

SURREY COUNTY COUNCIL

CABINET

DATE: 18 DECEMBER 2012

REPORT OF: MR JOHN FUREY, CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT

LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR, ENVIRONMENT AND INFRASTRUCTURE

SUBJECT: SURREY MINERALS AND WASTE PLANS - RECOMMENDATION TO COUNTY COUNCIL TO ADOPT THE AGGREGATES RECYCLING JOINT DEVELOPMENT PLAN DOCUMENT



SUMMARY OF ISSUE:

The adopted Surrey Minerals and Waste Plans provide the planning framework for the County Council in its roles as a mineral and as a waste planning authority. Minerals and waste development in Surrey includes aggregates recycling facilities for the recycling of construction, demolition and excavation waste. The Aggregates Recycling Joint Development Plan Document (DPD) sets out proposals for how the Surrey Minerals Plan's targets for the recycling of these types of waste can be met by 2016 and to 2026.

The DPD provides for an important element of overall aggregate supply in the county which also includes land-won sand and gravel from quarries. An increase in recycling will complement a near 50% reduction in the amount of land-won sand and gravel that Surrey County Council has had to plan for since 2009.

The Surrey Minerals and Waste Plans form part of the policy framework which is agreed by the County Council. The Cabinet is requested to recommend to the next meeting of the County Council that the DPD be adopted. The DPD contains modifications and amendments as recommended by the Inspector following independent public examination. The Inspector concluded that the DPD provides an appropriate basis for the planning of the county over the next 14 years.

RECOMMENDATIONS:

It is recommended that the Cabinet recommend to County Council that the Surrey Minerals and Waste Aggregates Recycling Joint Development Plan Document (incorporating the main modifications recommended by the Inspector and additional modifications and minor amendments) as attached as **Annex 2** be agreed.

REASON FOR RECOMMENDATIONS:

To secure completion of the final element of the Minerals and Waste Plan, fulfilling the associated legal requirements for Local Development Frameworks and comply with the adopted Minerals & Waste Development Scheme legal requirements.

DETAILS:

Background

1. The adopted Surrey Minerals and Waste Plans (Plans) provide the planning framework for the County Council in its roles as both a mineral and a waste planning authority. Minerals and waste development in Surrey includes aggregates recycling facilities for the recycling of construction, demolition and excavation (C, D & E) waste. The recently adopted Surrey Minerals Plan sets targets for the amount of C, D & E waste that should be recycled in Surrey by 2016 and to 2026. The Aggregates Recycling Joint Development Plan Document (DPD) sets out proposals for how the targets can be met.
2. On 26 November 2012, following independent public examination, the Inspector issued his report (**Annex 1**) on the DPD concluding that the submitted DPD is 'sound and legally compliant' subject to a number of modifications. There are three groups of modifications shown in **Annex 3**. They comprise:
 - main modifications to the DPD recommended by the Inspector which go to the soundness of the DPD (These are summarised in paragraph 9 of this report).
 - additional modifications to the DPD such as factual updates and for clarification.
 - minor amendments to the DPD put forward by the Council at the time of submission of the DPD to the Secretary of State, such as factual updates and for clarification.
3. The DPD incorporating all the changes is appended as **Annex 2**. The Inspector's recommendations must be incorporated into the DPD for it to be 'sound and legally compliant' if the County Council wish to adopt the DPD.
4. This report recommends the County Council to adopt the DPD with the Inspector's recommended main modifications, additional modifications and minor amendments.

Introduction

5. The adopted Minerals and Waste Plans (Plans) set the development framework for the County Council in its roles as both a mineral and a waste planning authority. The Plans identify specific sites and policy considerations for future mineral and waste development in Surrey and provides guidance to developers who wish to put forward proposals. The Aggregates Recycling Joint Development Plan Document (DPD) is the final element in the framework. It makes provision for recycling C, D & E waste into alternative aggregates in Surrey for the period up to 2026, and reduces the need for primary aggregate extraction. All of the allocated sites are either on existing or proposed mineral developments, or on sites identified for a waste use.
6. The County Council agreed on 19 July 2011 to publish the DPD for representations and subsequent submission to Government for public examination. Following the receipt of representations, Cabinet subsequently agreed on 14 December 2011 a schedule of proposed minor amendments to the DPD to accompany its submission to the Secretary of State on 16 December 2011.

Independent Examination

7. A pre-hearing meeting took place at County Hall on 21 February 2012. The public hearings commenced on Tuesday 20 March 2012 and took place on eight days ending on 29 June 2012. The Inspector made accompanied visits to all of the proposed sites in the DPD with additional visits made to Homefield Sandpit, Runfold and Lambs Brickworks, South Godstone following the promotion of these two sites for inclusion in the DPD by industry.
8. Members are advised to read the Inspector's Report (the Report) (**Annex 1**) for the DPD, which concludes that it is soundly based and appropriate for the planning of aggregates facilities within the county over the next 14 years. The Inspector has endorsed a number of main modifications (**Annex 3**) put forward by the Council during the public examination. These do not alter the thrust of the overall strategy but ensure that the DPD is sound and legally compliant.
9. The main modifications include:
 - inclusion of a policy presumption in favour of sustainable development (this is a requirement of the National Planning Policy Framework published in March 2012)
 - forecasts of future production are now based on sales recorded for the year 2010 (forecast sales were previously based on an average of three years sales which showed a lower outcome for future production)
 - not allocating the sites at Charlton Lane, Shepperton (the Inspector considered that the site would neither be suitable nor available)
 - not allocating sites at Whitehall Farm, Egham; Homers Farm, Bedfont and Watersplash Farm, Halliford (the operators have stated there is no intention to bring these sites forward)
 - increased estimates of the contribution towards recycled aggregate production on sites where the operators have indicated their firm intentions to bring forward proposals at Salfords Depot, Redhill; Penton Hook Marina, Chertsey and Milton Park Farm, Egham
10. Additional modifications and minor amendments (**Annex 3**) that update, clarify and improve the DPD are also proposed. They are minor changes which, taken together, do not materially affect the policies and strategy set out in the DPD.
11. The Main Modifications, Additional Modifications together with an updated Environmental Report (which comprised a sustainability appraisal of the Main and Additional Modifications) and an assessment of the compliance of the DPD with the National Planning Policy Framework were published for consultation in August 2012. A schedule (**Annex 4**) of the representations received was forwarded to the Inspector. The schedule was made available on the County Council website together with copies of the (redacted) representations. The Inspector has taken the responses into account in writing the Report.
12. The main findings of the Report are that the DPD is sound and legally compliant and the County Council has fulfilled its duty to co-operate with regard to its preparation. The recycling target figures of 0.8 mtpa by 2016 and 0.9 mtpa by 2026 are endorsed as being the best available and it would not be appropriate to revisit the figures. The Report finds that the DPD provides

an acceptable framework for maintaining this level of provision over its lifetime. The difficulty of seeking to promote an ideal distribution of sites is recognised, as is the need to allocate Green Belt sites owing largely to the lack of availability of alternative non Green Belt sites.

13. The proposal to allocate the Milton Park Farm, Egham as a potential aggregate recycling facility raised a significant number of representations opposing the identification of the site and was discussed at length at the Examination. The Report acknowledges that the development of the mineral working and an aggregate recycling facility together would not 'be devoid of any effect on local amenity'. The Inspector further states that 'I am not convinced that the introduction of an AR facility would significantly increase the likelihood of harm'. He concludes that 'I am satisfied that reliance on this site is justified'.
14. There were two sites promoted by industry for inclusion in the DPD, namely Homefield Sandpit, Runfold and Lambs Brickworks, South Godstone. However, the Inspector concluded that, 'The Plan makes adequate provision for recycling capacity for most of its term, with a reasonable expectation of meeting the targets for the end of the period. It is therefore sound without the need to allocate additional sites'. In the case of Homefield Sandpit, the Report states 'the site has the potential to contribute to the achievement of the targets as a windfall.....but it is not necessary in the interests of soundness for it to be specifically allocated under Policy AR1'. Regarding Lambs Brickworks, the Inspector concludes 'That is not to say that the site may not have potential to contribute to provision as a windfall under Policy AR2. However, this may be dependent on a scheme being drawn up that would not materially increase traffic generation from all of the non-business park activities'.

CONSULTATION:

15. Preparation of minerals and waste plan documents is subject to extensive consultation as required by the Town and Country Planning (Local Planning) (England) Regulations 2012.

RISK MANAGEMENT AND IMPLICATIONS:

16. As with many aspects of the planning system, adoption of the DPD carries the risk of a legal challenge. The timescale for a challenge is 6 weeks from the date of adoption of the document. (Full Council on 12 February 2013).

Financial and Value for Money Implications

17. There are potential costs associated with a legal challenge should one be made within the six week period following adoption (see para 16 above).
18. There are legal requirements associated with the adoption of the DPD. These include letter notification to individuals and organisations and printing and publication of documents for inspection. Notice of the adoption will also be necessary to be placed in Surrey local newspapers. The costs associated with the adoption of the DPD are approximately £8,000 and are covered in the budget for the year.

19. Adoption of the DPD provides a platform for determining planning applications for future aggregate recycling facilities in Surrey. It will direct development towards the most suitable areas and guard against ad hoc development proposals, which could prove more difficult to resist and costly for the Council to defend on appeal in the absence of an up to date policy framework.

Section 151 Officer Commentary

20. The Section 151 Officer confirms that all material, financial and business issues and risks have been considered in this report.

Legal Implications – Monitoring Officer

21. The Minerals and Waste Plan documents have been prepared in accord with the relevant legislation. The Planning Inspector concluded that the DPD had complied with legal requirements.

Equalities and Diversity

22. The Committee, in making this decision will need to take account of the public sector equality duties under the Equality Act 2010. These require that due regard should be given to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. These have been addressed in part through preparation of the Surrey Statement of Community Involvement, adopted in July 2006. This sets out how the Council will improve opportunities for the local community and organisations to be involved in planning decisions, including hard to reach groups including elderly people, young people and people who do not speak English.
23. Equality Impact Assessments (EIAs) have been carried out on the Minerals and Waste Plans and have not revealed any discernible discrimination against any people of the protected characteristics. These EIAs are listed as background documents to this report. The Minerals Plan EIA was refreshed in February 2010 to take account of the preparation of the Aggregates Recycling DPD and concludes that:
- a. “There is no evidence to suggest that the proposals and policies in the Minerals Plan are likely to impact on people in the equality and diversity groups any differently from the impact on the general Surrey population. It should be noted that no new mineral development takes place directly as a result of the Plan; before new mineral development takes place the Minerals Industry must submit planning applications to Surrey County Council as Mineral Planning Authority for assessment and determination. An Equality Impact Assessment has been carried out on the process of determining planning applications for mineral development which found that there was no discernible impact on the equality and diversity strands.”
24. There is nothing arising from the Examination and the Inspector’s report or from any other work done since the refresh of the Minerals Plan EIA to indicate that the position has changed.

25. In allocating sites, the Aggregates Recycling Joint DPD focuses on existing and proposed mineral extraction and waste management sites. The preparation of the Aggregates Recycling Joint DPD included public consultation with the local community and representative organisations including the full range of equality and diversity strands, in accordance with the Statement of Community Involvement. When planning applications are received there will be further engagement with the groups representing people of the protected characteristics and any potential impact on individuals with a protected characteristic can be looked at at this stage

Climate change/carbon emissions implications

26. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.
27. The Planning and Compulsory Purchase Act 2004 (as amended) requires DPDs to include policies on mitigating and adapting to climate change. The parent document, the adopted Surrey Minerals Plan Core Strategy DPD, covers this issue. The Inspector did not raise the matter in the examination as a soundness issue.

WHAT HAPPENS NEXT:

28. The Council will consider the adoption of the DPD. If the Council agrees to adopt the Aggregates Recycling Joint DPD on 12 February 2013 an adoption statement will be advertised and sent to consultees. The DPD and other relevant documents will be deposited in inspection locations such as libraries and Surrey borough and district council offices as well as being made available on the County Council website.

Contact Officer:

Les Andrews

Minerals and Waste Planning Policy Manager - 020 8541 9523

Consulted:

Trevor Pugh, Strategic Director, Environment and Infrastructure

Email and letter notification of publication of Inspector's Report to Minerals Plan consultees.

Annexes:

Annex 1: Aggregates Recycling Joint DPD – Inspector's Report

Annex 2: Aggregates Recycling Joint DPD for adoption

Annex 3: Schedule of Main Modifications, Additional Modifications and Minor Amendments

Annex 4: Schedules of representations received regarding:

- Main Modifications,
- Additional Modifications,
- Updated Environmental Report
- Compliance with the National Planning Policy Framework

Annexes available in Members Reading Room and on Surrey County Council website ([www.surreycc.gov.uk/Your council/Councillors and committees/Committee papers/Name of committee/Cabinet/18 December 2012](http://www.surreycc.gov.uk/Your_council/Councillors_and_committees/Committee_papers/Name_of_committee/Cabinet/18_December_2012))

Sources/background papers:

- Surrey Minerals Plan 2011 Core Strategy DPD
- Surrey Minerals Plan 2011 Primary Aggregates DPD
- Surrey Waste Plan 2008.
- Surrey Statement of Community Involvement 2006
- Minerals Plan Equalities Impact Assessment - Refreshed February 2010.
- Waste Plan Equalities Impact Assessment May 2008
- Environment and Regulation - Planning Development Control Equalities Impact Assessment March 2009

All above documents available on the Surrey County Council website

- National Planning Policy Framework (NPPF)
-

This page is intentionally left blank