

SURREY COUNTY COUNCIL**CABINET****DATE: 24 NOVEMBER 2020****REPORT OF: MRS NATALIE BRAMHALL, CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE****LEAD OFFICER: KATIE STEWART, EXECUTIVE DIRECTOR FOR ENVIRONMENT, TRANSPORT AND INFRASTRUCTURE****SUBJECT: REVISED MINERALS AND WASTE DEVELOPMENT SCHEME****ORGANISATION STRATEGY: Growing A Sustainable Economy So Everyone Can Benefit/ Enabling A Greener Future****PRIORITY AREA:****SUMMARY OF ISSUE:**

Surrey County Council is the Minerals and Waste Planning Authority for Surrey, and as such, is responsible for setting the local planning policy used in making decisions on planning applications relating to minerals and waste development in the county. Its role is to ensure that there is an adequate supply of minerals and facilities are in place to process waste; this role is essential to growing the economy of the County so that everyone can benefit.

The County Council is required to produce a 'Minerals and Waste Development Scheme' (known hereafter as 'MWDS' in this report) which sets out its planning policy documents in this area and its programme for revising these documents. A revision to the Scheme is required primarily for two separate reasons. The first, is that the Surrey Minerals Local Plan 2011 (known hereafter as the 'SMLP 2011' in this report) requires updating, and the MWDS sets out a programme for this process. The second reason is that Surrey County Council intends to produce a combined Surrey Minerals and Waste Local Plan (SMWLP). This moves away from the county's previous approach of producing separate Local Plans and helps to reflect the synergies between the two different sets of policies as the council undertakes future planning. Accordingly, this change of approach would also be set out within the updated MWDS.

Ensuring an adequate supply of minerals is necessary to support the construction industry and is an important contributor to the growth of a sustainable economy. The review outlined in the MWDS will ensure that the County Council's planning policies help to enable a greener future.

Cabinet is asked to agree the updated MWDS, which sets out a four year timeframe in which it is hoped to complete the new SMWLP. It should also be noted that the new SMWLP may be delivered earlier than the four years stipulated, as the current predicted four-year timeframe is a cautious one. Setting out a cautious four year timeframe has allowed various mechanisms to be built in so as to accommodate implications/risks associated with the current Corona Virus pandemic, such as staff members being redeployed into other roles away from their primary line of work, and other unforeseen delays.

RECOMMENDATIONS:

It is recommended that Cabinet:

1. approves the proposed revised Minerals and Waste Development Scheme October 2020, which includes the intention to produce a joint Surrey Minerals and Waste Local Plan, as set out at **Annex 1**.

REASON FOR RECOMMENDATIONS:

It is a statutory requirement to produce the MWDS and to keep it up to date. The current SMLP was adopted in 2011 and the current Aggregates Recycling Joint DPD was adopted in 2013. Government expects that such plans are regularly reviewed and updated as necessary based on up to date evidence.

Additionally, in order to produce a new joint SMWLP, a review of the current Surrey Waste Local Plan would also need to be undertaken (alongside the planned review of the SMLP). This will help to reflect the synergies that exist between the two different sets of policies as the council undertakes future planning. Accordingly, this change of approach would also be set out within the updated MWDS.

DETAILS:

Introduction

1. Surrey County Council is both the Mineral Planning Authority (MPA) and the Waste Planning Authority (WPA). The Planning & Compulsory Purchase Act (2004) as amended by the Localism Act (2011) requires all minerals and waste planning authorities to prepare and maintain a Minerals and Waste Development Scheme (MWDS), setting out what planning policy documents the county council has adopted and when these documents will be reviewed.

Surrey Minerals & Waste Local Plan

2. In order to modernise its approach to policy planning going forward, Surrey County Council (SCC) will be producing a joint Surrey Minerals and Waste Local Plan (SMWLP). This will include a full review of both the current Surrey Minerals Local Plan (SMLP), and the Surrey Waste Local Plan (SWLP). The main factor driving the new approach is to capture the ever-increasing synergies and links between the two separate sets of policies. For example, this can be seen in the approaches to secondary aggregate recycling and mineral site restoration, and their links to Surrey's Climate Change Strategy.
3. As the MPA, the Council is required under the Planning and Compulsory Purchase Act 2004 to produce a local plan which sets out how mineral development will be managed in Surrey. The MPA uses the policies in its Minerals Local Plan to inform decisions on planning applications for development related to mineral operations and restoration.
4. The purpose of the SMLP is to help ensure that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the county and, indeed, the country needs. This will help to grow the economy so that everyone can benefit. Through the guidance of such policies, SCC provides the following: suitable sites for mineral extraction; the infrastructure to supply the county with both minerals from recycled material and imports from elsewhere in the country and also safeguards mineral operations and resources. All this needs to be done whilst ensuring mineral development does not have unacceptable adverse effects on

communities or the environment in order to help safeguard the creation of a greener future.

5. Government advice is that the policies in such plans should be reviewed to assess whether they need updating at least once every five years. The SMLP was assessed in December 2014 and found to be consistent with the then new NPPF. A more recent review has been undertaken, taking into account changed circumstances.
6. The SMLP and the Aggregates Recycling Joint DPD Review 2020 (included at **Annex 2**) concludes that the current plan remains a sound and up to date basis on which to determine planning applications but that given the changes in circumstances since the last review and, in particular national policy, the production of an updated plan should now be commenced.
7. Further, in order to produce the new joint Surrey Minerals and Waste Local Plan, a full review of the current Waste Local Plan will also be carried out. The SWLP is a sound plan on which to determine planning applications and, given the imminent adoption of the plan, it would ordinarily not be reviewed so soon. However, Cabinet have agreed that in order to bring both minerals and waste planning policies in line, it is necessary and appropriate to bring forward a review of the SWLP in order to produce a joint minerals and waste plan. This will also help to encapsulate the similarities and overlaps between the two and to incorporate developing Government and County Council policy such as the updated Waste Management Plan for England and the Climate Change Strategy.
8. The whole process of producing a SMWLP is likely to take approximately 4 years. The key stages are set out below in **Figure 1**:

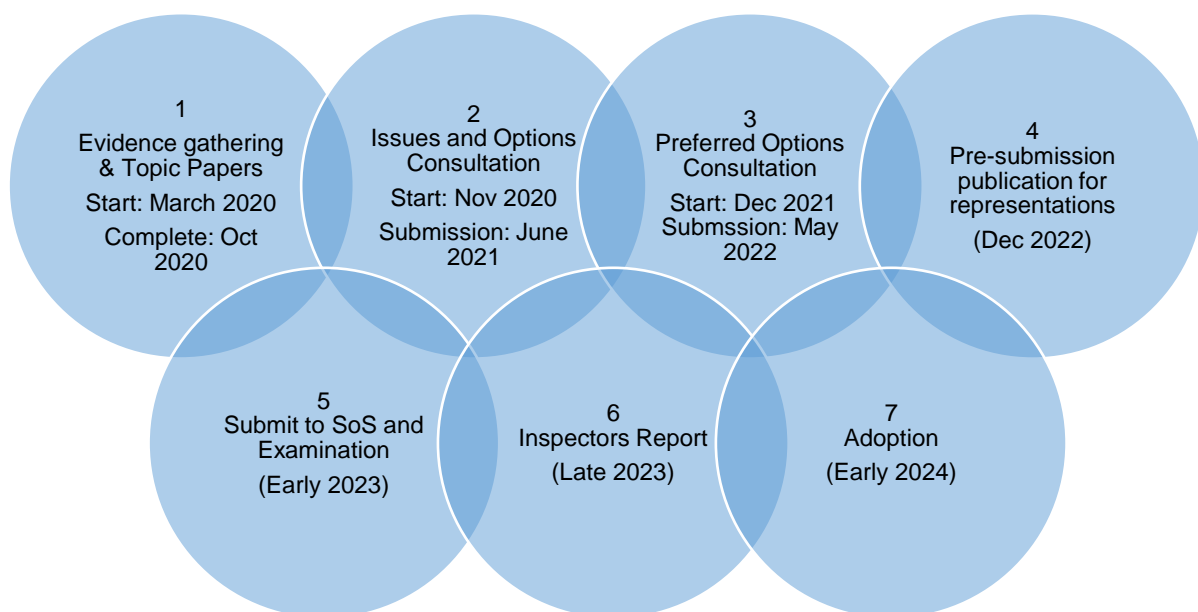


Figure 1 - Stages of preparing the new Surrey Minerals and Waste Local Plan

9. At present, officers are in the process of gathering evidence to be included in Topic Papers. The Topic Papers are background research documents which will help to underpin the new Plan. Completion of the Topic Papers is anticipated by the end of October 2020.

Member Engagement

10. The involvement of Members is critical to the success of this process. There is therefore a need to establish and agree upon how member engagement will take place throughout preparation of the plan. This will ensure that Members are kept informed at all stages of the plan's development.
11. Specifically, there is a need to set out when and how we will engage with Members, and which groups of members we will engage. The precise timings and scope of Member involvement will be agreed with the Cabinet Member, but it is intended that there will regular reporting via Cabinet and Select Committee updates and all Member briefings. Individual Members will be engaged early when there are potential sites identified in their areas.
12. A Member Reference Group (MRG) is to be created in order to provide input by acting as a 'critical friend' in the process of preparing the Plan and thereby engage at various stages of the Plan's preparation. The membership of this group is yet to be determined; however, it is likely to involve several nominees from the Select Committee and the Cabinet Member.

CONSULTATION:

13. In accordance with the regulations, the Plan will be subject to a comprehensive process of public consultation during its preparation. The first opportunity for the public to engage in the process will be the Issues and Options Consultation scheduled for June 2021.
14. The County Council will engage constructively and on an ongoing basis with a wide range of other partners and stakeholders during the preparation of the Plan. These include the district and borough councils in Surrey and other minerals and waste planning authorities.

RISK MANAGEMENT AND IMPLICATIONS:

15. It is important that SCC'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 and enforcement actions, whereby if they are overturned costs could potentially be awarded against SCC.
16. The Council is managing this risk by being proactive in reviewing the SMLP 2011 to ensure that planning policy concerning mineral development in Surrey remains up-to-date and compliant with national legislation and policy and takes account of the most recent local context affecting mineral working and future restoration operations. The new joint SMWLP will ensure that the waste element is also as up to date as it can be.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

17. There are no immediate additional costs associated with the production of the MWDS. The review of the SMWLP will initially be handled in house with costs met within the service.
18. However, there will be the need in the future for expertise from outside the Council and there will be costs associated with the public examination. Overall additional costs are anticipated to be of the order of £300,000 spread across the financial years 2020-24, which is a similar total to the review of the SWLP. In addition, there are

risks associated with potential legal challenges to the plan and the need for legal support from outside the County Council which means costs could be as high as £500,000 in total. Additional costs will need to be met from within the existing budget envelope.

19. However, once complete, the adoption of an up to date SMWLP will provide a level of ongoing certainty for minerals operators, waste management businesses and the public. An up to date plan will reduce the risks of appeals and legal challenges which can be costly for the County Council.

SECTION 151 OFFICER COMMENTARY

20. 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. The public health crisis has resulted in increased costs which are not fully funded in the current year. With uncertainty about the ongoing impact of this and no clarity on the extent to which central and local funding sources might be affected from next year onward, our working assumption is that financial resources will continue to be constrained, as they have 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. The Section 151 Officer supports the recommended approach, the costs of which will be managed within the Council's Medium Term Financial Strategy.

LEGAL IMPLICATIONS – MONITORING OFFICER

21. SCC is the MPA 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 mineral planning policy in Surrey.
22. The Act also requires every planning authority to prepare a development scheme which sets out the programme for the preparation of development plan documents and a Statement of Community Involvement which sets out communities will be involved in the preparation of planning policy.
23. This revised Minerals and Waste Development scheme is in accordance with the requirements of the Planning and Compulsory Purchase Act and will form the basis of the timetable for the production of the new joint SMWLP.

EQUALITIES AND DIVERSITY

24. Plan preparation involves several stages of public engagement and consultation, which provides the MWPA with opportunities to seek the views of the Surrey public on the matters that are to be covered by the new plan, and on detailed policies and sites that are to be allocated or otherwise identified for development.
25. An Equalities & Diversity Impact Assessment (EqIA) will be produced in accordance with the requirements of the Equalities Act 2010 as part of the new Plan preparation process.
26. The Statement of Community Involvement (SCI) that the MWPA is required to prepare and consult on as part of the Plan preparation process will also help to ensure that the widest possible cross-section of Surrey residents have the opportunity to engage with the Plan during its development.

OTHER IMPLICATIONS:

27. 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 the development and implementation of the new MWLP
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from the development and implementation of the new MWLP
Environmental sustainability	<p>Mineral resources are finite and non-renewable, and their extraction will inevitably result in their consumption for the purposes of economic growth and development. The development of a joint MWLP presents opportunities to improve the contribution that the recycling of construction, demolition and excavation wastes can make to reducing demand for primary aggregate resources.</p> <p>The wastes arising from the activities of communities and businesses located in Surrey require appropriate management, to reduce demand for primary natural resources through recycling, recovery and reuse, and to ensure that where disposal is unavoidable that it is done in a manner that minimises the potential for harmful impacts on the environment and communities.</p> <p>The restoration of former mineral workings has scope to contribute to the goal of biodiversity net gain, through the provision of new or enhanced areas of semi-natural habitat, potentially contributing to wider networks of green or blue infrastructure. The restoration of minerals sites also presents opportunities to integrate flood alleviation measures, to address the impacts of a changing climate, and for the planting of trees and other vegetation which can support climate change mitigation through carbon sequestration.</p>
Public Health	The potential implications of minerals and waste development for the

	<p>health and wellbeing of host communities will be assessed during the plan-making process. The need to safeguard host communities from potential health effects will be reflected in the priorities and policies of the plan.</p>
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ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

28. Under the current plan-making process, the preparation of a new Local Plan is subject to a number of requirements for statutory or technical assessment as a matter of law or national policy. As a matter of domestic law, the development of a new Local Plan must be informed by a Sustainability Appraisal (SA), which should seek to integrate the requirement for Strategic Environmental Assessment (SEA) set out in European law. The SA/SEA process enables those preparing the Plan to identify potentially significant impacts on the environment and wider sustainability issues, and to adjust the Plan so that such impacts are avoided, mitigated or compensated for.
29. Where the proposed SMWLP could give rise to likely significant effects on sites of European importance for nature conservation (i.e. Special Protection Areas or SPAs, or Special Areas of Conservation, or SACs) the Local Plan will also have to be subject to Habitat Regulations Assessment during its preparation. A Local Plan may only proceed to adoption where it can be concluded that its implementation would not give rise to significant impacts, alone or in-combination with other plans, programmes or projects, on the identified sites of European importance for nature conservation.
30. As a matter of national policy, all Local Plans must be subject to Strategic Flood Risk Assessment (SFRA) during their preparation, to ensure that the development proposed would not be at significant risk of flooding, and would not result in flood risks changing significantly elsewhere in the affected area.

WHAT HAPPENS NEXT:

31. It is proposed that the current MWDS be updated in accordance with **Annex 1**.
32. The next stage of plan preparation process is to complete the evidence gathering stage as set out in paragraph 9 above.
33. A timeline has been completed for the production of the topic papers, which will directly feed into the wider SMWLP preparation timeline. Each topic Paper will be subject to internal consultation and review during their production. The topic papers will not be subject to external consultation, but will form the basis of the Issues & Options report that is to be subject to wider consultation in June 2021, including with the Surrey public, as the first formal stage in the preparation of the new plan.
34. It is anticipated that the Topic Paper production process will be completed by the end of October 2020. The potential for that process to be slightly delayed due to the ongoing coronavirus pandemic cannot be ruled out, but the Council will seek to minimise any slippage if that arises.

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Annexes:

Annex 1: Updated Minerals and Waste Development Scheme (October 2020)

Annex 2: Updated Review of the Surrey Minerals Plan 2011 and the Aggregates Recycling
DPD 2013
