

Surrey County Council Waste Planning

Surrey Waste Local Plan

2018–2033

Duty to Cooperate Scoping Statement

Version 1.0

September 2016



SURREY

Duty to Cooperate Scoping Statement

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Executive Summary

- In developing a new Surrey Waste Local Plan (new SWLP), Surrey County Council, as the Waste Planning Authority (WPA), has a statutory duty to “engage constructively, actively and on an ongoing basis” with other relevant organisations on cross boundary strategic matters in order to maximise the effectiveness of plan preparation.
- All Local Planning Authorities (LPAs) must demonstrate how they have complied with the Duty to Cooperate (DtC) at the independent examination of their Local Plans. If they cannot demonstrate this then the Local Plan will not be able to proceed further in examination and, ultimately, cannot be adopted.
- Guidance recommends that the LPA scopes out the strategic matters covered by its Local Plan and identifies those relevant local authorities and prescribed bodies that it needs to engage. The key strategic matter that the new SWLP needs consider is how waste from other areas is managed at facilities within Surrey and the management of waste arising in Surrey at facilities beyond its boundaries.
- This statement sets out who the council expects to engage with during the development of the new SWLP and how and when it expects to do this. These organisations include: Surrey District and Borough Councils, other Waste Planning Authorities, Surrey Waste Management partners and other relevant organisations.
- The council is consulting on this DtC Scoping Statement to ensure that those authorities, prescribed bodies and other stakeholders we have identified are satisfied with the steps we will take to engage with them in order to discharge our Duty to Cooperate.
- It also provides an opportunity for organisations to comment on whether Surrey County Council should engage with them.

1 Introduction

1.1 What is the Duty to Cooperate?

- 1.1.1 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) places a duty on Local Planning Authorities (LPAs), in preparing local plans, to “engage constructively, actively and on an ongoing basis” with other relevant organisations to maximise the effectiveness with which plan preparation is undertaken.
- 1.1.2 Methods of implementing the Duty to Cooperate (DtC) are set out in both the National Planning Policy Framework (NPPF) (2012) and the national Planning Practice Guidance (nPPG) (2014). Under the DtC, Local Planning Authorities are expected to work ‘collaboratively with other bodies to ensure that strategic priorities across local authority boundaries are properly coordinated and clearly reflected in local plans’ (paragraph 179 of the NPPF).
- 1.1.3 As part of the examination for the new SWLP, Surrey County Council as the Waste Planning Authority (WPA) will be expected to demonstrate evidence of having effectively cooperated to plan for issues with strategic cross-boundary impacts. If the WPA cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination¹ and will not be able to adopt its Plan.
- 1.1.4 In complying with the DtC, the nPPG recommends that LPAs ‘scope’ the strategic matters of the Local Plan and identify those local authorities and prescribed bodies that need to be engaged. Strategic matters are defined as those which include sustainable development or use of land that has or would have a significant impact on at least two planning areas.

1.2 Context for the Surrey Waste Local Plan

- 1.2.1 Surrey County Council, as the WPA, has identified a need to review and where necessary, update the current Surrey Waste Plan (SWP) which was adopted in 2008. The new SWLP will cover the period from 2018 – 2033.
- 1.2.2 The review will need to take account of, and as appropriate align with, other policy being developed, including; minerals and waste plans from adjoining authorities, changes to national planning policy and other local (district or borough and neighbourhood) plans.
- 1.2.3 As this is a legal test, the Planning Inspector will look for evidence of effective cooperation during the examination of the new SWLP. The evidence will therefore need to demonstrate that we have undertaken the DtC appropriately.

¹ Planning Practice Guidance for Duty to Cooperate. Paragraph: 001 Reference ID: 9-001-20140306.

1.3 Purpose of this Statement

- 1.3.1 This statement sets out who Surrey County Council expects to engage with throughout the development of the new SWLP, on what matters and how and when it expects to do this. This scoping statement will also help Surrey County Council demonstrate that it has discharged its DtC responsibilities at examination.
- 1.3.2 The DtC Scoping Statement should be regarded as a 'living document' that will be updated as new issues arise or different bodies need to be involved in discussions.

2 Legislation and Guidance

2.1 Legislative Framework

- 2.1.1 Section 110 of the Localism Act 2011, places a legal duty on Local Planning Authorities to cooperate with one another; county councils and other prescribed bodies to maximise the effectiveness within which certain activities are undertaken insofar as they relate to a 'strategic matter'.
- 2.1.2 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) describes strategic matters as follows:
- a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have significant impact on at least two planning areas; and
 - b) sustainable development or use of land in a two-tier area if the development or use (i) is a county matter, (ii) has or would have a significant impact on a county matter.
- 2.1.3 Apart from other WPAs, Local Planning Authorities and County Councils the other bodies prescribed are those identified in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012. These are:
- a) The Environment Agency;
 - b) the Historic Buildings and Monuments Commission for England (known as Historic England)
 - c) Natural England;
 - d) the Mayor of London;
 - e) the Civil Aviation Authority;
 - f) the Homes and Communities Agency;
 - g) each Primary Care Trust;²
 - h) the Office of Rail Regulation;
 - i) Transport for London;
 - j) each Integrated Transport Authority;
 - k) each highway authority; and,
 - l) the Marine Management Organisation.

² Clinical Commissioning Groups have replaced Primary Care Trusts.

2.2 National Policy and Guidance

- 2.2.1 Paragraphs 178-181 of the National Planning Policy Framework (NPPF) provide guidance on how strategic planning matters should be addressed in local plans. 'Strategic priorities' to which Local Planning Authorities should have particular regard, including waste management, are set out in paragraph 156 of the NPPF.
- 2.2.2 The National Planning Policy for Waste (NPPW) which was published by the Department for Communities and Local Government in October 2014 also states that "waste planning authorities should... work collaboratively with other waste planning authorities... through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management".
- 2.2.3 In addition the Inspector's report for the North London Waste Plan made it clear that, in carrying out the duty to co-operate, WPAs should engage with bodies representing the planning areas to which "significant" quantities of waste are exported.
- 2.2.4 Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) are not subject to the requirements of the duty themselves, but LPAs must cooperate with LEPs and have regard to their activities when they are preparing their Local Plans^{3,4}. This requirement reflects the important role that LEPs play in strategic planning.

³ National Planning Practice Guidance Paragraph: 007 Reference ID: 9-007-20140306

⁴ National Planning Practice Guidance Paragraph: 006 Reference ID: 9-006-20160519

3 Surrey Context

- 3.1.1 Surrey is located within the South East of England region, and borders the counties of Kent, East Sussex, West Sussex, Hampshire and Berkshire. Importantly, Surrey also borders the Greater London Area.

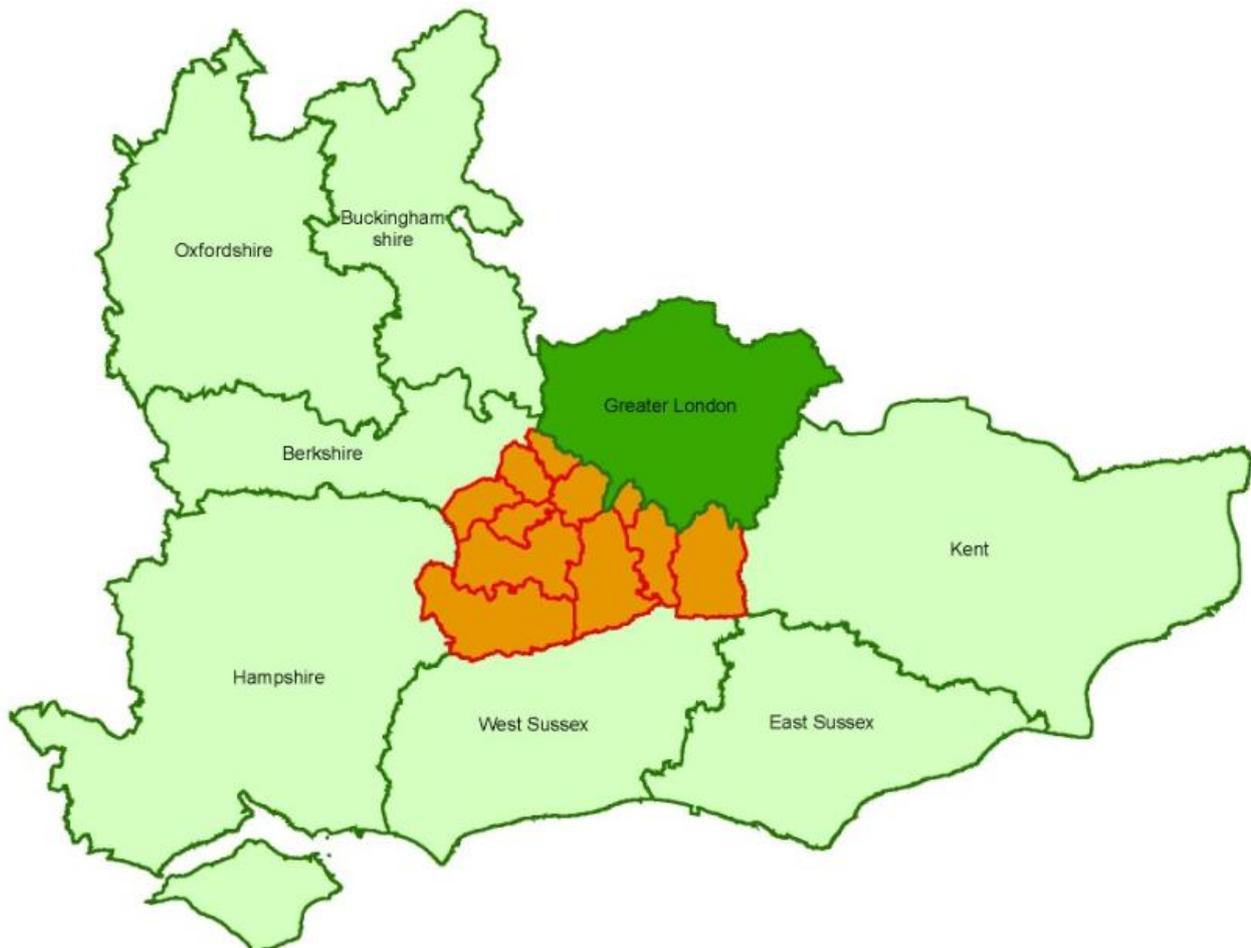


Figure 1 Map of Surrey and the South East

- 3.1.2 Within the Country of Surrey, the two-tier administrative system includes 11 District and Borough Councils. The total area covered by Surrey is 1,663 km² with a population of approximately 1,161,000.
- 3.1.3 The preparation of the new SWLP will include several key stages all of which will support Surrey County Council's ongoing and active engagement with those organisations that we have identified including: Surrey District and Borough Councils, Waste Planning Authorities, and other prescribed bodies (Table 1).

Table 1 Key stages of plan preparation and broad types of engagement that may occur

Stage	Timeframe	Engagement
1. Evidence Gathering	Early 2016 and ongoing	<ul style="list-style-type: none"> • Informal consultation
2. Identifying and consulting on Issues and Options	Late Summer – Autumn 2016	<ul style="list-style-type: none"> • Informal consultation • Formal consultation • Follow up responses
3. Identifying preferred options and consulting on draft policies and proposals	Winter 2016 – Summer 2017	<ul style="list-style-type: none"> • Informal consultation • Formal consultation • Follow up responses
4. Pre-submission Consultation	Early Spring 2017	<ul style="list-style-type: none"> • Formal consultation • Follow up responses
5. Submit plan to SoS and Examination	Summer 2018	<ul style="list-style-type: none"> • Appear at hearing sessions
6. Inspectors Report	Spring Autumn 2019	<ul style="list-style-type: none"> • Formal consultation • Follow up responses
7. Adoption	Late Spring 2019	<ul style="list-style-type: none"> • Formal notification

4 Identifying DtC bodies

4.1 Surrey District and Borough Councils

- 4.1.1 Surrey County Council intends to work closely with district and borough councils (Table 3) to ensure that cross-boundary issues are addressed. To this effect officers, will continue to attend working groups which include district and borough authorities and to report on progress on the new SWLP regularly through these meetings.
- 4.1.2 Surrey County Council also intends to visit each district and borough council to speak to both policy and development management officers during preparation of the new SWLP in order to receive feedback from officers on draft proposals and policies.
- 4.1.3 As well as engaging with district and borough authorities on the development of the new SWLP, Surrey County Council has contributed, and will continue to contribute, to the development of Local Plans being prepared by district and borough authorities.

4.2 WPAs in the South East of England

- 4.2.1 The South East Waste Planning Advisory Group (SEWPAG) is a technical group of officers from WPAs in the South East of England (Table 4) including representatives from the Environment Agency, the waste industry and the environmental sector. This group meets quarterly.
- 4.2.2 SEWPAG is a key forum where progress and updates on the new SWLP will be discussed with adjoining WPAs. The SEWPAG memorandum of understanding (MoU) highlights two key aims for the group:
- To ensure that planned provision for waste management in the South East of England is co-ordinated.
 - To ensure that the approach to waste planning throughout the South East is consistent between authorities.
- 4.2.3 SEWPAG has an important role in establishing and agreeing data on waste arisings and forecasts, existing waste management capacity and additional capacity requirements across the south-east. These discussions will be used to inform the methods and data used by Surrey County Council in the preparation of the new SWLP.
- 4.2.4 SEWPAG provides an opportunity for member authorities to share information, discuss cross-boundary and other common issues, review emerging waste plans within the South East and consider the impact of emerging waste management policies and decisions in adjoining areas especially London.

4.3 WPAs outside of the South East of England

- 4.3.1 Work on identifying WPAs that Surrey County Council needs to engage with on the new SWLP has taken place. A list has been compiled based on the waste imports and exports identified in the Environment Agency's Waste Data Interrogator (WDI).
- 4.3.2 As a guideline, thresholds of 500 tonnes per annum (tpa) for non-hazardous waste and 100 tpa for hazardous waste have been used as a measure of "significant" exports to individual Waste Planning Authority areas. The proposed amounts are relatively low which the WPA considers will capture any exports which would affect the reliance on capacity outside of Surrey e.g. a producer of a particular type of hazardous waste who is reliant on a particular facility for management in another area.
- 4.3.3 Through this approach Surrey County Council has identified 48 WPAs that we need to engage with on an ongoing basis. This list is provided as Appendix 1. This list is not final and will be subject to changes as new data on waste movements become available.
- 4.3.4 Surrey County Council is contacting these WPAs to confirm that ongoing waste movements are likely and to update them, and seek their feedback, on progress of the new SWLP. Through formal consultation we will also invite these WPAs to comment on the emerging SWLP. The type and level of ongoing engagement will vary depending on the scale and complexity of any identified issues.
- 4.3.5 The council will also be engaging with other WPAs through the London Waste Regional Technical Advisory Body (RTAB). This forum includes representatives from the East of England Waste Technical Advisory Body (TAB), London boroughs, the GLA, and the Environment Agency. We will provide updates as necessary through the SEWPAG representative and also through consultation on the various stages of our plan.

4.4 Other relevant organisations

- 4.4.1 Other DtC Bodies have been identified as those prescribed in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012. These bodies will be formally consulted in regards to the preparation of the new SWLP. A list of DtC bodies has been included as Appendix 2.
- 4.4.2 Under the Issues and Options consultation we are notifying them of our intent to review the new SWLP and also asking the organisations for views on what SWLP should contain. We will continue to keep these bodies informed as new issues or discussions arise and continue to consult them throughout the development of the new SWLP.

4.5 Engagement outside the DtC

- 4.5.1 Surrey County Council, as the WPA, recognises that there are other bodies not covered by the DtC. Engagement with other organisations including LEPs, infrastructure providers, environmental bodies, developers and existing waste operators is essential to delivering the new SWLP. While these organisations are not covered by the DtC we will still engage with them through formal consultation and discussions on specific issues where required.
- 4.5.2 Surrey County Council will also engage internally with the Waste Development Group and Waste Operations Group particularly around the issue of household waste. This will be done through the Waste Group & Planning Liaison meeting held bi-monthly and ongoing discussions with officers.
- 4.5.3 The NPPF highlights the importance of engagement with our communities in plan-making and states that: “Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential”. While the DtC does not extend to communities, Local Planning Authorities are required to produce a ‘Statement of Community Involvement’⁵ (SCI) that sets out how and when communities and other stakeholders can be involved in the content of new planning policy documents. Surrey County Council adopted a revised SCI in May 2015⁶

⁵ under section 18 (Part 1) of the Planning and Compulsory Purchase Act 2004

⁶ <https://www.surreycc.gov.uk/environment-housing-and-planning/minerals-and-waste-policies-and-plans/surrey-statement-of-community-involvement>

5 Mechanisms for engagement

- 5.1.1 The nPPG advises that effective cooperation is likely to require ongoing, sustained joint working with concrete actions and outcomes. It is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone⁷.
- 5.1.2 Table 2 sets out some of the mechanisms for engagement that Surrey County Council will use to meet the DtC.

Table 2 Mechanisms of engagement for DtC

Engagement	Type of engagement	Who will it include	Frequency
Consultation on Preferred Options Report (Reg 18)	Consultation	All Stakeholders	Once
Consultation on Draft Plan	Consultation	All Stakeholders	Once
Consultation on Proposed Submission Plan	Consultation	All Stakeholders	Once
Attending Planning Working Group (PWG)	Meeting	Surrey Districts and Boroughs	Monthly
South East Waste Planning Advisory Group (SEWPAG)	Meeting	WPAs in the South East of England	Quarterly
London Waste Regional Technical Advisory Body (RTAB)	Meeting	East of England Waste Technical Advisory Body (TAB), London boroughs, Greater London Authority (GLA), Environment Agency	As required
Waste Planning Authorities attending SEWPAG	Memorandum of Understanding	WPAs in the South East of England	As required
Confirming waste movements with WPAs	As required	WPAs outside of the South East of England	As required

⁷ Planning Practise Guidance for Duty to Cooperate. Paragraph: 010 Reference ID: 9-010-20140306.

- 5.1.3 In addition to formal consultation stages, engagement will occur through a range of other work undertaken in developing the new SWLP. This may include:
- Sustainability Appraisal and Strategic Environmental Assessment.
 - Preparation of evidence e.g. cross-boundary waste movements, Strategic Flood Risk Assessment, Habitat Regulation Assessment.
 - Consultation workshops.
 - Meetings on specific issues e.g. site allocations, waste streams.

6 Next Steps

- 6.1.1 The first stage of formal consultation in the development of the new SWLP is the 'Issues and Options' stage which will set out the context for the preparation of the new SWLP, the vision, objectives and spatial strategies that we are considering alongside a 'Search for Suitable Land.
- 6.1.2 Specifically, DtC engagement at this stage will comprise:
- Sending out DtC notifications to those bodies we have identified in this document of our intent to review the SWP 2008.
 - Sending out summaries of waste movements from Surrey (by email) to the WPAs we have identified in Appendix 1.
 - Undertaking follow up contact (by email, telephone or meeting) to responses that require additional action in preparation of the draft plan.
 - Notification of how comments on the Issues and options have been considered.
- 6.1.3 Surrey County Council is also consulting on this DtC Scoping Statement to ensure that those authorities we have identified as DtC bodies are satisfied with the steps we will take to engage with them in order to discharge our duty.
- 6.1.4 We are guided by our adopted SCI when consulting to ensure that we provide opportunities for our communities and other stakeholders to be involved in developing the new SWLP.

Appendix 1 – Surrey Districts and Boroughs

Table 3 Surrey District and Borough Councils

Elmbridge
Epsom and Ewell
Guildford
Mole Valley
Reigate and Banstead
Runnymede
Spelthorne
Surrey Heath
Tandridge
Waverley
Woking

Appendix 2 – SEWPAG Authorities

Table 4 Waste Planning Authorities of the South East of England

Bracknell Forest Council
Brighton & Hove Council
Buckinghamshire County Council
East Sussex County Council
Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)
Isle of Wight Council
Kent County Council
Medway Council
Milton Keynes Council
Oxfordshire County Council
Reading Council
Royal Borough of Windsor and Maidenhead
Slough Council
South Downs National Park Authority
West Berkshire Council
West Sussex County Council
Wokingham Council

Appendix 3 – Waste Movements

Table 5 Summary of those WPAS who receive significant waste exports from Surrey

WPA	Threshold
Bedford	> 100 tpa from hazardous waste stream
Bexley	> 100 tpa from hazardous waste stream
Bristol City	> 100 tpa from hazardous waste stream
Cambridgeshire	> 100 tpa from hazardous waste stream
Cheshire West and Chester	> 100 tpa from hazardous waste stream
Dorset	> 100 tpa from hazardous waste stream
East Sussex	> 500 tpa from any waste stream
Essex	> 500 tpa from any waste stream
Greenwich	> 500 tpa from any waste stream
Hammersmith and Fulham	> 500 tpa from any waste stream
Hampshire	> 500 tpa from any waste stream
Havering	> 500 tpa from any waste stream
Hertfordshire	> 500 tpa from any waste stream
Hillingdon	> 100 tpa from hazardous waste stream
Kent	> 500 tpa from any waste stream
Kirklees	> 100 tpa from hazardous waste stream
Lambeth	> 100 tpa from hazardous waste stream
Medway	> 500 tpa from any waste stream
Northamptonshire	> 500 tpa from any waste stream
Nottinghamshire	> 100 tpa from hazardous waste stream
Oxfordshire	> 500 tpa from any waste stream
Peterborough	> 100 tpa from hazardous waste stream
Redcar and Cleveland	> 500 tpa from any waste stream
Richmond Upon Thames	> 500 tpa from any waste stream
Sandwell	> 100 tpa from hazardous waste stream

Sefton	> 100 tpa from hazardous waste stream
Sheffield	> 100 tpa from hazardous waste stream
South Gloucestershire	> 100 tpa from hazardous waste stream
Southampton City	> 500 tpa from any waste stream
Staffordshire	> 500 tpa from any waste stream
Suffolk	> 100 tpa from hazardous waste stream
Trafford	> 500 tpa from any waste stream
Walsall	> 500 tpa from any waste stream
West Berkshire	> 500 tpa from any waste stream
West Sussex	> 500 tpa from any waste stream
Wiltshire	> 500 tpa from any waste stream
Windsor and Maidenhead	> 500 tpa from any waste stream
Wolverhampton	> 500 tpa from any waste stream
Enfield	> 500 tpa from any waste stream
Slough	> 500 tpa from any waste stream
Wandsworth	> 500 tpa from any waste stream
Gloucestershire	> 500 tpa from any waste stream
Hounslow	> 500 tpa from any waste stream
Merton	> 500 tpa from any waste stream
Warwickshire	> 500 tpa from any waste stream
Reading	> 500 tpa from any waste stream
Derbyshire	> 500 tpa from any waste stream
Lincolnshire	> 500 tpa from any waste stream
Thurrock	> 500 tpa from any waste stream
Stockton-on-Tees	> 500 tpa from any waste stream

Appendix 4 – Other DtC Bodies

Table 6 National Bodies and the Mayor of London

National Bodies
The Environment Agency
The Historic Buildings and Monuments Commission for England (known as English Heritage)
Natural England
The Civil Aviation Authority
The Homes and Communities Agency
The Marine Management Organisation
Mayor of London
The Office of Rail Regulation

Table 7 Clinical Commissioning Groups

Clinical Commissioning Groups
North West Surrey CCG
Guildford & Waverley CCG
Surrey Heath CCG
East Surrey CCG
Surrey Downs CCG
North East Hampshire & Farnham CCG

Table 8 Integrated Transport Authorities

Integrated Transport Authorities
Transport for London
Surrey County Council
Network Rail

Table 9 Highway Authorities

Highway Authorities
Highways England
Surrey County Council

Table 10 Local Enterprise Partnerships

Local Enterprise Partnerships (LEPs)
Coast to Capital
Enterprise M3

Table 11 Local Nature Partnerships

Local Nature Partnerships (LNPs)
Surrey Nature Partnership