overlaps with the EA remit.

HCC are struggling with landfill capacity, current allocations have not come forward with extensions and new sites not being taken up by the developer. The update is looking to enable landfill to come forward with our figures, but there are no further allocations.

AG said Somerset is looking into this as well in the Waste Needs Assessment, recycling has increased in the Plan Area but existing landfill is still required. Similar

issues as HCC, and SCC may need to look more strategically in the future for landfill capacity.

Appendix 12

Duty to Cooperate Meeting Minutes – Bracknell Forest Council

Hampshire County Council and Bracknell Forest DtC Meeting – 01/07/2022

Attendees – Sue Scott (SS) (BFC), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

Plan updates

SS outlined that the Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan is currently at the examination stage having gone through the consultation on the Main Modifications. The CEB Authorities are awaiting the inspectors report from PINS, but the timescale is currently unknown. Once the report factcheck is complete and the report has been issued, the Plan will go through each authorities democratic process for adoption.

BFC are within the middle of the examinations of their Local Plan. Stage 1 hearings have been held, Stage 2 hearings are to be held in October, after a number of actions points are addressed through the summer. Aggregates will be required to complete the requirements of the housing allocations.

IT outlined that the Hampshire Minerals and Waste Plan (HMWP) was adopted in 2013. After five years it was reviewed, which found that no update required but it was decided to review the Plan again in 2020. The 2020 review found a need to update. HCC initially looked to complete a partial update but this has required a lot more work than previously thought.

HCC are working on the full evidence base and a long call for sites is being undertaken, as well as incorporation of the new planning policy from central government. HCC are not waiting for new policies to be adopted by government as there is always policies to be waiting for.

SS added that she had thought there might be a consultation on an update to the NPPF at the end of this month (July).

IT outlined that the HMWP policies are being amended, so the text is just being slightly changed rather than completed rewritten.

The HMWP Authorities are looking to go through the democratic process in the Autumn, with consultation commencing after that. As now, the Plan will cover Southampton City Council, Portsmouth City Council, New Forest National Park Authority and some of South Downs National Park Authority, as well as HCC.

SS asked if it's a partial update because it's just waste policies? IT answered that a number of policies have been found to require changes but not all policies. SS asked if it's just the strategic policies that are being changed, the need policies? IT confirmed.

SS asked when the current Plan runs to? IT answered that the HWMP currently runs to 2030 but is being extended to 2040 in the update. IT added that Kent were told by an Inspector that even during a partial update the Plan period has to be extended to cover at least 15 years.

DM policies

IT outlined that HCC are looking to strengthen the climate change policy. HCC have been struggling to implement it. The policy will require a Climate Change assessment, the details of this will not be prescribed but want to make sure applicants take climate change into consideration.

The biodiversity policy will also be strengthened, and will require demonstrable biodiversity gains.

A new policy is being considered surrounding water quality, which will look to include river quality and nutrient neutrality. This will be a similar policy to the one within the JCEB Plan.

Minerals policies

SC outlined that tweaks have been made to the mineral policies. The mineral need for HCC has been recalculated. The adopted Plan contains apportionment figures that have never been met by HCC, so HCC have been forecasting figures using a number of different data sources and have come up with a lower revised provision figure.

These new figures will go out to consultation with the Plan. HCC expect some push back from industry.

SS asked if it has come down even though the Plan period has been extended? SC confirmed.

SC added that wording has been factored in that outlines if the sales are above 10% over the Plan rate the provision rate would fall back to the LAA rate.

A number of site nominations have come forward, which are currently under assessment. All nominations have been included in the forecasting calculations, it is looking currently like there will not be a surplus of minerals but there is also not currently a shortfall.

SS asked if any sites have come forward on the border between the authorities, in particular an extension to Chandlers Farm. SC and AD confirmed that Chandlers Farm did not come forward for extension.

Chalk – no changes to report

Clay – One existing HMWP allocation has been permitted. Selborne brickworks has not come forward and the site is non-operational, this will be removed from the Plan. Similarly, the majority of sites that have not come forward are being removed.

SS asked that Bracknell are informed of any sites that might affect cross border movements or haulage routes.

Waste policies

IT outlined that HCC have been struggling to apply future waste initiatives, there are a lot in the pipeline that have not come into policy yet.

65% recycling, which is the median figure from projections, will be taken forward into the Plan.

SS asked what recycling rates are being achieved now? IT outlined that the current figures stand at around 40% for household waste and slightly more of commercial waste.

IT explained that HCC are looking to cover their full arisings with recycling and recovery capacity. HCC are hoping to strengthen waste hierarchy provisions, including requirements for a waste hierarchy assessment in new site assessments. There are questions about the overlaps with the EA remit.

Heat connections will be required from any Energy from Waste facilities.

IT outlined that landfill is an identified issue for the HCC Plan Area. It is likely that HCC's current landfill capacity will be exhausted in 4-5 years. The HMWP currently has a criteria policy in place to allow sites to come forward but allocations have not been taken up. The landfill requirement is being put in the plan to cover our net self-sufficiency but is dependent on the sites and operators coming forward. This is unlikely to have implications for Bracknell but movements to Hampshire for landfill might come to an end soon.

Strategic sites are being allocated but smaller sites are not. Waste operations seem to be more reactive to the market rather than having longer timescales like mineral sites.

SS asked if any sites for any incinerators had come forward? IT answered that none have come forward for allocation. Alton ERF was refused and HCC are waiting to see if it will be appealed.

IT added that the wastewater and hazardous waste policies are not being updated. Input from wastewater operators has been gathered, and wastewater companies expect to require more facilities, but the planning on these is being left with the operators.

SS asked if any of these will be in the Bracknell Forest area. IT does not know, this is dependent on the water companies, as they do not operate on a county plan level. IT asked SS if Bracknell think that a SoCG is necessary. SS did not think so at this stage. There are strategic issues, but any SoCG would need to be with the CEB Authorities. Need to wait for the draft Plan, which could change the situation.

Appendix 13

Duty to Cooperate Meeting Minutes – Surrey County Council

Hampshire County Council and Surrey County Council DtC Meeting – 14/12/2021

Attendees – Thoma Light (TL) (SCC), Katie Smyth (KS) (SCC), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

IT welcomed all to the meeting and outlined the reasons behind this meeting.

IT asked SCC for an update on the Surrey County Council Plan.

TL outlined that the SCC Waste Plan was adopted in 2020, the council has since agreed to produce a combined Minerals and Waste Plan (MWP). This new Plan is currently going through the Issue and Option consultation, which has an extended timeframe due to the Coronavirus pandemic.

TL continued that in the current SCC Minerals Plan, minerals sites are limited, SCC are hopeful that the call for sites will bring in new opportunities. SCC have a number of planning and environmental constraints that are pushing the new Plan towards rail depots for imports and recycled and secondary aggregate sites.

IT outlined that due to the Hampshire Minerals and Waste Plan (HMWP) work being a partial update, HCC are looking to conduct a short Reg 18 consultation, going straight in as a draft plan.

IT continued that HCC have conducted a long call for sites with some information still being gathered. HCC have not quite processed all the site information, but a vague idea is available.

HCC's work with the Joint Central and Eastern Berkshire (JCEB) Authorities on their Minerals and Waste Plan is helping to steer some policy update decisions. The JCEB Plan was recently taken to examination and is currently in the Modifications stage.

IT asked if SCC would be looking for a bilateral Statement of Common Ground (SoCG). HCC prefers to do regional ones, but are happy to discuss SCCs requirements.

IT adds that the HMWP Update will forecast to 2040 and will include new references to government guidance etc.

HMWP DM Policies:

The DM policies came out mostly green under the HMWP review but HCC are looking to strengthen some in line with new legislation and government guidance.

HCC are looking at strengthening the climate change policy, it has historically not been well implemented through DM. HCC are hoping to require climate change assessments including carbon emissions data from sites submitting applications.

TL asks that as SCC are still in early stages of their Plan, if asking for carbon data, do DM officers have the skills to interpret this? IT outlined that the early carbon data will be used to build up a baseline for Hampshire, the data may not be able to be put to use right away but will come in handy in future years.

IT added that a large ERF application has put in a carbon assessment, they compared ERF emissions to landfill as they are a residual waste site. IT thought it may not have been wholly appropriate to only compare it to landfill, as some of the waste being taken may be able to be recycled.

HCC are looking to strengthen the biodiversity policy by introducing the new biodiversity net gain requirements.

Informed through HCCs JCEB work, HCC are looking to include a new water policy to look at river catchments, water quality and nutrient neutrality. HCC are looking to drop the community benefits policy as there is no way to implement it.

HMWP Mineral policies:

HCC are looking to change their provision rate for sharp sand and gravel and soft sand, previously HCC used apportionment figures but have struggled to meet these. New figures have been drafted that HCC are confident in, showing a reduced provision rate. The fallback will be the LAA rate until the provision rate is reviewed.

TL asked if the reduction is substantial? SC said yes, it is a fair amount.

TL asked how the provision rate is different from the LAA figure? SC confirmed that it is not too different, still using sales figures and applying most up-to-date tools and growth. Considered to be robust forecast.

SC outlined that the HMWP call for sites is showing some improvements on the landbank and that evidence of windfall sites from previous years has been built into the calculations. Some sites are constrained by the South Downs National Park, HCC and partners are looking into these and how to progress them. HCC had hoped to provide some surplus soft sand to neighbours, but this is now unlikely.

HCC are working on a wharves and rail depots study. Early evidence is showing that smaller, older, upstream wharves are closing but that deeper water wharves are consolidating these closures. HCC have 2 No. rail depot allocations in the current plan and Network Rail and National Highways are in the discussion on how best to get these brought forward.

SC outlined that there is a current application in for Marchwood Military Port, operating as Solent Gateway. The site has a proposed aggregate use and rail connection so HCC are hopeful for future uses.

TL asked if the rail depot report will be a supporting document? SC confirmed yes, used for the evidence base.

Chalk – no update

Clay – one allocation came forward and was approved, the other allocation has not come forward.

TL asked for chalk and clay, what data does HCC use? SC outlined that specific application data is used for these and monitoring of the sites showing extraction rates and landbanks.

TL asked regarding the DtC letter on minerals – HCC have chosen a 10,000 tonne figure for minerals, where does this come from? SC confirmed this comes from the national collation data.

HMWP waste policies:

IT outlined that HCC's waste approach is different to minerals. No specific allocations were taken through in the current Plan. This is due to only small sites being proposed. A survey of industrial estate showed places for these sites to go so a criteria policy for non-haz waste sites was adopted in the current HMWP. Non-hazardous landfill was allocated due to its regional nature. The HMWP has separate policies for Haz waste and waste-water, but HCC are not looking to change these.

IT explained that HCC are looking to slightly amend the non-hazardous criteria policy and provide some clarification. Some strategic sites have come forward in the call for sites, and HCC are thinking of including these in the Plan.

IT added that HCC do not currently meet any quotas with allocated sites but evidence shows that sites are coming forward. Previous data shows more recovery

is coming forward than recycling. HCC are looking into this and this issue has been discussed at SEWPAG.

HCC are currently looking to model the worst case and lowest case for waste growth and compare these with recycling rates, then chose a middle figure. This will provide a capacity gap view.

HCC have found some issues of arguing the need for waste facilities.

HCC are looking to strengthen the waste hierarchy position of the Plan. HCC are hoping to require waste hierarchy assessments in applications. It is acknowledged that there is some overlap with the EA but HCC believe national policy is strong enough for it to be put in the Plan.

IT added that anaerobic digestion capacity has not been implemented, but new food collection legislation might change this. HCC are looking to require combined heat and power at suitable sites rather than the sites being 'ready' for it.

IT explains that the HCC landfill situation is not looking good. HCC have an allocated site that is closing early, an allocated extension that is not coming forward and, another allocated site has not taken up the option of non-haz landfill. HCC have a landfill policy which will remain in the Plan to enable new sites.

HCC are looking to cover the need for landfill with recycling and recovery capacity, however will keep the landfill policy due to the regional nature of this waste stream.

HCC are also hoping to include a reworking landfill policy.

IT added that the lifespans of facilities are being looked at and how this might affect waste capacity forecasting. IT asked if SCC have taken this into account. TL answered that SCC has not looked at this.

IT explains that HCC are trying to avoid updating some policies as this is a Partial Update not a full Plan Update.

KS thinks this is useful and SCC will hopefully be updating their waste needs assessment so the processes used in the HMWP Update will come in handy.

TL added that if it benefits HCC to have a bilateral SoCG, SCC are happy to discuss. SCC are at an early stage of their plan so will be looking into DtC and the need for SoCGs in the coming months.

IT thanked SCC for attending.

Appendix 14

Duty to Cooperate Meeting Minutes – Wokingham Borough Council

Hampshire County Council and Wokingham Borough Council DtC Meeting Notes – 23/11/2021

Attendees – Ian Church (IC) (WBC), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

IT welcomed all to the meeting.

IT outlined the process of the meeting, IT asked for an update on the Wokingham Minerals and Waste Plan.

IC outlined that the Wokingham's Minerals and Waste Plan is the Joint Central and Eastern Berkshire Minerals and Waste Plan, this has recently gone to examination and the authorities are hoping for the Main Modifications consultation to begin around Christmas. Adoption hopefully for early 2022, hoping for unilateral adoption across the 4 authorities on the same day.

IC continued that there are currently no Plan making issues in Wokingham, some prior extraction enquiries have been coming in across the Area. The DM team is getting used to pre-application discussions on prior extraction and looking to 'set out stall' on Wokingham's position with regard to minerals.

IC acknowledged there have been some teething issues on the assessment of Mineral Resource Assessments (MRA) coming in from developers. IT offered some training on the interpretation of MRAs. IC thinks housing delivery timelines will likely become an issue and the trade off between housing delivery and mineral extraction will be key.

IT thanked IC for his update, and outlined that the HMWP was adopted in 2013, it was reviewed in 2018 but this review resolved to review it again in 2020. The 2020 review concluded that an update was required. Currently, a single Call for Sites has been completed and HCC are planning on a single draft plan consultation (Reg 18) hopefully in Summer 2022. As this is only an update, HCC is not looking to do an issues and options stage.

IT added that HCC are completing DtC meetings now to get comments and ideas on HCCs Plan and to get indications for Statements of Common Ground (SoCG).

IC asked if the Reg 18 will be on a full draft plan or just sites? IT confirmed it will be the full draft plan including new sites, remaining allocations etc.

IC asked in the Call for Sites, are there any new sites that have come forward that are interesting? IT confirmed new sites came forward but they are not quite enough to cover mineral need. Windfall minerals sites will be discussed by SC later on.

IT added that HCC is unlikely to be covering neighbours needs due to the lack of appropriate sites.

IC asked about windfall, Wokingham's Local Plan on Housing is challenged regularly, 250,000 tonnes windfall is quite a lot, has this come under scrutiny from industry? IT answered that previously the shortfall was at the end of the Plan period, but now we are not sure how this will be accepted by industry.

DM Policies:

IT outlined that the DM policies come out largely green under the review assessment. Although HCC is looking to strengthen some in line with new government guidance.

HCC has declared a climate emergency, and new biodiversity legislation has come through central government.

HCC are looking to strengthen the existing climate change policy, with a view to requiring climate change assessments including data on carbon emissions, to be able to build up an idea on emissions across the sector.

HCC will also look to strengthen the biodiversity policy in line with the new government guidance on net gain.

HCC are hoping to include a new water policy to include river catchments, river water quality and nutrient neutrality.

IC asked what the scope of the emissions data would be? Vehicle movements? What will the data be used for? IT answered that the data is to look at the big picture of carbon across HCC and to see what the waste and mineral sectors are contributing. The assessment is to show what each site is doing to meet the requirements of the policy.

IC asked is industry looking to future proof through climate change? IT added that the Alton EfW facility will make space on site for CC&S but will not install the equipment until there is a market for the product. Smaller operators are unlikely to be so on top of the issue.

Minerals Policies:

SC outlined that HCC struggle to meet their apportionment figure set out in the HMWP year on year. Historically, the figure has always been a lot higher than any sales. In line with the Local Aggregate Assessments (LAAs), HCC will reduce mineral figures, forecasting will allow the figure to remain robust across the plan period. It is recognised that industry might be uneasy with the figures. A fallback position will be included that will be the LAA rate until the Plan figure can be reviewed.

Soft sand – site nominated within the South Downs National Park so is quite constrained. HCC were hopeful to offer surplus soft sand to neighbours but this looks unlikely.

SC added that windfall mineral site tonnages are being built into the landbank calculations.

SC explained that a Wharf and Rail Depot Study is ongoing, initial results show older wharves that are upstream are struggling with larger ships. There is a reduction in capacity at these wharves. SC adds that a new application has come into the New Forest to redevelop Marchwood Military Port. This includes an aggregate use which could provide new capacity with a rail connection. Southampton Port Masterplan might also change the situation when it comes through.

Chalk – no changes

Clay – Old Michelmersh allocation came forward and was permitted, Selborne allocation did not come forward.

IC asked about wharves that are coming to the end of their life, is there a risk of a gap between old wharves closing and the new wharf coming online? Is the capacity of the new wharf comparable to that being lost?

SC added that conversations with operators are finding that operations are consolidating across the south. Larger wharves and larger ships meaning the capacity is not technically being lost, but the impact comes from the onward movement of minerals from the wharf. So currently active wharves are absorbing capacity of closing smaller wharves, and any new sites would add the Hampshire's capacity. Southampton Port Masterplan could provide bigger wharves due to deeper water berths.

IC asks if Marchwood Port is owned by the MoD? SC says yes but the site is being operated as Solent Gateway.

<https://solentgateway.com/>

Waste Policies:

IT outlined that HCC approached waste differently to minerals. A number of small sites came forward in current HMWP. HCC did not allocate waste sites, apart from landfill, and went with a locational criteria-based policy. Capacity is coming through and due to the volatility of the waste industry, more recovery capacity is coming through than recycling.

IT explained that in the current call for sites, not many waste proposals came through, although some strategic sites might be included in the plan.

HCC have found that predicting waste arisings growth rates has been a tricky problem. The JCEB Plan was based on housing growth, but IT is unsure if this is correct going forward. A SEWPAG meeting has been set up to look into this issue. When larger facilities are involved particular waste growth scenarios can determine whether a facility is needed or not in a Plan Area.

The current process has been to look at a low, medium and high waste growth rate, then compare it to different recycling rates. The median scenario will likely be used.

IT explains that the landfill policy will remain but no sites have come forward. The currently allocated extension has not come forward, other allocations have not taken up the option to include landfill. This issue has been studied under the SEWPAG SoCG. It is not likely that non-haz landfill will come forward in the HWMP Area.

It explained that HCC are looking to strengthen the HMWP waste hierarchy principles. HCC are looking to require a waste hierarchy assessment for applications, it is acknowledged that this might cause some overlap with the EA. HCC are looking to be stricter with requiring heat production from facilities and also looking to include a policy on landfill reworking.

IC asked are there any larger sites that are close to Wokingham? Is there a map online? IT added that currently there is no democratic approval for the Draft Plan, so no information will be released prior to this.

IC asked if Wokingham could get a heads up if any sites are coming up near the Wokingham border? IT does not believe there are any sites on the border.

IC asks when the SEWPAG meeting will be? IT will send round the invite, this is happening on Thursday 2nd December. IC would like to be available, regional agreement on growth rates might affect the JCEB Plan in the future. IT added that it takes a while to get agreement at the regional level and authorities do not have to use the agreed method. Usually, it is to be used on your next iteration of the Plan.

IT added that NPPF references and Environment Act references will be updated. Some policies will not be touched, Wastewater and Haz waste policies will not be updated.

HCC welcomes comments and input on any points.

IC would like to see the SA of the Call for Sites as early as possible.

IT asked if IC thinks a SoCG is required? IC happy to be led by SEWPAG and HCC on this point. Signing of a SoCG in Wokingham can be onerous so if they could be grouped.

IC summarised that most policies will remain the same apart from those where an identified change in requirements has been found. IT confirmed.

IT outlined that DtC letters had been sent to Wokingham.

IT thanked IC for attending and for his comments and questions.

Appendix 15

Duty to Cooperate Meeting Minutes – West Berkshire Council

Hampshire County Council and West Berkshire Council DtC Meeting Notes – 30/11/2021

Attendees – Elise Kinderman (EK) (WBC), Iliana Todorovska (IT) (HCC), Sophie Champion (SC) (HCC), Andy Denton (HCC)

Notes:

West Berkshire Plan

EK outlined that the West Berkshire Minerals and Waste Plan examination hearings will be held between February 1st – 3rd 2022. EK added that West Berkshire are currently preparing for the hearings, and the currently adopted Plan is the saved Berkshire Waste Local Plan policies.

EK explained that soft sand is the main issue in West Berkshire, one representor is arguing that a landbank for soft sand is not required in the Plan. The main soft sand proposed allocation is in an AONB but WBC feel the exceptional circumstances test has been met. WBC are live to the possibility of a Judicial Review on the Plan. EK added that there have been small issues with the DM Policies but that the proposed modifications have been published already.

EK added that the waste spatial policies will be tweaked slightly but there will be no site allocations.

Hampshire Minerals and Waste Plan Update

IT explained that HCC are looking for a steer on whether WBC would like a SoCG, HCC are happy with regional ones. EK added that the need for one has not been identified through their Plan making.

EK adds that if the new HCC work highlights anything then WBC will contact HCC for discussions.

IT outlined that the 5-year review of the current Hampshire Minerals and Waste Plan (HMWP) in 2018 did not require an update but the 2020 review showed an update was required.

IT added that the HMWP Update hopes to focus on the policies that came out red in the assessment but will also include all new guidance from central government.

IT explained that HCC are hoping to do a single Reg 18 Draft Plan stage as there is a plan in place.

EK asked regarded timescales. IT added that HCC are hopeful for Summer 2022 for the Draft Plan consultation, but will depend on partner agreement.

IT continued that a long call for sites is being conducted which started earlier in 2021 and that some information is still coming in. HCC are still processing sites data.

IT added that the Updated Plan forecasting is looking at 2040.

DM Policies

Under the 2020 review the majority of the DM Policies came out green.

IT explained that HCC are hoping to strengthen the climate change policy as implementation has been a struggle. HCC are looking to require climate change assessments for applications including asking for carbon emissions data.

HCC hope to strengthen the biodiversity policy on net gain and will update it to include Environment Bill references etc.

HCC are hoping to add in a new water policy, looking at water quality, river catchments, water supply and nutrient neutrality.

Minerals Policies

SC outlined that HCC are looking to change the Plan apportionment rates for sharp sand and gravel and soft sand. HCC have struggled to meet the current Plan requirement. HCC have produced a new rate which they consider to be robust and is being used to forecast across the Plan period.

SC continued that the new figure will be set from the LAA APR but if the sales are exceeding the adopted rate the fallback position will be to the LAA rate until the Plan figure can be reviewed.

HCC's landbank is looking ok for sharp sand but soft sand is an issue. A new soft sand site came forward but it is in the South Downs, therefore, HCC are not likely to be able to offer surplus soft sand to their neighbours.

EK asked if Purple Haze has been decided. SC added that no decision has been made yet, it is understood that more information is required from the applicant.

SC added that windfall opportunities have been factored into the shortfall calculations, following a study into these.

SC outlined that a wharves and rail depot study is ongoing as HCC are looking to amend the policy surrounding these. The current picture looks like wharves are becoming more consolidated across the south and capacity is looking to be lower in Hampshire.

EK asks if this is due to safeguarding and if this is being looked at. SC added that it's the shallow tidal wharves that are closing, which is driving the changes in the wharf capacity. Some have been marketed as wharves but no new operators have come forward.

SC outlined that a new application has been submitted at Marchwood Military Port for a redevelopment into Solent Gateway. The plans are proposing an aggregates depot at the site with Rail link. Looking hopeful for new wharf and rail depot capacity. No changes for Chalk

The Clay policy is being amended slightly, one allocation came forward, one did not. IT added that HCC are looking to allocate what they can but unlikely to cover others need.

Waste policies

IT outlined that HCC waste policies take a different approach to Minerals. Lots of smaller sites came forward in the current Plan, HCC did not allocate these sites, and adopted a criteria-based policy.

The criteria policy will be kept in the update but will be explained better.

EK asked if DM had asked for this. IT confirmed.

IT added that waste capacity has been coming forward during the Plan period, however it is more recovery than recycling. For the update HCC have recalculated capacity etc with the methodologies discussed at SEWPAG.

EK asked if the recent EfW was approved. IT added that this is still being determined and the need for capacity argument is playing out.

EK added that the NPPW states that need is not required to be proven for low carbon energy facilities if they are in line with the development plan. IT says the local data is unclear.

IT adds that the growth rates for waste are causing some sticking points. The scenarios are looking at the lowest and highest growth rates and cross referencing these with recycling rates and then choosing the middle figure. Arisings forecasts can vary depending on the methodology used.

IT outlined that HCC are looking to take forward a middle growth and recycling scenario. HCC are hoping to cover the capacity gap with recycling and recovery but will still be planning for landfill in case it is still required.

Landfill in HCC, some allocated sites have not taken up option. One site closing early, and no others are coming forward, despite having an appropriate policy for it. The HCC Plan is enabling of landfill but sites have not come forward.

IT explained that HCC are looking to add a policy for reworking landfills similar to the JCEB Plan policy.

EK asked if this policy would specify inert landfill. IT answered that it will include non-haz sites as well.

EK added that WBC have a criteria policy for landfill - the geology is not particularly suitable but a policy is included anyway.

EK asked if HCC are allocating waste sites? IT added that some strategic sites came forward and are likely to be included as allocations.

IT added that HCC are looking to strengthen combined heat and power requirements and are hoping to include requirements for Waste Hierarchy Assessments in applications, although there is some overlap with the EA on this.

HCC are hoping to avoid updating some policies, including haz waste and wastewater. These are more operator driven. No reported issues with these so no need to update.

EK added that WBC have a SoCG with HCC on energy recovery. When this update is getting under way it may need to be revisited. The WBC Plan has a policy that covers Energy from Waste.

EK added that Network Rail have a prior approval in for a new rail depot close to the HCC border at Theale.

EK raised the point of Energy from Waste facility lifespan across the Plan period, is this taken into account? IT added that this has been raised as an issue to be looked into.

IT does not think there are planning limitations on where waste comes from to HCC facilities, so cross border movements from WBC are unlikely to be affected.

A summary of this document can be made available in large print, in Braille or audio cassette. Copies in other languages may also be obtained. Please contact Hampshire County Council by email HMWP.consult@hants.gov.uk or by calling 01962 846746.