

Surrey Heath Borough Council

Executive

15 February 2022

Response to Surrey Minerals & Waste Local Plan Surrey County Council Regulation 18 Consultation

Portfolio Holder:	Cllr Adrian Page – Planning and People
Strategic Director/Head of Service	Gavin Chinniah – Head of Planning
Report Author:	Daniel Nunn – Senior Planning Officer (Policy)
Key Decision:	No
Wards Affected:	Whole Borough

1. Summary and purpose

- 1.1 The Minerals and Waste Planning Authority (MWPA), Surrey County Council (SCC), are preparing a new Minerals and Waste Local Plan (MWLP) for Surrey.
- 1.2 Once adopted, the MWLP would replace the existing Surrey Minerals Plan (2011) (and the associated development plan documents and guidance) and the Surrey Waste Local Plan (2019). The plan would also be a material consideration for Surrey Heath in the preparation of the local development plan and making planning decisions.
- 1.3 The draft MWLP is currently at the Regulation 18 'Issues and Options' consultation stage. The consultation plan sets out various issues and challenges that face future minerals and waste-management development in the County, alongside various options for planning policy approaches to address those issues and challenges.
- 1.4 The draft MWLP does not identify or otherwise allocate any land or area within the County for future minerals and waste-management development.
- 1.5 The Issues and Options public consultation is open for a period of 16 weeks from 15 November 2021 to 7 March 2022. Consultation documents are available to view online¹.
- 1.6 This report sets out the proposed response to the Regulation 18 'Issues and Options' consultation on the Surrey Minerals & Waste Local Plan.

¹ Available online at: <https://www.surreycc.gov.uk/land-planning-and-development/minerals-and-waste/local-plan>.

- 1.7 Broadly, the consultation plan is concerned with establishing the appropriate level of detail with which to address each policy area. Generally, the response recommends that the MWLP would benefit from greater detail in the draft planning policies, providing more certainty for developers and better outcomes for residents.

2. Recommendation

- 2.1 The Executive is advised to RESOLVE that the response set out in Annex 1 to this report is agreed and to be submitted as the Council's formal response to the Regulation 18 'Issues and Options' consultation on the Surrey Minerals & Waste Local Plan.

3. Background and Supporting Information

- 3.1 The MWLP will replace the existing Surrey Minerals Plan 2011 (and associated development plan documents and guidance) and the Surrey Waste Local Plan 2019.
- 3.2 As the plan progresses toward adoption, it will gain weight as a material consideration for the preparation of our local development plan and the making of planning decisions in our borough. The MWLP Issues and Options consultation is the first formal stage of engagement in the plan-making process.
- 3.3 The consultation and associated documents are available to view online at: www.surreycc.gov.uk/land-planning-and-development/minerals-and-waste/local-plan.
- 3.4 Hard copies of the documents are available to view at various libraries throughout the county, including at Frimley Green library within the borough.

4. Reasons for Recommendation

- 4.1 Surrey Heath Borough Council has been invited to respond to the Regulation 18 'Issues and Options' consultation for the emerging Surrey Minerals and Waste Local Plan.
- 4.2 Once adopted, the plan would be a material consideration in the preparation of our emerging local development plan and in making planning decisions related to minerals and waste-management development in our borough.
- 4.3 In accordance with the Council's Five Year Strategy, the Council is committed to:
- i. working with our local government partners to tackle the causes and impacts of Climate Change;

- ii. promoting the unique identity of our borough and its places, working with partners to improve to the borough's infrastructure including transport infrastructure; and
 - iii. working with other Local Authorities to advocate on behalf of our community on issues outside of our direct control.
- 4.4 Positive engagement with the development of the emerging MWLP could help to improve the effectiveness of the policies contained in the plan. Concise, effective planning policies could help to deliver more beneficial results for our local communities in the determination of relevant minerals and waste-management planning applications. The Council's proposed response to the consultation seeks to promote the clarity and effectiveness of the proposed planning policy options.
- 4.5 The consultation includes a total of 84 technical questions, in addition to a number of non-technical questions. The proposed response does not consider the non-technical questions. Commentary is provided where the Council believes that a response could be beneficial for the improvement of the draft MWLP.
- 4.6 Broadly the draft MWLP consultation is concerned with establishing an appropriate level of detail to provide in drafting planning policies for each policy area. In achieving this, the draft MWLP sets out, typically, two to four potential options for addressing each of the policy areas, which ascend in terms of providing greater detail.
- 4.7 Typically, the first option provided comprises relying on either an existing approach or on national guidance for the determination of planning applications. Further options then set out; a single-policy approach which would provide over-arching, strategic policy that would rely on the relevant district or borough policies for detail, and a more detailed multiple policy approach which provides detailed policy for the specific issues that may arise in the consideration of a planning application.
- 4.8 Generally, the proposed response to the consultation recommends that the draft MWLP would benefit from the provision of greater detail in the draft planning policies that are brought forward. Broadly, the response sets out that the provision of greater detail in the MWLP policies would generate greater certainty for developers and better outcomes for our residents.
- 4.9 However, the response recognises that in some policy areas, the provision of greater detail could prove unnecessary. For example, in the consideration of 'Land and Soils', as contamination is already covered in detail by legislation and a majority of the district and boroughs within Surrey provide further guidance in any event.

5. Proposal and Alternative Options

5.1 The available options for the Executive to consider are:

- i. to approve the submission of the proposed response to the Regulation 18 'Issues and Options' consultation as set out in Annex 1 of this report; or
- ii. to approve the submission of the proposed response to the Regulation 18 'Issues and Options' consultation as set out in Annex 1 of this report in addition to any further comments the Executive wishes to include within the response; or
- iii. to not agree the submission of the proposed response to the Regulation 18 'Issues and Options' consultation as set out in Annex 1 of this report.

6. Contribution to the Council's Five Year Strategy

6.1 Engaging with the development of the Surrey Minerals & Waste Local Plan could help to deliver on our ambition to:

- i. **Environment** - enhance and improve access to the borough's cherished green spaces and natural environments for the enjoyment of generations to come, balancing our commitments to housing delivery and economic growth.
- ii. **Environment** – tackle Climate Change, working with communities and partners.
- iii. **Health & Quality of Life** – provide of infrastructure that would support our ambition to ensure everyone can access a safe, quality home to meet their needs.
- iv. **Economy** – invest in our towns, villages and communities, supporting our existing businesses and attracting new ones.
- v. **Economy** – work with partners to improve to the borough's infrastructure.
- vi. **Effective & Responsive Council** – advocate on behalf of our community on issues outside our direct control.

7. Resource Implications

7.1 No matters arising.

8. Section 151 Officer Comments

8.1 There are no additional budgetary implications of this report outside of existing budgets.

9. Legal and Governance Issues

9.1 Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 requires that various bodies and stakeholders be notified that Surrey County Council is preparing a Minerals and Waste Local Plan. It invites them to comment about what that plan ought to contain.

10. Monitoring Officer Comments

10.1 No matters arising.

11. Other Considerations and Impacts

- 11.1 No matters arising.

12. Environment and Climate Change

- 12.1 The Regulation 18 Consultation considers the implications of minerals and waste management development with regard to the environment in terms of potential impacts on climate; air quality; nature; and movement and access. The consultation plan sets out a range of planning policy options that seek to address these potential impacts in each relevant policy area. The consultation plan does not identify preferred options at this stage.
- 12.2 Surrey County Council's in-house environmental assessment service has prepared a Strategic Environmental Assessment ('SEA') and Sustainability Appraisal ('SA') Scoping Report to support the Issues and Options public consultation.
- 12.3 The scoping report explains how the likely significant environmental, economic and community impacts of the Plan will be identified, and how that information will be fed into the plan making process. The scoping report is prepared in response to the requirements set out in Regulations 12(5) and 12(6) of the Environmental Assessment of Plans & Programmes Regulations 2004 (Statutory Instrument 2004 No.1633) (as amended).
- 12.4 The Surrey Minerals & Waste Local Plan will also be subject to Habitat Regulations Assessment (HRA), as required by the Conservation of Habitats & Species Regulations 2017 (as amended). HRA protects sites designated or proposed for designation as Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The findings and conclusions of the HRA will be reflected in the full SEA and SA as the plan progresses through the stages of its development.

13. Equalities and Human Rights

- 13.1 Surrey County Council have published an Equalities Impact Assessment (EIA) in support of the consultation plan². The EIA does not identify any potential for discrimination or negative impact, and all opportunities to promote equality have been undertaken.

14. Risk Management

- 14.1 No matters arising.

² Available online at: https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1636734140/projects/smwlp/Equality_Impact_Assessment.pdf.

15. Community Engagement

- 15.1 The Regulation 18 Issues and Options consultation is open to members of the public and community groups throughout the County.

16. Annexes

- 16.1 Annex 1 – Proposed Response to the Surrey Minerals & Waste Local Plan Regulation 18 Consultation

17. Background Papers

- 17.1 None.