

CALL IN REQUEST - HAMPSHIRE MINERALS AND WASTE PLAN (PARTIAL UPDATE) CONSULTATION RESPONSE

1. RECOMMENDATIONS

- 1.1. That the Council, in accordance with the Call-In Procedures set out in 4/8 of the Council's Constitution:-
 - i. considers the referral of the Call-In request relating to the Hampshire Minerals and Waste Plan (Partial Update) Consultation Response, made by the Place and Sustainability Overview and Scrutiny Panel; and
 - ii. notes that the decision maker shall reconsider the decision as soon as reasonably practicable after this Council meeting, in light of the Council debate.

2. INTRODUCTION

- 2.1. Hampshire County Council (HCC) is working to produce a partial update to the Hampshire Minerals and Waste Plan (HMWP) which will guide minerals and waste decision making in the Plan Area up until 2040. The HMWP forms part of the Development Plan for New Forest District. The partial update to the Plan aims to build on the currently adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies based on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. New Forest District Council is a consultee in the process, and intends to submit representations on the Regulation 19 Proposed Submission Plan which is currently out for public consultation.
- 2.2. To help inform the Council's response, and enable District Council Members to have a full understanding of the changes that had been made since the Regulation 18 version of the Plan, an in-person briefing was provided by HCC officers on 11 January 2024. Full details of the public consultation are provided on HCC's website¹.
- 2.3. In preparing a decision report for the Cabinet Member's consideration, officers consulted with the directly affect ward councillors on 9 February 2024 to seek their views on a draft response. Responses were received from Cllr Christine Ward and Cllr Keith Craze in relation to the Ashley Manor Farm site. Concerns were raised in relation to sensitivity of the landscape, lack of screening, dust emissions, impacts on biodiversity, proximity to the cemetery, and adverse traffic movements. Cllr Alvin Reid also responded to express support for the removal of Yeatton Farm from the HMWP. Based on the responses received no further changes were identified as being required to the report.
- 2.4. Subsequently on 22nd February 2024 the Portfolio Holder for Planning and Economy, Cllr Derek Tipp, made a decision on New Forest District Council's response to HCCs

¹ <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan/minerals-waste-plan-partial-update-consultation/hmwp-partial-update>

HMWP². The response identified that the Plan has been updated to address a number of this Council's concerns previously expressed on the policies and proposed allocations (including the development considerations for each site set out in Appendix A of the HMWP) in relation to New Forest District. There are however a few matters of uncertainty/lack of clarity where wording changes to the Plan are to be sought.

- 2.5. Following this Portfolio Holder decision, Cllr Malcolm Wade gave formal notice to call-in the decision. He stated the following as the reason for the call in: *"This decision does not fully address the range of environmental issues the Midgham site will have on the local area if it is accepted for mineral extraction and the response has watered down the objections. This site requires further and greater inspection and discussion to produce a more focused response on the issues highlighting the objections to this proposal"*.
- 2.6. Additionally, Cllr Jack Davies also gave formal notice to call-in the decision. He stated the following as reason for the call-in: *"The particular response provided by Cllr Tipp to the proposal for Midgham Farm is inadequate and waters down the previous objections made by New Forest District Council"*.
- 2.7. Also giving formal notice to call-in the decision was Cllr David Millar who wrote: *"Having read the decision I find that it does not completely address all the issues raised in NFDC's initial response and there does not seem to have been sufficient scrutiny of the environmental impact relating to changes that are proposed to address access issues. There also seems to be an error of fact in the document, that the site at Midgham farm is an extension of an existing site, which is just not true. I think the council would benefit from more detailed consideration of this important topic which could have significant impact on our landscape"*.
- 2.8. Cllr Janet Richards gave formal notice to call-in the decision with the following: *"The proposed response does not fully address all of the impacts of the Midgham Farm site on the environment and local residents"*.
- 2.9. Also giving formal notice to call-in the decision was Cllr Phil Woods who wrote: *"Having read the decision, I think it does not cover the issues previously raised by NFDC at the earlier consultation. Furthermore, it seems to make light of the environmental impact on the local area, road network and Fordingbridge's neighbouring town Alderholt. There also seems to be an error of fact in the document, that the site at Midgham farm is an extension of an existing site, which is not true. I think the council would benefit from a more detailed consideration of this important topic which could have significant impact on Fordingbridge and its surrounds"*.
- 2.10. Cllr Stephanie Osborne also gave formal notice to call-in the decision. Her reasons focused on Midgham Farm and were as follows: *"There does not seem to have been sufficient scrutiny of the environmental impact relating to changes that are proposed to address access issues. This site requires further and greater inspection and discussion. It will have lifelong changes on this area and little of benefit to the residents"*.

² <https://democracy.newforest.gov.uk/ieDecisionDetails.aspx?id=1159&LLL=0>

- 2.11. Finally, Cllr John Haywood gave formal notice to call-in the decision. His reasons for call-in were: *“The Midgham Farm site is situated in the Fordingbridge, Godshill and Hyde ward but it directly borders Ringwood North and Ellingham (RN&E). Road access suitable for heavy goods vehicles also mostly passes through RN&E. While from an operational standpoint for the companies extracting the aggregates this might be seen as a continuation of a single operation, for local residents and in terms of overall impact it most definitely represents a new site. This decision does not appear to fully consider the environmental and landscape impact, the impact on local residents and the impact on users of local roads. I therefore request that it is reconsidered”*.
- 2.12. In accordance with Council procedures, as seven call-in notices were received, the decision was discussed at the Place and Sustainability Overview and Scrutiny Panel meeting held on 7 March 2024.
- 2.13. At the Panel meeting, Members heard from a member of the public and a Fordingbridge Town Councillor, speaking in support of the Call-In of the decision. Cllrs M Wade, J Davies, Richards, Osborne, and Haywood also addressed the Panel, having called in the decision.
- 2.14. During the Panel’s debate of the call-in, comments were made on the level of pollution, dust and disruption that was felt to have occurred at the extraction of an existing site elsewhere within the District. The development of that site had been managed through Hampshire County Council’s Regulatory Committee. In that context, significant concerns were raised by a number of Members given the proximity of the proposed Midgham Farm site to residential properties and its position within an environmentally sensitive area. The strength of local feeling identified through the public consultation was also noted and the District Council’s response was considered by some to be a key opportunity to support strong local objections to the use of this site and the general continued focus of mineral extraction in the New Forest District. It was acknowledged that sand and gravel was required to support the local economy, but that given the issues arising, the majority view of the Panel was that the Portfolio Holder Decision should be referred to Full Council for debate.
- 2.15. The Panel therefore resolved that, as the decision was of particular high local significance, it should be referred for debate at a Special Council meeting.
- 2.16. In light of the debate that will be held at this Special Council meeting, the Portfolio Holder for Planning and Economy will reconsider the decision as soon as reasonably practicable after the meeting. After reconsideration of the decision, whether amended or not, it may be implemented immediately and may not be called in for a second time under the Council’s Call-In procedures.

3. BACKGROUND

- 3.1 The full details of the reasons as to why the Portfolio Holder for Planning and Economy made the decision can be found in the report to the Portfolio Holder at **Appendix 1**.

4. NFDC PROPOSED RESPONSE TO HMWP

- 4.1 All of the call-in notices specifically make reference to the Midgham Farm proposed minerals site, in particular that insufficient scrutiny has been given to environmental

issues and impacts on local residents relating to this site. Wider concerns about how the HMWP addresses vehicular access is also evident, and several of the requests to call-in also cite that the response departs/deviates from the objections submitted by NFDC to HCC at the previous Regulation 18 stage.

- 4.2 The Regulation 19 HMWP was published alongside several updated background papers. Those papers have updated the evidence base and provide refreshed projections for the supply and demand of aggregates. The updated HMWP deleted a number of sites from the draft strategy. In addition, the HMWP update inserted a significant number of new development considerations for each proposed mineral site which respond to concerns raised at Regulation 18 stage. Table 1 below sets out how NFDCs previous comments have been addressed or remain outstanding in the updated plan.

Table 1

HMWP issue	Regulation 18 response (January 2023) – Summary of representations	Summary of if/why NFDC position has changed since Regulation 18 representations
Mineral policies:	<p>NFDC questioned the basis for the aggregate requirement. Deemed by NFDC to be significantly above the projected shortfall, and NFDC believed that this represented an excessive potential allocation of sites.</p> <p>Economic forecasts set out in the evidence base were based on 2020 reports, including Local Aggregate Assessments, and predicted growth in construction output in 2021 and 2022 (which did not materialise due to Covid19).</p>	<p>The October 2023 Minerals: Background Study now concludes that rather than an excess in provision (Regulation 18 stage) the latest projections indicate that the site allocations as proposed in the Regulation 19 plan will provide the required supply.</p> <p>Evidence base updated with 2023 Local Aggregate Assessment. This uses more recent construction industry and general economic forecasts.</p>
Waste policies:	<p>NFDC gave general comment that HMWP reflects the latest levels of waste arising and plans positively to ensure forecasts for future waste capacity are maintained.</p> <p>Advocated strong controls on the location of anaerobic digesters in relation to water courses.</p>	<p>No further comments were required in NFDC Regulation 19 response.</p> <p>No change – reiterated in Regulation 19 proposed response.</p>
Other policies:	<p>NFDC was disappointed to see deletion of the previous HMWP Policy 14 (Community Benefits).</p> <p>NFDC suggested stronger</p>	<p>On balance officers consider that there is sufficient provision in the Regulation 19 version of the plan which enables community improvements to be secured (e.g. Policy 10: Restoration of minerals and waste development).</p> <p>No change – reiterated in Regulation 19 proposed response. NFDC suggests that</p>

	controls on the location of anaerobic digesters near to water courses.	the HMWP could benefit from a stronger policy approach with regard to this issue, given the potential for spillages into sensitive water courses and the significant adverse effects this can have on ecological systems.
Ashley Manor Farm, New Milton (Policy 20)	NFDC had <u>concerns</u> about this site. Raised detrimental impacts on landscape, disturbance of cemetery visitors, and impacts on local residents. Other potential impact noted relating to the proposed Green Loop in the Neighbourhood Plan.	<p>The Regulation 19 version of the Plan has made changes to a number of 'development consideration' for this site (from 8 criteria previously to 19 now) including:</p> <ul style="list-style-type: none"> • New planting around the site; • Ecological and hydrological assessment of all watercourses, ditches and aquatic habitats; • Dust, noise and lighting management plan and monitoring is required. • Routeing Agreement will require HGV traffic to be limited to Caird Avenue between the roundabout and the New Milton Sand and Ballast plant. • Protection of footpaths and connectivity to wider network. • Flood Risk Assessment required. Site must be designed and constructed to remain operational and safe for users in times of flood, result in no net loss of floodplain storage, not impede waterflows and not increase flood risk elsewhere. <p>However, there remain some specific concerns about this site allocation which the NFDC response seeks to address. This is in relation to the adverse impacts regarding landscape impacts and noise effects. Suggestions are made on possible mitigation.</p>
Midgham Farm, Midgham/Harbridge (Policy 20)	<p>NFDC submitted a holding objection. Close proximity to a residential area (Alderholt) and potential impacts. Landscape impacts identified with a call to more detail on screening and long term mitigation. Adverse effects also identified in relation to the supporting habitat to nearby SPAs.</p> <p>Acknowledged that this is remote location but that cumulative impacts with two other proposed mineral sites at Cobley Wood and Hamer Warren are of concern regarding in combination effects from vehicular movement.</p>	<p>The Regulation 19 version of the Plan has deleted the previously proposed allocations at Cobley Wood and Hamer Warren. The removal of these two sites reduces the in-combination highway impacts which were of previous concern. The Regulation 19 version of the Plan introduces a number of new development considerations (from 12 criteria previously to 23 now) including:</p> <ul style="list-style-type: none"> • Landscape buffers to the north-west corner and western edge; • An additional requirement for buffers with adjacent residential properties; • Offsite roosting, foraging and breeding areas of the qualifying bird species of nearby SPAs/Ramsars will have to be appraised; • An enhanced ecological network as part of the restoration scheme.

		<ul style="list-style-type: none"> • Routeing to the Strategic Road Network (SRN) - (A31) will be south along Hillbury Road/Harbridge Drove before joining briefly the B3081 to its junction with the A31. <p>The clarification provided in the Regulation 19 version of the Plan is considered to have addressed the concerns that this Council previously raised on the proposed site allocation.</p>
Purple Haze, Verwood (Policies 20 & 32)	NFDC had concerns about this site. Ecological interest at the site is deemed significant but also significant scope for restoration and enhancement. Potential adverse impact on the recreational use and enjoyment of the wider Moors Valley woodlands. Presence of Ebblake Bog SSSI adjacent to the site is a potentially significant constraint given the hydrological levels.	<p>The Regulation 19 version of the Plan introduces a number of new development considerations (from 14 criteria previously to 23 now) including:</p> <ul style="list-style-type: none"> • A Hydrological/hydrogeological assessment is required to consider whether proposed works will affect nearby sites, Ramsars and Ebblake Bog + Moors River SSSIs; • Protection of the New Forest SAC/SPA/Ramsar in relation to recreational displacement; • Restoration must include habitats to expand those within the designated sites and relate to the wider landscape and enhance ecological networks. • Routeing to the SRN (A31) will be along B3081, which is a suitable route for HGV traffic. A new priority junction will be required to the B3801 to ensure provision for people walking, cycling and horse-riding and the impact on peak flows is managed. <p>The clarification provided in the Regulation 19 version of the Plan is considered to have addressed the concerns that this Council previously raised on the proposed site allocation.</p>

FURTHER COMMENT

- 4.3 Some Members have queried the phrase used in paragraph 4.13 of the Portfolio Holder Report which reads *“the site could be viewed as an extension to the existing extraction site”*. This reference was included to illustrate the proximity of the proposed site to the existing Hamer Warren site (which at its closest point is immediately to the south-west of the Midgham Farm site on the other side of Harbridge Drove). Officers consider this reference to be appropriate. A map showing the location of the site is attached at **Appendix 2**.
- 4.4 More generally, it is recognised that minerals planning is a complex exercise with difficult decisions to be made. Options about which sites to extract are very limited due to the nature of where minerals lie and the achievability of extracting them in a sensitive way which does not cause unacceptable harm.

- 4.5 Minerals extraction has taken place in the New Forest area for a considerable period of time and many sites that are typically less constrained have already had their minerals extracted. In this context, officers do understand the concerns that some Members have raised.
- 4.6 However, the Regulation 19 version of the Plan has addressed the ‘in-principle’ concerns that this Council has previously expressed. It provides an appropriate framework within which the more detailed judgements on how sites should be extracted should take place.

5. FINANCIAL IMPLICATIONS

- 5.1 None arising from this report.

6. CRIME & DISORDER, ENVIRONMENTAL AND EQUALITY & DIVERSITY IMPLICATIONS

- 6.1 Potentially significant impacts on nationally and internationally protected species and habitats. Localised landscape impacts would need to be addressed. Impacts on biodiversity will also require mitigation, compensation measures, and restoration (together with the requirement for measures that result in a Biodiversity Net Gain). Further assessment will be required to establish whether all impacts can be adequately mitigated.

<p>For further information contact:</p> <p>Andrew Herring Planning Policy Officer 023 8028 5424 andrew.herring@nfdc.gov.uk</p> <p>Tim Guymer Acting Assistant Director, Place Development 02380 285987 Tim.guymer@nfdc.gov.uk</p>	<p>Background Papers</p> <p>Appendix 1 – 2024 Proposed NFDC Response to Regulation 19 HMWP consultation (including related Appendices)</p> <p>Appendix 2 – HCC map of Midgham Farm site</p>
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