Inspector’s opening

Council’s opening statement

Matter 1. (a) Duty to Cooperate and (b) Legal Compliance

Issue: Has the DtC been met and does the SWLP meet all other relevant legislative requirements?

(a) Duty to Cooperate (DtC)

1. Is there evidence of a continuous process of engagement, collaboration and effective cooperation with neighbouring local authorities and other prescribed bodies, to ensure that the Plan provides for a suitable and sustainable network of waste management facilities, that clearly reflects identified strategic priorities, provides the land and infrastructure necessary to support current and projected future levels of waste management development, and plans effectively for issues with cross-boundary impacts?
   - Does the Duty to Cooperate Statement (SWLP 21) demonstrate effective and on-going engagement and co-operation?

2. While the duty to cooperate is not a duty to agree, is there evidence that the Council has made every effort to secure the necessary cooperation of
district and borough planning authorities on waste matters? (PPG ID: 28-016-20141016) Does the evidence demonstrate that the Council has sought to address the main future waste management issues raised by neighbouring local authorities and other bodies?

- **Does the SOCG between the Council and the other Surrey boroughs and districts (SOCG-01) and the report ‘Management of Impacts on Human Communities Arising from Waste Management’ (ED-01) demonstrate that the Council has made every effort to secure the necessary cooperation of district and borough planning authorities on proposed site allocations and issues such as Green Belt?**

3. What mechanisms will be put in place to ensure that there is future cooperation in relation to cross boundary issues that may arise as development within the Plan progresses?

**(b) Other legal requirements**

4. The evidence base and the plan generally makes reference to the NPPF 2018. Is the SWLP consistent with the NPPF 2019?

5. Has the Plan consultation complied with the Statement of Community Involvement and public consultation requirements in the LP Regs? Has the Plan been prepared in accordance with the published Local Development Scheme? Has engagement taken place in relation to any Neighbourhood Plans in preparation within the Plan area?

6. How have emerging plans that are being prepared elsewhere, including outside the county, such as the new London Plan, been taken into consideration in the preparation of the SWLP?

- **How does the Council propose to take into account the outcome of further assessment of proposals within other emerging local plans, for example, in relation to the A320 corridor?**

7. The SOCG (SOCG-01) refers, in para 7.3, to minimising conflict between policies, allocations and ILAS in SWLP and allocations and policies in other adopted and emerging development plans in area. What conflicts remain? How are these intended to be resolved?

- **Would there be a potential conflict between the proposed site allocations and the Green Belt designations within adopted and emerging local plans for the area?**

**Equality and Health Impacts**

8. The Health Impact Assessment (SWLP 13) and the Equality Impact Assessment (SWLP 14) consider the health impacts of the Plan and its potential impact on those with relevant protected characteristics, as set out in s149 of the Equality Act 2010. In what way does the Plan seek to ensure that adverse health impacts would be avoided or mitigated, and
due regard is had to the three aims of the Equality Act in relation to those who have a relevant protected characteristic?

_Sustainability Appraisal (SA)_

9. Does the SA comply with the provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (EA Regs) in identifying, describing and evaluating the likely significant effects on the environment of implementing the Plan, together with economic and social factors?
   - **Is the monitoring framework clearly set out? Does this include indicators, targets, as well as identified triggers for specified potential actions?**

10. Is it clear how the SA influenced the final plan and how the Plan addresses the requirement for any mitigation measures? Has the inter-relationship of effects, including cumulative impacts, been addressed? Have the requirements for Strategic Environmental Assessment been met, including in respect of cumulative impacts?
   - **Several evidence base documents, such as the Habitats Regulations Assessment (SWLP 7), the Site Identification and Evaluation Report (SWLP 9), and the Waste Needs Assessment (SWLP 8) post-date the SA. How have the findings of these documents have been taken into account within the SA?**

11. Has an adequate site assessment process been undertaken? Is there adequate coverage of all reasonable alternatives and have they been similarly evaluated to the preferred option? Have outline reasons been given in the SA for selecting the alternatives dealt with and a description given of how the assessment was undertaken? Have reasons been given for rejecting alternatives?
   - **The results of the appraisal within the SA do not feed into a clear explanation within the SA of why the policies and allocations in the plan have been selected and alternatives rejected. Can the Council please explain how it intends to address the absence of reasoned justification within the SA for the selection and rejection of reasonable alternatives?**
   - **How were the policy options for CD&E recycling assessed?**
   - **Was the site assessment and selection process systematic, robust and consistent?**
   - **Are the assessments made about whether individual sites are suitable, available and deliverable clearly supported by evidence, including in relation to identified known constraints?**
**Habitats**

12. Have the requirements for appropriate assessment under the Habitats Regulations been met, having regard to relevant national policy and guidance?

13. Has the HRA satisfactorily considered all impact pathways, including noise and dust from construction? Is an addendum required to address these issues? A response from Natural England would be welcomed on this issue.
   - **Does the SOCG with Natural England (SOCG-09) satisfactorily demonstrate that these issues have been adequately addressed?**

14. Is the potential need for Habitat Regulation Assessment (HRA) and Appropriate Assessment in respect of specific proposals clearly identified? Are required potential mitigation measures set out clearly within the SWLP?

15. Does the HRA process followed take account of the Wealden judgement (Wealden V SSCLG [2017] EWHC 351Admin) and potential “in combination” air quality impacts of traffic flows on relevant designated areas? Are the Councils content that the HRA screening undertaken in relation to the Plan is legally compliant in light of the recent CJEU judgement (Case C-323/17) in People over Wind, Peter Sweetman v Coillte Teoranta?

**Climate change**

16. Does the evidence demonstrate that the policies of the SWLP (taken as a whole) would contribute effectively to the mitigation of, and adaptation to, climate change?

**Matter 2: Overall Assessment of Need**

**(Policy 1)**

**Issue: Whether the identified waste requirements are justified and based on a sound assessment of need?**

**Existing capacity**

17. Is the evidence of existing waste management facilities robust and sufficiently detailed? Does it include details of location, type of facility, licence/permit details, capacity information including maximum capacity, waste sources, outputs, residues and destination, where appropriate? (PPG ID: 28-024-20141016)
18. Are details of existing major disposal and recovery installations clearly shown on the Policies Map? (PPG ID: 28-027-20141016 and 28-039-20141016)
   - Would the Council’s proposed modification satisfactorily address this issue?

19. How have the targets and needs included in the Joint Municipal Waste Management Strategy (JMWMS) been taken into account in the SWLP? What assessment has been made of the existing capacity of the network of community recycling centres (CRCs) and how this may change over the plan period?
   - Are the targets within the SWLP consistent with those of the JMWMS?

20. In what circumstances may the capacity of existing waste management facilities change? What is the likelihood of this occurring? How has this been assessed?

21. How has the capacity of sites exempt from environmental permits been assessed? Is this capacity considered to be significant?
   - If the need for additional sites for CD&E waste is over-estimated, is this over-estimation of capacity likely to be significant?

*Forecast of waste arisings over the plan period*

22. Waste arisings have been forecast at the end of the plan period and at specific points within it. Is it clear when new or replacement facilities are likely to be required during the plan period?

23. The Waste Needs Assessment April 2019 (WNA) (SWLP 8) details the factors that have informed forecasts of future local authority collected waste (LACW) arisings and the preparation of the growth profile? Do these factors clearly and robustly justify the chosen scenario?
   - Do these forecasts represent the right balance between obtaining the best evidence to inform what will be necessary to meet waste needs, while avoiding unnecessary and spurious precision? (PPG ID: 28-028-20141016)
   - Do they provide an appropriate degree of flexibility, to enable the plan to respond to changing circumstances over the plan period?

24. The WNA also details the factors that have informed forecasts of future arisings in other wastes, including commercial and industrial (C&I), construction, demolition and excavation (CD&E), hazardous waste, and other types of waste, and the preparation of the respective growth profiles. Are the chosen scenarios clearly justified and robust?

25. Given the number and scale of identified potential significant housing developments and major infrastructure projects that may come forward within the plan period, are the assumptions about CD&E waste arisings requiring off-site management realistic? Does the scenario for CD&E waste
arisings provide for sufficient flexibility in waste management capacity provision?

- What impact would potential significant infrastructure projects that may come forward during the plan period have on the estimation of likely CD&E waste arisings and the potential need for additional waste management capacity?

**Future capacity**

26. Is the methodology used for calculating future capacity robust? The future capacity for recycling and other capacity (WNA, Table 25) indicates that the current capacity can be maintained across the lifetime of the plan. Is this assumption reasonable?

- How has the potential for market conditions to change been taken into account? (PPG ID: 28-023-20141016)

**Capacity gap**

27. How does the SWLP make provision for sufficient capacity across different types of waste management facility, to support the objective of encouraging the management of waste further up the waste hierarchy?

- Is the overall land requirement figure identified in the SWLP clearly supported by a robust evidence base?

28. Does the SWLP identify a range of planned capacity for each type of waste? To be positively prepared, is it necessary for the identified capacity requirement to be included within Policy 1 – Need for Waste Development and clearly identified within the SWLP?

- The PPG (ID: 28-036-20141016) identifies that, in planning for waste management facilities, a helpful key principle may be to plan for a range of each type of waste rather than a specific single figure. Can the Council explain why this approach was not followed?

29. The WNA, paragraphs 4.2.2.2 - 4.2.2.6, identifies a potential need for additional recycling capacity towards the end of the plan period, a potential requirement for composting facilities, a need for additional Energy from Waste (EfW) capacity, readily available waste transfer stations (WTS) and materials recovery facilities (MRF), and a potential for increased capacity for anaerobic digestion. How does the SWLP address these requirements?

- Table 4 of the SWLP (Table 29 of the WNA) indicates a surplus in future capacity for recycling in over the plan period, to 2035. How does the absence of a capacity gap, given the forecasts of future waste arisings, informed by a high growth scenario that was selected to provide flexibility, justify the identified need for additional recycling capacity?

- Please can the Council explain its hearing statement reference to Policies 10 and 11b, in relation to the potential need for additional EfW capacity.
30. Is there a demonstrable need for specific additional capacity for dry mixed recyclables (DMR)?
   - How do the findings of the WNA, including Tables 25 and 29, support the need for specific additional capacity for DMR?
   - Is the identified need for a DMR facility in the JMWMS (SWPS-12) up-to-date?
   - Does the identified need for a DMR facility primarily relate to the perceived need to reduce the amount of DMR sent out of the county for processing?
   - What options were explored to meet that need?
   - Are the reasons for the two-site approach to managing the DMR waste stream clearly identified within the evidence base? Is this approach justified?

31. In relation to the potential expansion of Heathrow Airport, reference is made to the potential closure and replacement of the Lakeside Energy from Waste (EfW) facility. How is it intended to manage the timing of this replacement and what measures would be put in place to address any gap in provision?

32. The WNA, paragraph 4.2.4.1 indicates that currently there is insufficient capacity for CD&E recycling in the later part of the plan period. Is the policy approach proposed to address this issue, with an absence of specific allocations, justified and robust, taking into account the future excavation waste arisings identified in the North London Boroughs SOCG (SWLP 27, paragraph 5.4)?
   - Does the document Approach to CD&E Recycling (ED-04) justify the approach proposed in the SWLP?

33. Reference is made, within the evidence base, to an intended review of CD&E recycling need and capacity as part of the proposed review of the Surrey Mineral Plan. Is this deferred approach to the assessment of need justified and is the SWLP justified and positively prepared in this regard?
   - Does this approach risk creating a potentially avoidable capacity gap for this provision, having regard to the identified timescales for the review of the Mineral Plan?
   - The document Approach to CD&E Recycling (ED-04) indicates, in paragraph 4.4.4, that any under capacity in CD&E recycling could be accommodated within the significant existing mineral working void capacity within the county. How would this approach be effective in promoting the management of waste further up the waste hierarchy?

34. The recovery of inert waste to land capacity is reliant on mineral sites coming forward during the plan period. How has the likelihood of this occurring been assessed? Reference is made, in footnote 9 of the SWLP, to planned sites yet to have planning permission or become operational. Is there a reasonable likelihood of these sites coming forward? How robust is the reliance on these sites to address the capacity gap in recovery to land for inert waste?
35. The WNA, paragraph 4.2.3.1, identifies a capacity gap for the disposal of non-inert waste to land towards the end of the plan period, following the scheduled closure of Patteson Court landfill in 2030. Does the evidence demonstrate that the SWLP would be effective in addressing the identified requirement for additional capacity without a specific allocation?

36. Is the absence of proposed sites for hazardous waste arisings justified? The SOCG with the North London Boroughs identifies the main waste export from north London to Surrey is hazardous waste, with existing landfill capacity in the wider south east declining. The existing landfill site at Patteson Court is due to close in 2030, but the SOCG indicates that the resulting waste management capacity required is expected to be provided elsewhere. (SOCG SWLP 27 paragraph 5.14) Is the plan positively prepared in this regard?

37. The WNA, paragraph 2.5.1.1, indicates that it is not considered necessary to make strategic provision for wastewater facilities within the SWLP and no further land is proposed to be allocated in this respect. Is the SWLP justified and positively prepared in this regard? How does this relate to the proposed allocation 5.1 (Land to the north east of Slyfield Industrial Estate, Guildford), which identifies the site as proposed to facilitate a replacement for the existing sewage treatment works, amongst other waste management facilities?

38. How would the policies of the SWLP ensure that new and existing sites can be developed to provide Surrey’s ongoing wastewater and associated sludge management requirements without adversely impacting the environment or the community? (WNA, paragraph 2.5.1.2)

39. How would the policies of the SWLP be effective in addressing the need for potential additional capacity in agricultural waste, anaerobic digestion, nuclear waste and radioactive waste, should that need arise?

40. Given the identified gaps in capacity, does the evidence demonstrate that the aim of Net Self-Sufficiency for Waste Management in Surrey is reasonably likely to be deliverable over the plan period? What assumptions have been made in this regard?