

SURREY COUNTY COUNCIL**LEADER DECISIONS****DATE: 17 OCTOBER 2017****LEAD OFFICER: TREVOR PUGH STRATEGIC DIRECTOR ENVIRONMENT & INFRASTRUCTURE****SUBJECT: COMMENCEMENT OF CONSULTATION FOR DRAFT OF THE SURREY WASTE LOCAL PLAN****SUMMARY OF ISSUE:**

Surrey County Council is the Waste Planning Authority (WPA) for Surrey. The role of the WPA includes a statutory requirement¹ to prepare a plan for the provision of waste management infrastructure which will support Surrey's growth over the next 15 years.

The current Surrey Waste Plan (SWP) was adopted in 2008 and to replace this a new Surrey Waste Local Plan (SWLP) is being prepared. The new SWLP will go through several stages of public consultation. The first stage of public consultation was 'Issues and Options' held in September 2016.

Based on the responses received from the Issues and Options Consultation and evidence collected by the WPA a draft version of the new SWLP has been prepared. The WPA now seeks views on the Draft SWLP through a further round of public consultation.

It is proposed that the Draft Plan Consultation runs from 1 November 2017 to 5 February 2018. This is based on a 12 week consultation window with an additional two weeks to account for the Christmas period.

The Draft Plan Consultation will give statutory, non-statutory and public stakeholders a chance to have their say on the draft version before Cabinet takes a decision on the contents of the SWLP. The consultation will be supported by a non-technical summary and will be available online and in hardcopy at District and Borough offices.

¹ Under the Planning and Compulsory Purchase Act 2004

RECOMMENDATION:

It is recommended that:

The Leader of the Council agrees that the Council commences a Draft Plan Consultation on a new Surrey Waste Local Plan (SWLP) from 1 November 2017 for a period of 14 weeks.

REASON FOR RECOMMENDATIONS:

It is important that when preparing its local plan Surrey County Council engages effectively with stakeholders in accordance with the adopted Statement of Community Involvement (SCI) and the Duty to Cooperate².

DETAILS:**Why does Surrey need a Waste Local Plan?**

1. As the Waste Planning Authority (WPA), Surrey County Council is required, under the Planning and Compulsory Purchase Act 2004, to produce a local plan which sets out how much and where waste management infrastructure could be provided within the county.
2. The current plan, the Surrey Waste Plan 2008, was intended to plan for the period up to 2018. The National Planning Policy Framework (NPPF) presumption in favour of sustainable development expects that any proposed development which accords with an up-to-date local plan is approved.
3. An up-to-date Waste Local Plan is needed to both allow for adequate future provision, taking into account changing circumstances but also, importantly, to protect the county from inappropriate speculative development that could take place either without a Plan or with an out of date Plan.

What is a Waste Local Plan?

4. The SWLP will include policies and site allocations which enable waste operators (public and private) to deliver the waste management infrastructure needed to sustain Surrey's dynamic economy. The amount of waste management infrastructure needed is based on how much waste is produced in Surrey.
5. The SWLP seeks to provide land for waste management infrastructure and covers all key waste streams³ including; waste from households, commercial waste, construction and demolition waste.

² Section 33A of the Localism Act 2011

³ National Planning Practice Guidance for Waste Paragraph: 013 Reference ID: 28-013-20141016

How will Surrey County Council prepare a new Waste Local Plan?

6. The preparation of the new SWLP will include several stages of public consultation. The first stage was a consultation on Issues and Options undertaken in September 2016.
7. The results of the Issues and Options Consultation have been used in developing a Draft Plan. The Draft Plan Consultation seeks to obtain views from stakeholders on more detailed aspects of policy and potential sites being considered for allocation.
8. Following the Draft Plan Consultation a report will be taken to Cabinet on 26 June 2018 to agree the content of the SWLP based on the outcome of the consultation.
9. A further stage of public consultation (Pre-Submission Consultation) will be carried out in 2018 before the SWLP is submitted to the Secretary of State for examination. The stages of consultation and their duration are in accordance with the County Council's adopted SCI.
10. The timetable for reviewing the SWLP is set out in the local development scheme known as the Minerals and Waste Development Scheme (MWDS). A draft MWDS has been published alongside the consultation. Following the consultation Cabinet will also need to agree the revised MWDS.

CONSULTATION:

11. This report sets out the proposed approach that the WPA intends to follow when consulting on the revised Surrey Waste Local Plan. The consultation will be addressed to a range of stakeholders including:
 - General public
 - Surrey District and Borough Councils
 - Other Waste Planning Authorities
 - Adjoining Authorities outside Surrey
 - Duty to Cooperate Bodies⁴
 - Local Enterprise Partnerships
 - Statutory Environmental Bodies
 - Parish Councils
12. The consultation will run for 14 weeks between 1 November 2017 to 5 February 2018. The consultation will be held in accordance with the County Council's adopted SCI.

⁴ As identified in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

RISK MANAGEMENT AND IMPLICATIONS:

13. It is important that Surrey County Council's local plan for waste remains effective and compliant with national legislation and policy. 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 Surrey County Council.
14. The WPA is managing this risk by being proactive about reviewing the SWLP to ensure that the local plan for waste remains up-to-date and compliant with national legislation and policy and takes account of the local context affecting the delivery of waste management infrastructure.

Financial and Value for Money Implications

15. The cost of reviewing the SWP was agreed by Cabinet in December 2014. The review is expected to cost £0.3m and this estimate is budgeted although costs could be higher depending on external factors, and will be funded from the New Homes Bonus grant.
16. The largest proportion of the cost will arise at the later stages of preparing the SWLP including the independent public examination. By planning positively and engaging early on with stakeholders through a number of stages of consultation we are seeking to minimise the time and cost of the independent examination.

Section 151 Officer Commentary

17. The Section 151 officer confirms that all material financial issues and risks have been addressed in this paper. The anticipated costs of reviewing the Surrey Waste Plan will be met from within the wider Medium Term Financial Plan as set out in Paragraph 14.

Legal Implications – Monitoring Officer

18. Surrey County Council is the WPA for Surrey. As the WPA the County Council 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 waste planning policy in Surrey and to keep such documents up to date.
19. Consultation on the draft version of the local plan is a legal requirement pursuant to Regulation 18 of the Planning and Compulsory Purchase Act 2004 (as amended).

Equalities and Diversity

20. In order to develop the SWLP the County Council are required to carry out several stages of public consultation. An Equalities and Diversity Assessment (EqIA) has been carried out and is attached as **Annexe 1**. The EqIA will be reviewed and updated at each stage of consultation to ensure that we capture and address any equalities issues that arise.

Other Implications:

21. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Environmental sustainability	Set out below.
Public Health	No significant implications arising from this report.
Climate change	No significant implications arising from this report.
Carbon emissions	No significant implications arising from this report.

Environmental sustainability implications

- 22. The requirement for strategic environmental assessment (SEA) derives from a European Union (EU) Directive (2001/42/EC), which requires public authorities to undertake a systematic assessment and evaluation of the likely effects of certain plans and programmes on the environment, and their reasonable alternatives, as part of the plan preparation and decision making process. The purpose of SEA is to afford a high level of protection to the environment.
- 23. The SEA must be carried out in accordance with the requirements set out in Regulation 12(3) and Schedule 2 of the Environmental Assessment of Plans & Programmes Regulations 2004 (SI 2004 No.1633), and Annex I of the SEA Directive. The SEA will be carried out alongside the preparation of the plan, and the conclusions and recommendations of the assessment, including in respect of the consideration of alternatives, will be fed into that process prior to the finalisation of the proposals set out in the plan. The content and purpose of a SEA is defined by law.
- 24. Separate to the requirement for SEA is a domestic requirement for Local Plans to be subject to sustainability appraisal (SA), which derives from the section 19 of the Planning & Compulsory Purchase Act 2004. The SA process has a broader focus than SEA, and encompasses effects on the economy and communities, in addition to those on the environment. The content and purpose of a SA is not defined by law.
- 25. A further requirement relevant to the preparation of Local Plans are those of the EU Habitats Directive (92/43/EC), in respect of the 'appropriate assessment' of plans with regard to their likely effects on sites that have been designated as of European importance for nature conservation. Prior to adoption all Local Plans must have been subject to a suitable level of 'appropriate assessment', and the planning authority needs to be able to reach a conclusion that the ecological integrity of any European site would not be adversely impacted by the implementation of the plan.

WHAT HAPPENS NEXT:

26. The next steps are:

- Subject to Leader approval, the Draft Plan Consultation will run for a period of 14 weeks between 1 November 2017 and 5 February 2018.
- Once the consultation has concluded, the County Council will analyse the responses and provide an assessment of how these responses will inform the Pre-Submission version of the Surrey Waste Local Plan.
- Cabinet will be asked to take a decision on the content of the Pre-submission version of the Surrey Waste Local Plan following the outcomes of the Draft Plan Consultation at the Cabinet meeting on 26 June 2018.
- Cabinet will be asked to agree a revised Minerals and Waste Development Scheme (MWDS) which sets the timetable for the preparation of the Surrey Waste Local Plan.

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Annexes:

Annexe 1: Equalities Impact Assessment for the Surrey Waste Local Plan

Sources/background papers:

- Surrey County Council Statement of Community Involvement (2015) available at: <https://www.surreycc.gov.uk/environment-housing-and-planning/minerals-and-waste-policies-and-plans/surrey-statement-of-community-involvement>
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