The Planning Inspectorate

Surrey Waste Local Plan

Examination Hearings – Week 1

19 September 2019 – 10:00

Agenda – Day 3 AM

Please note:
- All participants are encouraged to familiarise themselves with the hearing statements (and any additional evidence) produced by the Council and other parties in respect of the matters addressed at this session. These are available on the examination website.
- Most references to questions refer to those posed by the Inspector in the schedule of Matters, Issues and Questions.
- The discussion will focus on those questions highlighted in **bold**.
- The hearing will run until around 13:00, with a break mid-morning.

Inspector’s opening

Council’s opening statement

Matter 6: Design and the Environment (Policies 13, 14)

**Issue:** Whether sufficient opportunities are provided to protect and enhance the natural, built and historic environment and minimise any adverse impact of waste development on communities?

*Policy 13 – Sustainable design*

124. Is the wording of Policy 13 sufficiently clear and effective? How is relevant best practice defined? Does this refer to the design and operation of the facility? How will this be assessed?

125. Is the policy consistent with national policy, in its requirement for the maximisation of heat recovery and recovery of energy from the waste activity?

*Policy 14 – Development Management*

126. Does the SWLP clearly explain the relationship with other elements of the development plan within the county, including the need to comply
with the policy requirements of other plans, unless material considerations indicate otherwise, as well as those of the SWLP?

127. Does the specific wording of Policy 14 clearly indicate how the potential impacts of a waste management proposal would be assessed? Is the extent, type and methodology of assessment that will be required to support development proposals, where relevant, clearly and consistently set out within the SWLP, such as site-specific flood risk assessments, heritage impact assessments, ecological assessments, noise impact assessments, air quality assessments etc?

- **Would the Council’s proposed modification satisfactorily address this issue?**

128. For effectiveness, should Policy 14 make reference to the high potential for waste management proposals to be EIA development (as specified in the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017*)? Is the role of screening and scoping under those Regulations made sufficiently clear within paragraph 5.4.2.3 of the SWLP?

- **Would the Council’s proposed modification satisfactorily address this issue?**

129. Is the Policy 14 requirement to avoid *significant adverse impacts* consistent with the legal duties and national planning policy requirements for Areas of Outstanding Natural Beauty (AONBs), biodiversity and protected European and international sites, the special interest features of nationally designated sites, irreplaceable habitats, and protected species, listed buildings and their settings, Conservation Areas and other nationally and locally important designated and non-designated heritage assets, including Scheduled Monuments and their settings, and areas of archaeological potential?

- **Would Policy 14 appropriately reflect and be consistent with the specific legal duties and national planning policy requirements for each of the identified environmental and heritage assets?**

130. Policy 14 B(i)(a) includes reference to dust and vibration. For clarity and effectiveness, should these considerations also be included within paragraphs 5.4.2.6 and 5.4.2.7?

- **Would the Council’s proposed modification satisfactorily address this issue?**

131. In relation to the assessment of flood risk, to be consistent with national policy, should the use of the word ‘proposed’ replace ‘necessary’ in paragraph 5.4.2.14? To support the effective delivery of development,
should paragraph 5.4.2.16 include a short explanation for the reason why early discussion is advocated?

- Would the Council’s proposed modification satisfactorily address this issue?

132. In relation to biodiversity, for effectiveness, should paragraph 5.4.2.30 be explicit that any mitigation, or compensation, would need to be considered suitable? In paragraph 5.4.2.33, for consistency with national policy, should the phrase ‘minimise the risk of significant adverse impacts’ be replaced with ‘avoid the risk of adverse impacts’? For effectiveness, should Policy 14 include the requirement, referred to in paragraph 5.4.2.34, for development to provide net gains in biodiversity and the network of Biodiversity Opportunity Areas (BOAs), referred to in paragraph 5.4.2.35?

- Would the Council’s proposed modification satisfactorily address the first part of this issue?
- Is the phrase ‘minimise the risk of significant adverse impacts’ consistent with national planning policy?
- Would the Council’s proposed modification satisfactorily address the last part of this issue?

133. To be consistent and effective, should the wording of paragraph 5.4.2.48, on aerodrome safeguarding, be amended to reflect the need identified in Policy 14 to assess the position and heights of buildings and associated structures?

- Would the Council’s proposed modification satisfactorily address this issue?

**Matter 7: Transport and connectivity (Policy 15)**

*Issue: Whether the policies and proposals of the SWLP demonstrate that options for sustainable transport are supported and waste movement by road is minimised as far as practicable?*

134. How has the potential cumulative impact of transport movements on the strategic road network (SRN) been assessed? What impact will the policies and proposals of the SWLP have in this regard?

- Does the extent of assessment undertaken provide adequate justification for the proposed site allocations and areas of search?

135. How are any adverse impacts on the SRN and local roads proposed to be minimised? How does Policy 15 ensure that this will be effectively managed and controlled? To be effective, should the policy refer to the potential need for Traffic Management Plans and Transport Assessments
to support development proposals? Similarly, should the supporting text clearly identify the extent, type and method of assessment required?

- **Would the Council’s proposed modification satisfactorily address this issue in relation to proposed site allocation Policy 11a C(i) Part 2 Section 5.5?**

136. Is the wording of Policy 15 B(vi) consistent with paragraph 109 of the NPPF, where it seeks to avoid unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network?

- **Is the reference in Policy 15 B (vi) to ‘significant adverse impact on the safety of the highway network’ consistent with national planning policy?**

137. Proposed allocations have identified a need or a potential need for highway improvements to facilitate delivery of the development proposed. Is there a reasonable prospect that these improvements will be delivered, including in relation to viability, feasibility and potential impacts on the SRN? What is the anticipated timescale for this work?

- **Have the potential mitigation measures included within the Transport Study (SWLP 19) been identified within the Part 2 ‘key development issues’ for all proposed Policy 11a and 11b site allocations?**
- **How was the suitability of the access to the SRN from the proposed allocations considered?**
- **What assessment has been undertaken to establish that the identified access improvements would be sufficient to ensure that suitable and safe access to the site could be achieved?**

**Matter 8: Community engagement, delivery, monitoring and review (Policy 16)**

**Issue: Whether the provisions for community engagement, delivery and monitoring are effective and adequately identify triggers for review?**

138. Is Policy 16 sufficiently clear and robust? To be positively prepared, effective and justified in relation to the Council’s validation requirements, should the policy require pre-application submission community engagement for development proposals that are likely to have substantial community interest? Is substantial defined? Is clear guidance provided within the SWLP of the ‘suitable proportionate steps’ expected?

139. For effectiveness, should Policy 16 refer to the support for the establishment of liaison groups, to address issues that may arise from the operation on larger waste management developments?
140. Does the SWLP demonstrate a commitment to on-going collaborative and joint working, which will actively support the implementation of its policies and proposals and the delivery of its objectives? How will the co-ordination of strategic capacity provision be achieved? (SWLP, paragraph 3.7.1.3)

141. Does the SWLP include policies that would steer the timing of land releases? Should the SWLP include an indicative delivery trajectory, with identified timescales for facilities to be provided? How will the development of facilities of types that sit towards the top of the waste hierarchy be prioritised? (SWLP, paragraph 3.7.1.2)

142. Is monitoring proposed to take place in line with the requirements identified in the PPG? (PPG ID: 28-054-20141016) Are the indicators and targets for each policy sufficiently precise and consistent with these requirements?
   - Does the monitoring framework proposed for the Plan appropriately reflect the implementation and monitoring measures within the SA?

143. What measures are in place to ensure that the SWLP can respond flexibly to changing circumstances that might arise through emerging plans being prepared elsewhere, particularly on issues with cross-boundary impacts? Are suitable arrangements in place for reviews of the SWLP at appropriate times? Are the potential triggers for such reviews clearly identified?
   - How does the Council propose to address any changing circumstances that may arise through the examination of other emerging plans?
   - Are the potential triggers for reviews clearly identified?

144. Does the Plan provide flexibility? What contingency arrangements and alternative strategies have been considered if development identified in the Plan does not proceed, or the rate of development anticipated is not met, including in relation to the provision of infrastructure?

145. Is there a need to identify a reserve of potential future development sites, should the proposed allocated sites in the Plan not come forward for development as anticipated?

Review of Proposed Main Modifications (if time permits)