A Statement of Common Ground between Surrey County Council and East Sussex County Council et al., concerning waste management

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Explanatory note / Non-technical Summary

Surrey County Council (SCC), East Sussex County Council (ESCC), the South Downs National Park Authority (SDNPA) and Brighton & Hove City Council (BHCC) are waste planning authorities in the south east of England with responsibility for planning for the future management of waste. SCC adopted the Surrey Waste Plan in 2008 and is currently updating its planning policies on waste management by preparing the Surrey Waste Local Plan with a plan period ending 2033. ESCC, the SDNPA and BHCC adopted the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan in 2013, and the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan in 2017, with a plan period ending in 2027. The SDNPA also plans jointly with West Sussex County Council and the joint planning authorities in Hampshire.

Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) places a duty of co-operation (DtC) on specific public bodies such as District, Borough and County Councils, Natural England, and the Environment Agency. When a Local Plan is being prepared the council preparing it must fulfil this duty and demonstrate how it has been met. The National Planning Policy Framework 2019 (paragraphs 24 to 27) also requires local councils to prepare statements of common ground to document cross-boundary strategic matters being addressed as part of their preparation of Local Plans, including Waste Local Plans and progress in cooperating to address these matters.

This document is a statement of common ground between East Sussex County Council (ESCC), the South Downs National Park Authority (SDNPA) and Brighton & Hove City Council (BHCC) and Surrey County Council (SCC) in relation to the provision of waste management. It sets out areas of agreement between the Authorities in relation to the management of waste. The Authorities (SCC, ESCC, SDNPA and BHCC) are signatories to a number of other statements of common ground, memoranda of understanding and position statements and these should be read in combination with this document. A list of the most relevant of these documents is listed in Annex A at the end of this Statement.

In broad terms, this Statement sets out that adequate provision for waste management is being planned for in Surrey and East Sussex, Brighton & Hove and the parts of the South Downs National Park Authority that lies within East Sussex and Brighton & Hove, and notes the reliance that these areas have, or may have, on other areas for the disposal to land, via existing and planned landfill, of a small amount of household and business waste that cannot be recycled or recovered within their areas. In place of landfill, the Authorities are planning additional recycling and recovery facilities. It also states that, in the event that a developer proposes landfill for household and business wastes, the Authorities have specific policies that set out what the potential developer must do for a proposal to be considered acceptable.

The statement contains three agreements:
That each Authority is planning for “net self-sufficiency” i.e. it is meeting an existing wider agreement between the waste planning authorities in the South East England.

That the Authorities will have a similar contingency policy about landfill for household and business waste, so that there is consistent acknowledgement that the possibility of new landfill development in the areas of concern is not ruled out. Other policies in their Waste Local Plans, such as those relating to the Green Belt and the National Park and Areas of Outstanding Natural Beauty, would still apply, meaning certain locations for development may still be more or less suitable than others.

That the Authorities recognise that the most sustainable locations for waste management development are influenced by constraints within and beyond their areas.

At the end of the statement it explains that the Authorities will keep this statement under review and details the method by which it can be updated. Specific matters likely to prompt updates of this SoCG include modifications to the Surrey Waste Local Plan resulting from its independent examination (in September 2019), or evidence which shows significant changes in the level of waste movements between the two authorities.

A Statement of Common Ground between Surrey County Council, East Sussex County Council et al., concerning waste management

Introduction

1. This is a statement of common ground, pursuant to section 33A of the Planning and Compulsory Purchase Act 2004 (PACPA 2004) and paragraphs 24 – 27 of the National Planning Framework 2019, between Surrey County Council (SCC), East Sussex County Council (ESCC), South Downs National Park Authority (SDNPA) and Brighton & Hove City Council (BHCC), hereafter referred to as ‘the Authorities’, regarding the strategic matter of waste management.

2. It has been prepared in the understanding that the Authorities undertake their statutory duties in accordance with relevant legislation, policy and guidance; and in the context of other relevant statements of common ground, memoranda of understanding and position statements to which the Authorities are signatories1.

Cooperation Activities

3. The agreement set out below has been developed through co-operation involving the South East Waste Planning Advisory Group and direct co-operation in the form of correspondence between the Authorities.

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1 See Annex A
Geography

4. An indication of the geography likely to be affected by waste local plans for a given area (e.g. Surrey) is provided by recorded waste movements\(^2\). Thresholds\(^3\) can be applied to identify movements that are considered strategic in nature. The exact extent of this area varies depending on the specific plan area and the circumstances in which it is being prepared. This statement refers to the Counties of Surrey and East Sussex, the City of Brighton and Hove and the National Park within those areas, identified in Annex C. There are movements of waste between East Sussex and the City of Brighton and Hove and Surrey as well as between other authorities and other areas.

Context

5. SCC’s proposed waste management strategy for the County of Surrey is set out in the Submission Surrey Waste Local Plan (2019) (WLP). It includes site specific allocations, some of which are in the green belt. It has a plan period 2019 - 2033.

6. ESCC’s, the SDNPA’s and BHCC’s (ESSDBH) waste management strategy, for the area of the County of East Sussex and the City of Brighton & Hove including areas within the South Downs National Park (ESSDBH area), is set out in the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) (WMP). This is supported by the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017). The plan period is 2013 – 2027.

7. The Authorities’ Plans set high targets for the diversion of waste from landfill and provide additional capacity to ensure net self-sufficiency of up to an additional 149,000tpa recycling or recovery capacity in the ESSDBH area and up to 156,000tpa in Surrey. The additional capacity provided takes account of the lack of landfill provision in the areas.

8. In the process of preparing the plans referred to above, no Authority received proposals for the allocation of land involving the disposal of non-inert waste to land.

9. There are currently no non-inert waste landfills in the ESSDBH area and waste requiring management by disposal to land is sent to other locations. Between 2015 and 2017 the quantity of waste arising in the ESSDBH area managed by disposal to land varied between 36,000tpa and 54,000tpa (approx.)\(^4\). Patteson Court is the only non-inert landfill in Surrey; planning permission requires its restoration by 2030. It is anticipated that approximately 178,000 tpa of non-inert waste from Surrey will require disposal to land in the year 2030, reducing to 77,000tpa by 2035.

\(^2\) As identified in the Environment Agency Waste Data Interrogators for 2015, 2016 and 2017 (see Annex B).

\(^3\) Thresholds were agreed by the South East Waste Planning Authorities Group (SEWPAG) in April 2014: Total movements above the following between two waste planning authorities are considered of strategic significance: Inert: 5000tpa; Household, Industrial & Commercial: 2,500 tpa; or Hazardous 100tpa

10. At the Public Examination into the WMP it was demonstrated that there was sufficient capacity in other landfills outside of the ESSDBH area to accommodate this waste for the life of the Plan.

11. The WMP contains a criteria based policy (WMP8a) to be used in the event proposals for the disposal of non-inert waste to land are submitted; the Submission SCC WLP contains a similar policy (Policy 6).

Strategic Matters

12. The Authorities have identified that, within the broad strategic matter of waste management the following sub-matters exist:
   a. Net self-sufficiency and movement of waste;
   b. alterations to capacity provision / provision of non-inert landfill; and
   c. protection of designated areas and sites including Green Belt.

Net self-sufficiency and movement of waste

13. These matters are addressed within the SEWPAG Memorandum of Understanding (2017) to which both Councils are signatories. The Authorities have exchanged correspondence regarding waste movements considered strategic under the Memorandum for the years 2015, 2016, and 2017 (see Appendix 1). In accordance with the SEWPAG Memorandum of Understanding all waste planning authorities in the south east are planning on the basis of net self-sufficiency and are not pursuing specific policies which would restrict the geographical source of the waste to be managed at any particular facility.

14. Each Authority agrees that, at the time of signing, the other is planning for waste management in accordance with the SEWPAG Memorandum.

Alterations to capacity provision / provision of non-inert landfill

15. The Authorities are of the view that, at this time, it is highly unlikely that the necessary facilities for the disposal of non-inert waste to land can be delivered in their respective plan areas during their plan periods. Consequently, the Authorities’ strategies involve the overprovision of other forms of waste management capacity in lieu of capacity for the disposal of non-inert waste to land. To ensure the flexibility of the plans, a criteria based policy has been included in both plans which, enables the provision of non-inert landfill to be developed in the Councils’ areas at an appropriate time.

16. Notwithstanding the above, for reasons set out in its representation, East Sussex County Council question the soundness of the wording of the related policy (Policy 6) put forward in the Submission Surrey Waste Local Plan. For its part, Surrey County Council contend that the policy is sound. A summary of this representation and a response from Surrey County Council is provided in the Surrey County Council Period for Representations Report (examination library reference SWLP4).

17. In order to provide some certainty and reassurance to local communities, the Authorities believe there should be some consistency between the Authorities’ policies relating to the disposal of non-inert waste to land in terms of the
requirements that any potential development would need to meet. The Authorities also recognise that the suitability of potential locations for development within the Authorities’ areas will vary depending on local circumstances, for example Green Belt, Areas of Outstanding Natural Beauty and National Park designations, which may be addressed through other policies in the Councils’ plans.

18. The Authorities, therefore, agree that there should be broad parity between their respective policies on the provision of disposal to land of non-inert waste in their plans.

Protection of designated areas and designated sites including Green Belt

19. The Authorities recognise that the most sustainable locations for waste management operations are influenced by constraints, including designated areas and sites, within and outside of their respective plan areas.

20. The Authorities agree to have due regard to this in the preparation of waste local plans.

Governance and Future Arrangements

21. The Authorities party to this SOCG will periodically monitor this statement.

22. If any party to this Statement intends to prepare a local plan or undertake activities which are not in accordance with this agreement, then it will notify the other Authorities that a review of this Statement may be needed to resolve any potential identified conflict.

23. A review may be triggered at any time by any party to this Statement notifying the others, in writing, that a review is requested and outlining, in broad terms, the changes to the Statement that are being sought. The Authority requesting the review will be responsible for convening discussions with the other parties.

Signatories

24. This statement is agreed by:

Councillor Mike Goodman,
Cabinet Member for Environment and Transport,
On behalf of Surrey County Council, 12 August 2019

Max Woodford
Assistant Director, City Development and Regeneration
On behalf of Brighton & Hove City Council, 14 August 2019
25. This content of this statement is agreed in principle at officer level by East Sussex County Council. Formal sign-off will be undertaken by ESCC in October 2019 once delegated powers for officer level sign off have been approved by Full Council.

Ed Sheath
Head of Planning and Environment
On behalf of East Sussex County Council, 13 August 2019
Annex A: Other Statements of Common Ground

Other statements and memoranda of significance to this statement include:

- South East Waste Planning Authorities Group (SEWPAG) Non-hazardous landfill in the South East of England (draft)
- South East Waste Planning Authorities Group (SEWPAG) Permanent Deposit of Inert Waste to Land in the South East of England (draft)
Annex B - Reported movements of waste between Surrey and East Sussex

The Environment Agency’s Waste Data Interrogator contains a summary of returns from most, but not all waste management operators and including some large sites. It is subject to a number of limitations including, for historic reasons, incorrectly reporting sites within the South Downs National Park as being within other County Areas. Other waste movements over and above those described below may occur. Tonnes rounded to nearest 100 tonnes. Sites showing tonnages below SEWPAG thresholds are not shown.

Household, Commercial & Industrial Waste (Source: Environment Agency Waste Data Interrogators)

<table>
<thead>
<tr>
<th>Facility WPA</th>
<th>Facility Name</th>
<th>Operator</th>
<th>Exports from Surrey to ESSDBH Area</th>
<th>Exports from ESSDBH Area to Surrey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrey</td>
<td>Redhill Landfill (NEQ) EPR/BU8126IY</td>
<td>Biffa Waste Services</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>5,600</td>
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<td></td>
<td></td>
<td>11,100</td>
<td></td>
</tr>
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<td>Surrey</td>
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<tr>
<td>East Sussex*</td>
<td>Greystone Quarry</td>
<td>M D J Light Bros (S P) Ltd</td>
<td>8,000</td>
<td>8,000</td>
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<tr>
<td></td>
<td></td>
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<tr>
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Inert Waste (Source: Environment Agency Waste Data Interrogator)

None

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<th>Facility WPA</th>
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<th>Operator</th>
<th>Exports from Surrey to ESSDBH Area</th>
<th>Exports from ESSDBH Area</th>
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<table>
<thead>
<tr>
<th>Facility WPA</th>
<th>Facility Name</th>
<th>Operator</th>
<th>Exports from Surrey to East Sussex</th>
<th>Exports from East Sussex to Surrey</th>
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<td></td>
<td></td>
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Hazardous Waste (Source: Environment Agency Hazardous Waste Data Interrogator)

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<th>Exports from ESSDBH Area to Surrey</th>
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<th>Facility WPA</th>
<th>Facility Name</th>
<th>Operator</th>
<th>Exports from Surrey to ESSDBH Area</th>
<th>Exports from ESSDBH Area to Surrey</th>
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</thead>
<tbody>
<tr>
<td>East Sussex*</td>
<td>Greystone Quarry</td>
<td>M D J Light Bros (S P) Ltd</td>
<td>1,700</td>
<td>2,000</td>
</tr>
</tbody>
</table>

* Within South Downs National Park, in which the South Downs National Park Authority is the relevant waste planning authority.
Annex C: Statement of Common Ground Map