

Surrey County Council's Minerals and Waste Local Plan Issues and Options consultation (Regulation 18)

Planning Policy Committee Thursday, 10 March 2022

Report of: Interim Chief Planning Officer

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

Surrey County Council (SCC) is preparing a Minerals and Waste Local Plan (MWLP), which will set out the vision, strategy, objectives and land-use planning policies for future minerals and waste management development within the county. The MWLP is currently at the Issues and Options stage and SCC has consulted under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need – both now and in the future.
- Becoming a greener, more sustainable District – tackling climate change.

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Recommendation to Committee:

That in accordance with its delegated powers, the Committee agree that, for reasons set out in the report below, a response to the Surrey Minerals and Waste Local Plan be delegated to the Interim Chief Planning Officer in consultation with the Chair and the Vice-Chair of this Committee. (Following further Officer level discussion with Surrey County Council, the draft response will be circulated to Members of the Committee, in order to respond to the extended consultation deadline of 21st March 2022.)

Reason for recommendation:

The Surrey Minerals and Waste Local Plan (SMWLP) forms part of the development plan, dealing with strategic cross county matters. Waste planning in particular is directly connected to our role as LPA, as well as our role as a Waste Collection Authority. As such, the eventual Plan has the potential to impact the whole of the district.

The consultation, which focuses on Issues and Options, closes on 07 March 2022, however SCC has confirmed that they are willing to accept our comments beyond this, with a deadline of 21 March.

Introduction and background

1. Surrey County Council as the Minerals and Waste Planning Authority (MWPA) is responsible for preparing and maintaining an up-to-date local development plan. This sets the vision, strategy, objectives and land-use planning policies for future minerals and waste management development within the county.
2. Surrey's current, primary development plan documents for minerals and waste management were adopted in 2011 (Surrey Minerals Plan 2011) and 2020 (Surrey Waste Local Plan 2019-2033). In light of the Government's intention that all parts of England be covered by up-to-date local development plans and the requirement for all local planning authorities to assess whether their local plans require review and renewal, SCC has resolved to move away from preparing separate documents. Instead it has decided to prepare Surrey's first joint Minerals and Waste Local Plan (SMWLP).

3. Surrey has undertaken its initial evidence gathering (November 2020-October 2021) and has gone out to consultation (November 2021 - March 2022). The Issues and Options public consultation is the first, formal part of the plan-making process. It sets out the issues and challenges facing minerals and waste development and proposes various planning policy options, as well as a vision, strategic objectives and a spatial strategy. It does not include the identification or allocation of any land or area for future minerals and waste management development, but it does include a 'call for sites'.
4. The consultation documents can be found here:
<https://smwlp.commonplace.is/>
5. SCC has posed questions in relation to the vision, strategy, objectives and policies. Those where we do not have the relevant mineral will not be answered as they are not considered applicable to this district.
6. The Surrey Minerals and Waste Local Plan will replace the Surrey Minerals Plan 2011 (and associated development plan documents) and the Surrey Waste Local Plan 2019 and be used to guide decisions about future minerals and waste management planning applications. It will also be a material consideration for Surrey's district and borough councils in preparing their local development plans and making their planning decisions. The MWLP forms part of the development plan for the area and Tandridge, as the local planning authority, with responsibility for housing and employment development, needs to take it into account when developing its local plan and when determining planning applications, where relevant.
7. This is the first stage of public consultation and the Council will have subsequent opportunities to comment and feed in to the future SMWLP document.
8. There are significant concerns relating to the carrying forward of adopted SMWLP allocations with respect to a waste to energy facility at Lambs Business Park. The County Council need to clarify what amount of waste would be needed to support such a facility and how that quantity of waste would be delivered to the site (road or rail). Such a proposal could significantly impact on available capacity of J6 of M25 and A22 to sustain other essential development in the District.
9. Likewise, there are significant issues raised by the Consultation with respect to mineral safeguarding. The first issue is to address what are economically important mineral resources. There is a need to differentiate nationally important mineral resources such as silica sand from ubiquitous minerals such as chalk albeit generally in highly constrained areas in Tandridge DC such as Areas of Outstanding Natural Beauty (AONB), in particular the Surrey Hills AONB, which is undergoing review and will be expanded.

10. The matters set out above need to be subject to further discussion with the SMWLP authority before this Council submits its initial consultation response.
11. Once the consultation closes, Surrey County Council will be recording and reviewing all material representations and comments. These will be detailed in a consultation summary document, which Surrey will be publishing. These representations and comments will inform the preparation of the subsequent 'Preferred Options'. Their timetable indicates that the next round of public consultation, which will be on the Preferred Options, will be starting in June and lasting for 16 weeks.
12. Other opportunities to comment and feed into this process include the consultation on the Pre-Submission Plan, which is timetabled for early 2023, with the aim of submitting the Submission Plan for examination in mid-2023.

Consultation

A draft of this report has been circulated to relevant Officers, as well as the Chair and Vice chair of the committee in accordance with the Council's committee procedures.

Key implications

Comments of the Chief Finance Officer

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. 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.

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 S151 Officer confirms that there are no direct financial implications that affect the Medium-Term Financial Strategy arising from Tandridge District Councils response to the Surrey County Council Minerals and Waste Local Plan (MWLP) consultation.

Comments of the Head of Legal Services

Under the Planning and Compulsory Purchase Act 2004 (as amended), Surrey County Council is required to prepare a Minerals and Waste Local Plan. The European Waste Framework Directive, 2008 (2008/98/EC), as transposed through the Waste (England and Wales) Regulations 2011, requires waste planning authorities to put in place waste local plans.

If a new Minerals and Waste Local Plan is not adopted, Surrey County Council would not have a full, up to date and locally-determined land-use policy framework against which to determine applications for new mineral working and waste management developments in Surrey. Such a diminution of local control over these operations would leave the County with much less influence over the location of future minerals and waste operations and make it heavily reliant on the National Planning Policy Framework and National Planning Policy for Waste, which are considerably less comprehensive and detailed in their coverage of these matters.

Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Minerals and Waste Local Plan to be submitted to the Secretary of State for independent examination, once Surrey County Council is satisfied it has complied with procedural requirements on preparation, publication and consultation (section 19 of the Planning and Compulsory Purchase Act 2004 and regulations 18-20) as laid out in the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended).

It is important that the Council makes a detailed representation of any concerns it may have through the draft plan consultation process.

Equality

There are no equality implications associated with this report.

Climate change

Measures to address the implications of climate change are inherently and predominantly related to the waste aspect of the Minerals and Waste Plan and further detail is included in the consultation documents.

Appendices

None

Background papers

None

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