

**SURREY COUNTY COUNCIL****CABINET****DATE: 16 DECEMBER 2014****REPORT OF: MR MIKE GOODMAN, CABINET MEMBER FOR ENVIRONMENT AND PLANNING****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR, ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: REVISED MINERALS AND WASTE DEVELOPMENT SCHEME****SUMMARY OF ISSUE:**

The Minerals and Waste Development Scheme (the Scheme) is the County Council's public statement of its planning policy documents and its programme for revising these documents. A revision to the Scheme is required primarily because the Surrey Waste Plan will need to be reviewed in the foreseeable future and the Scheme therefore needs to set out a programme for the review of the Waste Plan.

**RECOMMENDATIONS:**

It is recommended that the Cabinet endorses the revised Minerals and Waste Development Scheme (Annex 1) and recommends it to the County Council for approval.

**REASON FOR RECOMMENDATIONS:**

It is a statutory requirement to produce the Scheme and to keep it up to date. The Surrey Waste Plan was adopted in 2008 and Government anticipates that such plans should have a life of around 10 years.

**DETAILS:****Introduction**

1. The Planning and Compulsory Purchase Act 2004 requires that local plans are to be prepared which set out the manner in which development and use of land should take place in a planning authority's area and that they should be kept up to date. In Surrey the County Council is responsible for the minerals and waste development framework which provides the minerals and waste planning policy in Surrey. The main documents are the Surrey Minerals Plan 2011(SMP) and the Surrey Waste Plan 2008 (SWP).
2. When determining planning applications the County Council as County Planning Authority must have regard to these plans, so far as material to the application, and any other material considerations. It is important therefore that these plans are consistent with current policy and legislation and remain fit for purpose.
3. The Scheme originally came into effect on 11 April 2005. Subsequent revisions were necessary in October 2006, March and December 2007,

December 2008 and October 2011. These revisions have mainly related to the progress of the Surrey Minerals and Waste plans to their respective adoption stages.

4. Changes to the Scheme are necessary for a number of reasons but primarily as a result of the need to review the Surrey Waste Plan in the foreseeable future and therefore to set out a programme for its review. The proposed revised Scheme subject of this report can be seen at **Annex 1**.

### **Surrey Waste Plan**

5. The Surrey Waste Plan (SWP) was adopted on 6 May 2008 and subsequently amended by order of the High Court on 5 March 2009. It covers the period to 2018. The need for a full or partial review of the SWP is dependent on the extent to which it remains effective and fit for purpose. In part this is determined by an assessment of the plan's consistency with current legislation and policy on waste management and land use.
6. Since the adoption of the SWP there have been a number of legislative and policy changes relating to the management and planning for waste. In particular the changes are:
  - the revision (in November 2008) of the European Waste Framework Directive 1975 (WFD)
  - the enactment of the Localism Act 2011
  - the publication of the National Planning Policy Framework (NPPF) in March 2012
  - the publication of updated National Planning Policy for Waste (NPPW) in October 2014 which replaced Planning Policy Statement 10.
7. An assessment of the SWP's consistency with the WFD, NPPF and NPPW has been undertaken and is set out in **Annex 2**.
8. The NPPF does not contain any specific waste policies but does introduce a presumption in favour of sustainable development and a requirement that planning policy be positively framed and deliverable. The assessment finds that the plan is consistent with the NPPF.
9. The assessment also concludes that the SWP remains compliant with the WFD and is consistent with the NPPW.
10. A key objective of the SWP is to move towards net self-sufficiency in the management of waste. This concept stems from the WFD and is enshrined within the NPPW and further considered in the Planning Practice Guidance for Waste, published alongside the NPPW. This means that Surrey, in common with other waste planning areas, should plan to manage broadly the equivalent of the amount of waste that arises in the county. Some waste will continue to flow to and from other areas but overall the intention is that there is sufficient waste management capacity to deal with the amount of waste that arises within the county.
11. Data for 2012 shows that the amount of waste arising in Surrey is less than projected. For example it was expected at the time of adoption of the SWP that the amount of municipal solid waste (MSW – that is waste collected by local authorities) in Surrey would continue to rise and by 2014 some 800,000

tonnes of MSW would need to be managed. In fact the amount of MSW has gradually fallen and the amount of MSW produced in Surrey is now averaging about 550,000 tonnes per year. The data also shows that there is a reasonable balance of flows of all wastes between Surrey and other waste planning areas; about 810,000 tonnes are imported compared with around 918,000 tonnes which are exported.

- 12. However, this basic assessment of net self-sufficiency masks the following two important aspects of the waste management capacity currently provided in Surrey:
  - a. In order to manage waste more sustainably, planning authorities are required to drive waste management up the waste hierarchy away from disposal (e.g. landfill), which lies at the bottom, towards other recovery, recycling, re-use, and waste prevention which lies at the top. This is an important objective of the SWP. However, currently a substantial proportion of Surrey’s waste is disposed of to landfill, largely at the Patteson Court landfill site. This site received approximately 600,000 tonnes of waste in 2012, around 50% of which originated in Surrey. Despite the consenting of additional waste recovery capacity, e.g. 48,500 tonnes per annum anaerobic digestion capacity at Trumps Farm, Longcross, it is expected that landfilling on a significant scale may continue at Patteson Court until the landfill closes in 2027.
  - b. A significant amount of waste arising in Surrey is exported outside the county for treatment elsewhere. The development of the Eco-park at Charlton Lane will help to reduce the amount of municipal waste exported for treatment although Surrey will continue to rely on out of county facilities to divert waste from landfill unless further capacity is developed.
- 13. The ongoing reliance on the landfill facility at Patteson Court is a matter of concern in terms of promoting the movement of waste up the waste hierarchy. Whilst there has been a considerable reduction in municipal waste being sent to landfill over the last 6 years (from 67% to 11%) data for 2012 suggests that the amount of commercial and industrial waste being sent to landfill remains high at 47%. There is also a reliance on waste treatment facilities outside of the county and this may also be a concern in terms of continued availability and from the point of view of the principle of proximity. Thus providing for the future sustainable management of Surrey’s waste is likely to require more management capacity to be developed in Surrey either at existing or new sites. Without such facilities both the SWP’s and Joint Municipal Waste Strategy’s targets for moving waste up the waste hierarchy will be much more difficult to achieve in full.
- 14. It is now over 6 years since the SWP was adopted and, although a review could ultimately result in a Plan with a different emphasis to the current SWP, the existing plan does deliver the aims of current legislation and guidance and it continued to provide options for new waste management facilities. It is therefore considered that there is no immediate and pressing need to commence a review.
- 15. Nevertheless, it is important that a review be completed by 2018, by which time the SWP will have been adopted for 10 years, and hence it would be

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prudent to plan for a review to commence in early 2016. It is expected that such a review will cover the following areas:

- a. Legal Compliance - how the SWP complies with existing and emerging legislation and policy and how it might support the achievement of relevant objectives.
  - b. Spatial Strategy - review of the distribution of existing consented capacity, how it relates to arisings and whether changes to the SWP's approach of providing additional capacity are necessary.
  - c. Policy - consideration of how well policy supports sustainable waste management objectives and continues to drive the treatment of waste up the waste hierarchy.
  - d. Site Selection - whether allocated sites continue to offer the best opportunities for the development of additional waste management capacity, taking into account policy, legislation and guidance current at the time of the review and any changes in the nature of waste streams and advances in technology.
16. This is reflected in the proposed Scheme. In the meantime it is important to monitor the continued effectiveness of the plan, particularly with regard to the delivery of waste management facilities that move waste up the waste hierarchy. This will be done through the Annual Monitoring Report (AMR).

#### **Surrey Minerals Plan**

17. The Surrey Minerals Plan (SMP) was adopted in 2011 and its effectiveness is monitored through the AMR and also through the annual production of a local aggregate assessment. This provides an assessment of the demand for and the supply of aggregates from all sources, and reviews the suitability of the minerals provision rate for land-won sand and gravel set out in the SMP. The latest monitoring shows that the SMP remains effective in delivering a steady supply of minerals for the construction industry in particular, but also for specialist industrial uses.
18. An assessment of the consistency of the SMP with regard to the NPPF has been undertaken and is included as Annex 3. The conclusion is that it is consistent with the NPPF.

- 19. Since the SMP was adopted in 2011 the technology known as hydraulic fracturing (“fracking”) has been promoted by the Government as a way of exploiting more onshore gas resource in the UK. The oil and gas policies contained in the SMP are applicable to all extraction technologies and there is therefore no need to review the plan to cover the possible (although currently unlikely) scenario of a planning application involving fracking being submitted to the County Council.

**CONSULTATION:**

- 20. The revised Scheme is the County Council’s proposed programme for the revision of its planning documents. It does not itself need wider consultation but revisions to the planning documents mentioned in the Scheme, such as a review of the Waste Plan, will require extensive consultation in accordance with statutory requirements and the Council’s adopted Statement of Community Involvement.

**RISK MANAGEMENT AND IMPLICATIONS:**

- 21. It is important that the County Council’s minerals and waste plans remain effective and in accordance with legislation and policy. Hence it is important that effectiveness of the plans is monitored through the AMR and that the Scheme is reviewed on a regular basis. Failure to do so could lead to successful challenges to decisions on relevant planning applications, whereby they are overturned and costs are potentially awarded against the County Council.

**Financial and Value for Money Implications**

- 22. There are no immediate additional costs associated with this item. However the future review of the SWP will require additional resources to cover the necessary costs associated with evidence gathering and the assessment of options and production costs as well as taking a revised plan through the community engagement, consultation and public examination process including the cost of an Inspector. Overall, additional costs are anticipated to be £300,000 but, depending on external factors, could be as high as £500,000. Costs would be spread over three financial years as from 2016/17 to 2018/19.
- 23. The adoption of an up to date Waste Plan will provide a level of ongoing certainty for waste operators and the public. An up to date plan will reduce the risk of appeals and legal challenges which can be very expensive for the County Council.

### Section 151 Officer Commentary

24. The Section 151 officer confirms that material financial issues and risks have been addressed in this paper. The anticipated costs of reviewing the Surrey Waste Plan can be met from within the existing Medium Term Financial Plan budget.

### Legal Implications – Monitoring Officer

25. The County Council is the Minerals and Waste Planning Authority for Surrey. It is required by the Planning and Compulsory Purchase Act 2004 (as amended) to prepare development plan documents and other documents that provide the framework for delivering minerals and waste planning policy in Surrey. The act also requires every planning authority to prepare a development scheme which sets out the programme for the preparation of development plan documents.

### Equalities and Diversity

26. There are no equalities implications associated with this item.

### WHAT HAPPENS NEXT:

27. The Minerals and Waste Plans will continue to be regularly monitored through the AMR. A further report will be brought to Cabinet before a formal review of the Waste Plan is commenced.

#### Contact Officer:

Paul Sanderson, Minerals and Waste Policy Team Manager, 020 8541 9949.

#### Consulted:

Relevant officers

#### Annexes:

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| Annex 1 | Revised Minerals and Waste Development Scheme November 2014   |
| Annex 2 | Surrey Waste Plan 2008 Self-Assessment of conformity with NPPF, NPPW & EU Waste Framework Directive |
| Annex 3 | Surrey Minerals Plan 2011 Self-Assessment of conformity with the NPPF                               |

#### Sources/background papers:

- Surrey Waste Plan 2008
- Surrey Minerals Plan 2011
- Planning Service Annual Monitoring Report 2012/13
- Waste Plan Review. Overview Advice. BPP consulting September 2014.
- Joint Municipal Waste Management Strategy 2010
- National Planning Policy Framework March 2012
- National Planning Policy Guidance
- National Planning Policy for Waste October 2014
- European Union Waste Framework Directive 2008
- Waste (England and Wales) Regulations 2011