

SURREY COUNTY COUNCIL

CABINET

DATE: 17 DECEMBER 2019

REPORT OF: MR MIKE GOODMAN, CABINET MEMBER FOR ENVIRONMENT AND WASTE

LEAD OFFICER: GILL STEWARD, INTERIM EXECUTIVE DIRECTOR FOR COMMUNITY PROTECTION, TRANSPORT AND ENVIRONMENT

**SUBJECT: SURREY WASTE LOCAL PLAN:
PROPOSED MAIN MODIFICATIONS**



SUMMARY OF ISSUE:

All types of waste are managed at facilities within Surrey and the County Council, as the Waste Planning Authority (WPA), is responsible for determining related planning applications. Decisions on such applications are made with regard to the Waste Local Plan that sets out how and where waste should be managed in Surrey. The County Council is responsible for maintaining the Waste Local Plan. The current Surrey Waste Plan was adopted by the County Council in 2008 and is now being replaced by a new plan. Preparation of the new plan, known as the 'Surrey Waste Local Plan' (the Plan), has undergone several stages of public consultation.

The Plan seeks to ensure that enough land is available to accommodate the waste management facilities needed to handle the equivalent amount of all waste produced in Surrey at the highest practicable point on the waste hierarchy. The Plan prioritises land outside the Green Belt but also identifies potential sites within the Green Belt to provide flexibility should the necessary land not become available in urban areas. The Plan also contains policies which ensure new facilities are well located and do not result in significant adverse impacts on amenity and the environment. The sites identified do not mean they will be developed; this will depend on a vigorous business and planning case and the determination of a planning application. Of the six sites allocated for waste management, one is specifically intended to facilitate the development of a household waste Materials Recovery Facility by the WDA.

The Council will only be able to adopt the Plan if it is sound and legally compliant and hence the Plan was submitted to the Secretary of State for examination of these matters in April 2019. The submitted draft of the Plan (the 'Submission' draft) was approved by Cabinet in December 2018.

The Plan is now in the process of being examined by an independent Inspector. Public hearings were held over a two-week period from 17 – 26 September 2019. A number of modifications are proposed and have been agreed with the Inspector. These are considered necessary to make the Plan sound and are known as Main Modifications. These Main Modifications need to be the subject of a further consultation before the Inspector can make a final recommendation.

It is only the proposed Main Modifications that are being considered by Cabinet on this occasion. Cabinet and then Council will need to consider the adoption of the Plan next year (See paragraph 22) if the Inspector concludes that it is, as proposed to be modified, sound and legally compliant.

RECOMMENDATIONS:

It is recommended that Cabinet:

1. Agree the proposed Main Modifications to the Surrey Waste Local Plan (Submission Draft).
2. Agree that the Main Modifications be published for consultation, together with a revised Environmental & Sustainability Report, from 13 January – 23 February 2020.

REASON FOR RECOMMENDATIONS:

Main Modifications identified as part of the examination process are being proposed in order to ensure the Plan is legally compliant and sound. In accordance with the December 2018 report to Cabinet, the proposed Main Modifications to policy need to be agreed by Cabinet prior to their publication for comments.

DETAILS:

1. The new Surrey Waste Local Plan will be the main waste planning document for the county and will guide development associated with the management of waste up to 2033. The Plan has been subject to a comprehensive process of preparation and public consultation and has been amended accordingly.
2. In December 2018 Cabinet approved the Plan for publication and subsequent submission to the Secretary of State for independent examination. The Plan was submitted in April 2019 and public hearings took place from 17 – 26 September 2019 before an independent inspector. The proposed Main Modifications to the Plan have resulted from the examination process including discussions at the public hearings.
3. The proposed Main Modifications are a response to the scrutiny of the Plan's policy wording during the examination process (including the hearings). They do not alter the objectives or intentions of policy or change the sites proposed for allocation but do provide additional clarity and consistency and ensure that the wording conforms to that in national policy.
4. In addition to the Main Modifications a number of minor inconsequential changes are proposed to the text. These are known as Additional Modifications and will be published at the same time for information only.
5. Essentially the proposed Main Modifications are intended to ensure that the policies are clear and effective and consistent with the National Planning Policy Framework (NPPF).
6. Modifications are proposed to the supporting text of policies to ensure it is clear and contains appropriate detail, including how policies should be applied in particular circumstances.
7. The Main Modifications do not change the locations of the sites, which are allocated in Part 2 of the Plan, or the Industrial Areas of Search.

8. The Main Modifications are set out in full in Annex 2 to this report available on the council's website [here](#) (see Annexes below for full web address) with a summary included in Annex 1 which is attached to this report

Strategic environmental assessment and sustainability appraisal

9. During its preparation, the Plan has been subject to sustainability appraisal (SA) (incorporating strategic environmental assessment (SEA)). Through the publication of an Environmental & Sustainability Report (ESR), the SA provides an assessment of impacts (both beneficial and detrimental) on environmental, social and economic objectives which are expected to arise from the implementation of the Plan, including alternatives to the Plan. The recommendations from the SA are taken into account as the Plan is prepared.
10. The SA is being revisited to take account of the Main Modifications and the comments made by the Inspector during the examination. No significant changes to the impacts on the Plan's environmental, social and economic objectives have been identified as a consequence of the proposed modifications.

CONSULTATION:

11. It is a requirement that the Main Modifications and the revised Environmental & Sustainability Report are published and consulted on for a minimum of six weeks¹. It is proposed to consult on the Main Modifications from Monday 13 January to Sunday 23 February 2020.
12. A full version of the Surrey Waste Local Plan showing, as tracked changes, all of the changes proposed will be published to ensure that all the changes (including the minor Additional Modifications) can be read in context.

RISK MANAGEMENT AND IMPLICATIONS:

13. It is important that Surrey County Council's minerals and waste plans remain 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 the County Council. Furthermore, all planning authorities are now required to review their planning policy every five years.
14. We are managing this risk by reviewing the Surrey Waste Plan 2008 to ensure that planning policy concerning the management of waste in Surrey remains up-to-date and compliant with national legislation and policy and takes account of the most recent local context affecting the management of waste.

Financial and Value for Money Implications

15. The additional cost of reviewing the SWP was agreed by Cabinet in December 2014. The review was expected to cost £0.3m, although it was acknowledged that costs could be as high as £0.5m depending on external factors. Costs will arise over four years from 2016/17 to 2019/20.
16. Additional costs incurred in 2016/17 and 2017/18 amount to £0.037m. These have been met by the service. Additional costs incurred for 2018/19 amount to

¹ Statement of Community Involvement, October 2019

£0.119m and have been met from New Homes Bonus funding. Additional costs for 2019/20, which includes the examination period and cost of the Inspector, are estimated to be up to £0.18m, including contingency, and are allowed for in the Medium-Term Financial Strategy.

Section 151 Officer Commentary

17. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook is uncertain as it is heavily dependent on decisions made by Central Government. With no clarity on these beyond 2020/21, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. As previously agreed by Cabinet, the cost of developing the Surrey Waste Local Plan will be met from the existing Medium-Term Financial Strategy.

Legal Implications – Monitoring Officer

18. Pursuant to s 20 (7C) of the Planning and Compulsory Purchase Act 2004 Act, if asked to do so by the local planning authority, the person appointed to carry out the examination of a development plan document must recommend modifications ("main modifications") of the document that would make it sound. The County Council has requested such main modifications be made by the Inspector to the draft Surrey Waste Local Plan and these changes now require to be agreed by Cabinet.

Equalities and Diversity

19. An Equalities Impact Assessment (EqIA) has been prepared under the Equalities Act 2010. We have reviewed our EqIA at each stage to ensure that we capture and address any equalities issues that have arisen. The EqIA has been revisited to review any implications of the proposed Main Modifications and no further issues have been found.

WHAT HAPPENS NEXT:

20. If agreed the Main Modifications and the ESR will be published for consultation from 13 January to 23 February 2020. Following the consultation, the Main Modifications, the ESR and any representations received will be submitted to the Inspector.
21. The inspector will then determine whether further Hearing Sessions and/or Main Modifications are required and, ultimately, issue a final report containing her conclusions on the soundness and legal compliance of the Plan. If the Plan is found to be sound and legally compliant, adoption of the Surrey Waste Local Plan will then be a decision for Council.

Contact Officer:

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Consulted:

Public Consultation on Issues and Options 1 Nov 2017 – 7 February 2018
Public Consultation on Submission Plan 14 January 2019 – 24 February 2019

Annexes:

Annex 1: Summary of the Main Modifications

Annex 2: [Schedule of Main Modifications](#).

Available on the council's website here (copy and paste into your web browser):

https://www.surreycc.gov.uk/__data/assets/pdf_file/0003/212457/SCCD-018-Annex-2-Schedule-of-Proposed-Main-Modifications

Sources/background papers:

Cabinet Paper 18 December 2018 Item 10

Surrey Waste Local Plan Submission Plan Jan 2019

All the documents submitted to the Secretary of State in April 2019 can be found on the council's website in the [Submission Library](#)

All subsequent examination documents can be found on the [Examination](#) webpage.