

**SURREY COUNTY COUNCIL****CABINET****DATE: 20 JULY 2021**

**REPORT OF CABINET MEMBER: MATT FURNISS, CABINET MEMBER FOR TRANSPORT AND INFRASTRUCTURE**

**LEAD OFFICER: KATIE STEWART, EXECUTIVE DIRECTOR FOR ENVIRONMENT, TRANSPORT & INFRASTRUCTURE**

**SUBJECT: REVISED MINERALS AND WASTE DEVELOPMENT SCHEME**

**ORGANISATION STRATEGY PRIORITY AREA: GROWING A SUSTAINABLE ECONOMY SO EVERYONE CAN BENEFIT/ ENABLING A GREENER FUTURE**

<b>PURPOSE OF REPORT:</b>
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The purpose of this report is to present a revision of the Minerals and Waste Development Scheme (MWDS) in order to facilitate a delay to the commencement of the first consultation phase (Issues and Options) in the production of the new Surrey Minerals and Waste Local Plan (SMWLP). This delay will enable the Council to avoid consulting over the summer period, when it is likely that many residents may be taking the opportunity of the expected release of lockdown to go on holiday. The delay is expected to therefore, help to ensure greater engagement by residents in the consultation.

The timescales for the production of the SMWLP are not expected to be materially impacted due to the extension officers propose a modest amendment to the existing MWDS schedule. Officers anticipate an extension of some 4-months to be sufficient. Cabinet is asked to agree the updated MWDS, which sets out a revised four-year timeframe in which it is intended that the new MWLP will be adopted.

<b>RECOMMENDATIONS:</b>
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It is recommended that Cabinet:

1. Approves the proposed revised Minerals and Waste Development Scheme dated July 2021, which sets out an updated timetable in relation to the production of the Surrey Minerals and Waste Local Plan, as set out at **Annex 1**.

<b>REASON FOR RECOMMENDATIONS:</b>
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It is a statutory requirement to produce the MWDS and to keep it up to date. An update to the MWDS has been proposed by officers, which seeks to extend the production timeline for the new SMWLP. The extension of time will allow the first public consultation stage for the new SMWLP (Issues and Options) to commence in October 2021 (previously June 2021). This will allow consultation to commence after the summer, in the expectation that many residents may be taking the opportunity over the summer period to go on holiday. The delay will therefore enable the best possible reach of the consultation to residents.

## DETAILS:

### Introduction

1. Surrey County Council (SCC) is both the Mineral Planning Authority and the Waste Planning Authority. The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires all minerals and waste planning authorities (MWPAs) to prepare and maintain a Minerals and Waste Development Scheme (MWDS), setting out what planning policy documents SCC 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, SCC are currently embarking on a plan-making process with a view to producing SCC's first joint Minerals and Waste Local Plan (SMWLP). This will include a full review of both the Surrey Minerals Plan 2011 (SMP) and the Surrey Waste Local Plan 2019 (SWP). The main factor driving the new approach is to capture the ever-increasing synergies and links between the two separate forms of development and 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 and the Government's increased emphasis on waste prevention.
3. As the minerals planning authority, the SCC is required to produce a local plan which sets out how mineral development will be managed in Surrey. The Council 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 SMP 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 also ensuring that mineral development does not have unacceptable adverse effects on communities or the environment.
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. A recent officer review concluded 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, SCC should produce an updated plan. Further, in producing the new joint SMWLP, a full review of the SWP will be carried out.
6. Updating both minerals and waste development plan policies through the making of a joint SMWLP will facilitate compliance with the statutory requirement to keep local plans up-to-date, provide for a development framework that encapsulates the similarities and overlaps between the two forms of development, and incorporates developing Government and County Council policy relating to climate change, biodiversity net gain, waste prevention, and the circular economy.

7. The process of producing a joint SMWLP is likely to take approximately 4 years. The key phases in the updated plan production timeline are set out below in **Figure 1**:

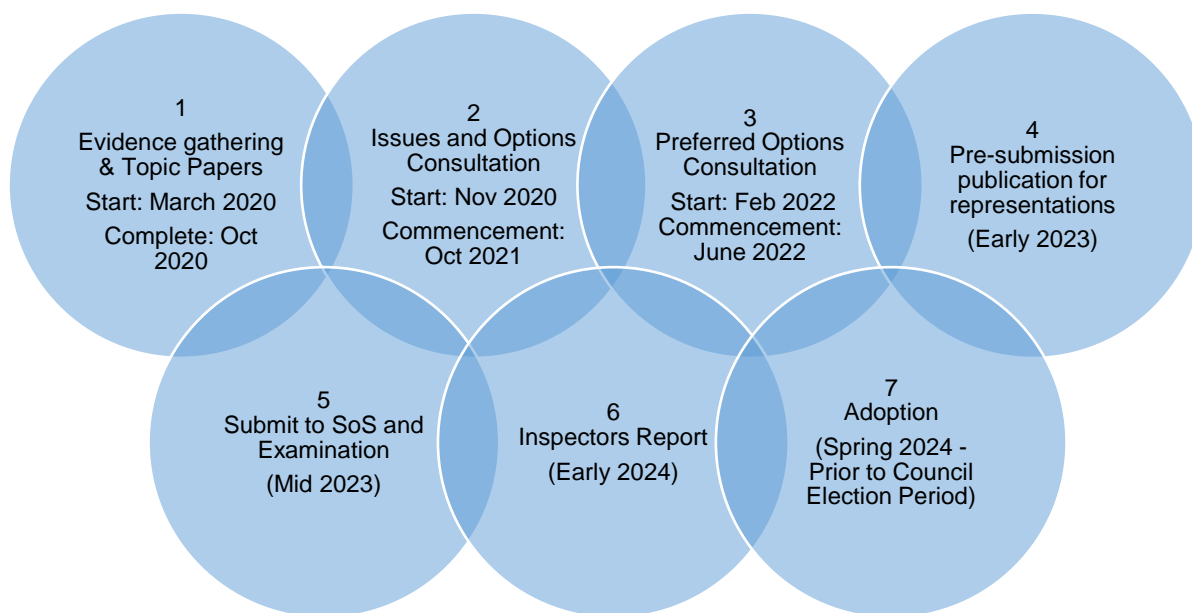


Figure 1 - Stages of preparing the joint Surrey Minerals and Waste Local Plan

8. At present, officers are in the process of finalising the consultation package for the Issues and Options phase. The Issues and Options consultation phase was due to commence in June 2021, but this timetable presents the challenge of trying to consult with residents and stakeholders over the summer period during the pandemic, which could negatively impact on the level of engagement that is possible. As such, in order to ensure the best possible reach and uptake of the consultation, it is proposed that the consultation phase be postponed to commence in October 2021.
9. Any revision to the timetable for consultation will require a revision to the MWDS as appended to this report at **Annex 1, Appendix 1**.

#### CONSULTATION:

10. In accordance with the regulations, the SMWLP will be subject to a comprehensive process of public consultation during its preparation. If Cabinet approve the recommended revision to the MWDS, the first opportunity for the public to engage in the process will be the Issues and Options Consultation scheduled to commence towards the end of October 2021.
11. The MWPA will engage constructively 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:

12. 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.

13. As the MWPA, the Council is managing this risk by being proactive in reviewing the development framework relating to both minerals and waste development to ensure that planning policy relating such 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 restoration, and sustainable waste management.

#### **FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

14. There are no immediate additional costs associated with the production of the MWDS. The cost of reviewing the SMWLP itself will met from the existing service budget. In the event of a legal challenge the need for external legal advice could lead to a financial pressure, which will need to be managed within the wider Environment, Transport and Infrastructure Directorate budget envelope.
15. 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. As a result, an up to date plan will reduce the risks of appeals and legal challenges which can be costly for the SCC.

#### **SECTION 151 OFFICER COMMENTARY**

16. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain.
17. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium-term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade.
18. 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. There are no additional costs associated with the MWDS. The costs of updating the SMWLP is included in the Medium-Term Financial Strategy. As such, the Section 151 Officer supports the recommended approach.

#### **LEGAL IMPLICATIONS – MONITORING OFFICER**

19. SCC is the MWPA 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.
20. 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.
21. This revised MWDS is in accordance with the requirements of the Planning and Compulsory Purchase Act and will form the basis of the timetable to produce the new joint MWLP.

## EQUALITIES AND DIVERSITY

22. 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.
23. 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.
24. The Statement of Community Involvement (SCI) that the MWPA is required to prepare and on which it is required to consult 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 and shape the plan-making process.

## OTHER IMPLICATIONS:

25. 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.

<b>Area assessed:</b>	<b>Direct Implications:</b>
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	See section below
Public Health	The potential implications of minerals and waste development for the 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.

## ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

26. 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 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.
27. 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) it will 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.

28. 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.
29. 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 management of waste also has a clear impact on the environment. The development of a joint SMWLP presents opportunities to improve the contribution that the recycling of construction, demolition and excavation wastes can make to reducing demand for primary aggregate resources.
30. 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.
31. 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.

#### WHAT HAPPENS NEXT:

- A Member Engagement Strategy has been agreed and is now being implemented for the production of the SMWLP.
- The next stage of plan preparation process is to complete the Issues and Options consultation package and commence public consultation in October 2021. Prior to consultation commencing, a full internal review of the package will be carried out.
- It is proposed that the current MWDS be updated in accordance with **Annex 1**.

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#### Annexes:

Annex 1: Updated Minerals and Waste Development Scheme (June 2021)