Surrey Waste Local Plan
Examination

Matters Statement: Matter 1 (a) Duty to Cooperate and (b) Legal Compliance

23 August 2019
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?

Council’s Response:

1.1 Yes, the Duty to Cooperate Evidence of Engagement Statement (SWLP 21) was submitted alongside the Plan to help demonstrate how Surrey County Council (the Council) has met its obligations under Section 33A (1) of the Planning and Compulsory Purchase Act 2004 relating to the Duty to Cooperate. The statement sets out the evidence of a continuous process of engagement, collaboration and effective cooperation with Surrey boroughs and districts, neighbouring authorities and other prescribed bodies. The councils consider that the DtC has been addressed both directly through ongoing cooperation with individual authorities and bodies through its ongoing engagement with strategic networks such as the Surrey Planning Officers Association (SPOA), Surrey Planning Working Group (PWG) and the South East Waste Planning Advisory Group (SEWPAG).

1.2 Several Statements of Common Ground (SOCG-01 – 09) have been produced which evidence specific areas of agreement and disagreement as result of this on-going collaboration.
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?

**Council’s Response:**

2.1 Yes. The Duty to Cooperate Evidence of Engagement Statement (SWLP 21) sets out the engagement that took place under the duty to cooperate, including with district and borough planning authorities, throughout the preparation of the plan.

2.2 The strategic issues that were identified under the duty to cooperate as requiring ongoing meaningful cooperation are set out in section 4.5 of the Duty to Cooperate Evidence of Engagement Statement and Table 1 sets out the mechanisms in place for this engagement.

2.3 The consultation reports - Reg 22 Statement (SWLP 1), Issues and Options Summary Report (SWLP 25), Draft Plan Consultation Summary Report (SWLP 24) and Period for Representations Summary Report (SWLP 4) - set out the issues raised in representations made by districts and boroughs at each consultation stage. The Draft Plan Consultation Summary report and Period for Representations Summary report also contain the Council’s response and, where appropriate, the action resulting.

2.4 The Statement of Common Ground produced by the Council with all district and borough planning authorities (SOCG-01) evidences the cooperation between the Council and the district and borough planning authorities.

2.5 Section 6 of this SOCG includes text on any future waste management issues with specific districts and boroughs, how these will be addressed, and any actions being taken to resolve disagreements.

2.6 As part of ongoing cooperation with districts and boroughs, the report ‘Management of Impacts on Human Communities Arising from Waste Management’ (ED-01) has been produced. This report seeks to help resolve areas of disagreement between authorities and implements agreed points of action set out in the Statement of Common Ground (SOCG-01).

2.7 The Council has agreed Statements of Common Ground with the following neighbouring authorities: Kent County Council (SOCG-03), East Sussex County Council (SOCG-04), West Sussex County Council (SOCG-05), Hampshire County Council (SOCG-10).
Council (SOCG-06), The South Downs National Park Authority (as part of SOCG-04, 05 & 06) and Buckinghamshire County Council (SOCG-07). In addition Statements of Common Ground have been agreed with the North London Boroughs (SOCG-02) and with Suffolk County Council (SOCG-08). These provide evidence that the main future strategic waste management issues are being addressed.

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?

Council’s Response:

3.1 The existing mechanisms in place, as described below, to ensure cooperation on cross boundary issues are sufficient to deal with any issues that might arise as development within the Plan progresses.

3.2 Each Policy in the SWLP Part 1 has a monitoring table setting out indicators for whether the policy is working as intended and the triggers for policy review. The results of monitoring the implementation of Policies will be reported annually through the Council’s Annual Monitoring Report (AMR).

3.3 The Councils AMR is produced and published annually and provides an update to communities, districts and boroughs and other stakeholders of details of waste development that has been given planning permission over the monitoring year.

3.4 The AMR also contains a section on ongoing Duty to Cooperate activity setting out how the Council is cooperating with different stakeholders, for example through, SEWPAG, SPOA, PWG and through the consultation protocol (section 4 in AMR 2017/18 (SWPS-03)).

3.5 The SOCG produced with other Authorities (SOCG-01 - 09) contain information on the strategic cross boundary issues that relate to waste development. The SOCG contain information on how frequently they will be reviewed and give an indication of why they may need to be updated.

3.6 Table 1 of the Duty to Cooperate Evidence of Engagement Statement (SWLP 21) sets out the engagement mechanisms that have taken place throughout preparation of the plan. As development within the Plan progresses the Council will ensure ongoing cooperation through a commitment to regular engagement with the following strategic networks:
• PWG (with Policy Officers from Districts and Borough within Surrey).
• SPOA (with planning leads from Districts and Borough within Surrey)
• SEWPAG (with policy officers from other waste planning authorities in the south east)
• London Waste Planning Forum (LWPF) (via the Chair of SEWPAG)

(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?

Council’s Response:

4.1 Yes. The changes from the 2018 to 19th of February 2019 version of the NPPF are listed below:

• 5. Delivering a sufficient supply of homes – Amended footnote 13
• 15. Conserving and enhancing the natural environment – Amended Paragraph 177
• Annex 2: Glossary – Amended paragraphs on Deliverable and Local Housing Need

4.2 It is not considered that any of these changes require updates to the text or conformity of the SWLP to the NPPF.

4.3 To ensure clarity, it is proposed that the Council update all references (including footnotes) within the plan to the 2019 NPPF (see Proposed Additional Modifications document (SCCD-02)).

4.4 It should be noted that the amendment to paragraph 177 concerns changes to the NPPF required to take account of recent case law concerning Habitats Regulations Assessment and Natural England, through the Statement of Common Ground between SCC and Natural England (SOCG-09), have not indicated any issues with the Plan resulting from this change.
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?

Council’s Response:

Has the Plan consultation complied with the Statement of Community Involvement and public consultation requirements in the LP Regs?

5.1 Yes. Section 7 of the Reg 22 Consultation Statement (SWLP 1) sets out how the consultations undertaken for the Waste Local Plan comply with the adopted Statement of Community Involvement.

5.2 Section 2 of the same document sets out the legal context for the SWLP and section 5 sets out the consultations undertaken to meet the requirements of the Local Planning Regulations.

Has the Plan been prepared in accordance with the published Local Development Scheme?

5.3 Section 3 of the same document sets out the Minerals and Waste Development Scheme and Appendix 3 sets out where this was updated throughout the process of plan preparation. This information is included in the table below for ease of reference. MWDS 2018 (SWLP 22) reflects the actual timings of each of the key stages.

<table>
<thead>
<tr>
<th>Key Stage of SWLP Preparation</th>
<th>When Stage Occurred</th>
<th>Anticipated timing of stage set in MWDS in place at the time</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Options Consultation (Reg 18)</td>
<td>September 2016 to November 2016</td>
<td>Sept – Nov 2016 (MWDS adopted December 2014)</td>
<td>Stage occurred in accordance with MWDS timetable in place at the time.</td>
</tr>
<tr>
<td>Draft Plan Consultation (Reg 18)</td>
<td>November 2017 to February 2018</td>
<td>Nov 2017 - Feb 2018 (MWDS adopted October 2017)</td>
<td>Stage occurred in accordance with MWDS timetable in place at the time.</td>
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</tbody>
</table>
Has engagement taken place in relation to any Neighbourhood Plans in preparation within the Plan area?

5.4 The Reg 22 Consultation Statement (SWLP 1) sets out the specific and general consultees who were notified regarding the consultations undertaken for the SWLP in section 6 and Appendix 2, which included District and Borough Councils and residents associations. No specific engagement took place in relation to any Neighbourhood Plans in preparation within the Plan area as no Neighbourhood Plans were identified that might be influenced or impacted by the Waste Local Plan. No Neighbourhood Forums consulted the Council on development of their Neighbourhood Plans that had implications for the Waste Local Plan or sites during the preparation of the SWLP. It should be noted that the Council consulted with all bodies likely to form a Neighbourhood Forum (e.g. Parish and Town Councils).

5.5 The Council has published a Neighbourhood Planning Guide (SWPS-24) to assist parish councils and neighbourhood forums when developing Neighbourhood Plans, including advising that consultation with the Council is required in relation to minerals and waste. This would include where existing minerals or waste sites, or allocated minerals or waste sites exist within the proposed boundary of the Neighbourhood 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?

Council’s Response:

6.1 Emerging Plans have been taken into account in four principal ways as follows:
The text of emerging plans (including the new London Plan) has been methodically reviewed to ensure consistency. In the cases of the districts and boroughs within Surrey this involved methodical consistency checks which highlighted potential areas of inconsistency. This work helped inform subsequent engagement with authorities.

Engagement with authorities preparing plans. This is evidenced by relevant Statements of Common Ground, in particular those prepared with Districts and Boroughs within Surrey (SOCG-01), Kent County Council (SOCG-03) and the North London Waste Plan (SOCG-02).

Commenting on the content of emerging plans during consultation phases to ensure consistency. The Council has sought to input into these emerging Plans by commenting on them as appropriate. In the case of the new London Plan, the Council has contributed comments through the South East Waste Planning Advisory Group and this has led to the Greater London Authority proposing changes to the waste chapter of the new London Plan.

Consulting those authorities preparing plans on the content of the SWLP. This has given authorities an opportunity to comment on how the SWLP is consistent with their emerging plans and related comments have been taken into account in the preparation of the SWLP. The extent of the consultation on the SWLP with other authorities is documented in the Regulation 22 Consultation Statement (SWLP 1) and the Duty to Cooperate Evidence of Engagement Statement (SWLP 21).

7. The SOCG (SWLP 21*) 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?

Council’s Response:

* Note that reference SWLP 21 in the question is incorrect as this relates to the Duty to Cooperate report which does not include a para 7.3. The question is assumed to refer to the SoCG with District and Borough Councils which has reference SWLP 26 (Final version ref. SOCG-01).
7.1 The remaining conflicts and actions to resolve them are detailed in Section 6 of the SOCG. This clearly sets out ‘particular areas of disagreement’ together with actions to be taken to resolve these conflicts.

**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? |

**Council’s Response:**

8.1 A **Health Impact Assessment (HIA) (SWLP 13)** has been undertaken which has informed the SWLP. It includes a review of the possible impacts of waste management on human health (section 5), consideration of the impact of SWLP Policies on human health (section 6), and assessment of the potential for development at the sites proposed for allocation to impact on human health (section 7).

8.2 The **HIA (SWLP 13)** has informed the development criteria for the sites proposed for allocation (SWLP Part 2) and the wording of Policy and supporting text (specifically Policy 14) to help ensure that adverse health impacts would be avoided or mitigated.

8.3 The **Equality Impact Assessment (EqIA) (SWLP 14)** has been prepared with due regard to the Equality Act 2010. The **EqIA (SWLP 14)** for the SWLP assesses the potential impact of the proposals within the Plan on residents and service users with protected characteristics as defined by the Equality Act 2010 (section 7a). The assessment states that no significant impacts are expected that cannot be mitigated to an acceptable level, specifically for residents and service users with protected characteristics.
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?

Council’s Response:

9.1 Yes. The combined sustainability appraisal and strategic environmental assessment addresses the requirements of Regulation 12(3) of the Environmental Assessment Regulations. A checklist based on the information requirements listed in Schedule 2 of the Environmental Assessment Regulations is provided on pages i and ii of the *Environmental & Sustainability Report (ESR) (SWLP 5)*, which indicates where in the ESR and its supporting appendices the required information is located.

9.2 The *ESR (SWLP 5)* includes assessment of each of the key components of the SWLP, and of alternatives to those components. Each aspect of the SWLP and the relevant alternatives have been subject to consistent comparative assessment against a range of impact pathways and sustainability objectives covering the physical environment, the natural environment, the historic environment and the human environment (also see the answer to question 11 below).

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?

Council’s Response:

Is it clear how the SA influenced the final plan and how the Plan addresses the requirement for any mitigation measures?

10.1 Yes. In terms of mitigation this is principally embedded into the SWLP through policies 13 (Sustainable Design), 14 (Development Management), 15 (Transport & Connectivity) and 16 (Community Engagement). A number of changes were made to policies 13, 14 and 15 subsequent to the assessment and appraisal of the R18 (Draft) version of the SWLP, with major alterations made in respect of policy 14.
Has the inter-relationship of effects, including cumulative impacts, been addressed?

10.2 The assessment and appraisal framework takes account of the potential for direct impacts on one aspect of the environment to give rise to indirect or induced impacts on another aspect of the environment (see Part 1.C (pp.5-7) in Chapter 1 of the ESR (SWLP 5)).

Has the requirements for Strategic Environmental Impacts been met, including in respect of cumulative impacts?

10.3 The cumulative impact of the SWLP, in terms of the likely combined effect of the implementation of the strategy, objectives, and policies, and the development of identified sites and areas of land has been assessed through the SEA/SA process. The question of the potential for waste related development to interact with other nearby development, giving rise to cumulative impacts, requires considerable certainty as to the type and scale of development that would be accommodated on the affected land. Such detail is not available at the level of the SWLP and therefore assessment of site specific cumulative impacts is most appropriately addressed at the planning application stage. Policy 14 (Development Management) makes provision for the assessment of cumulative impact at the planning application stage.

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?

Council’s Response:

Has an adequate site assessment process been undertaken?

11.1 The process by which sites for allocation and areas of search were identified is documented in the ‘Site Identification & Evaluation Report’ (April 2019) (SWLP 9) and in the ‘Industrial Land Areas of Search Identification Report’ (December 2018) (SWLP 10). The methodologies employed to identify and evaluate potential allocations and potential areas of search are set out in those respective reports.

11.2 The SEA/SA process included assessment of the fifty-four potential site allocations that were not eliminated during the preliminary sieving stage of the site identification and evaluation process. All fifty-four of the potential site allocations
were characterised and then subject to assessment which is documented in Appendix C to the ESR (SWLP 5). (Please note this appendix is split into several parts.)

11.3 The SEA/SA process included assessment of the twenty-two industrial land areas of search (ILAS) that have been identified under Policy 10 of the SWLP. All twenty-two of the ILAS were characterised and then subject to assessment which is documented in Appendix D to the ESR (SWLP 5).

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?

11.4 The SEA/SA process included comparative assessment of a range of alternatives for different components of the SWLP as follows:

11.4.1 Three broad strategy options (net self-sufficiency; net imports; net exports) were covered by the assessment, as documented in Part A1 of Appendix A to the ESR (SWLP 5).

11.4.2 Two versions of the strategic objectives for the SWLP were covered by the assessment, as documented in Part A2 of Appendix A to the ESR (SWLP 5).

11.4.3 Five alternative spatial strategy options were covered by the assessment, as documented in Part A3 of Appendix A to the ESR (SWLP 5).

11.4.4 For policies the assessment covered the versions of the policies proposed in the Regulation 18 and Regulation 19 versions of the SWLP, and the existing policies set out in the adopted Surrey Waste Plan, as documented in Appendix B to the ESR (SWLP 5).

11.4.5 For allocated sites the assessment covered the fifty-four sites that were not eliminated during the preliminary sieving stage of the SWLP site identification and evaluation process. That assessment is documented in Appendix C to the ESR (SWLP 5). (Please note this appendix is split into several parts).

11.4.6 For the ILAS the assessment covers all twenty-two areas of land identified under Policy 10 of the SWLP. That assessment is documented in Appendix D to the ESR (SWLP 5).

Has reasons been given for rejection alternatives?
11.5 The reasons for rejecting those alternatives covered by the SEA/SA process but not incorporated into the plan are documented in a number of background documents, set out in the table below.

<table>
<thead>
<tr>
<th>Plan component</th>
<th>SEA/SA: Preferred option (bold text) and reasonable alternatives (normal text)</th>
<th>Background report / reasoning behind selection of preferred option</th>
</tr>
</thead>
</table>
| Broad strategy options | **Net self sufficiency** | • *Preferred options – vision and objectives p. 34 (SWPS-04)*  
• *Preferred options – spatial strategy Table 6, p. 32 – 33 (SWPS-05)*  
• This is the preferred option and was taken forward into the Submission SWLP. |
| | **Net imports** | • *Preferred options – spatial strategy Table 6, p. 32 – 33 (SWPS-05)* |
| | **Net exports** | • The strategy of net waste exports from Surrey for management elsewhere was not considered to be a reasonable strategy option for the Plan in light of an approach agreed with other authorities in the south east\(^1\) being contrary to national policy and was not taken forward in the SWLP. |
| Strategic objectives | **Reg 18 wording** | • The *Preferred Options Report - Vision and Objectives August 2017 (SWPS-04)* sets out how the wording for each of the Draft Plan’s eight Strategic Objectives was selected from a series of options taking into account comments following the Issues and Options Consultation. |
| | **Reg 19 wording** | • Draft Plan (Reg 18) Consultation Summary Report Section 4.3 and Appendix 4 (SWLP 24) set out the comments made during the Draft Plan consultation and the resulting improvements made to text for the Reg 19 version of the Plan. This is the preferred |

\(^1\) See *Memorandum of Understanding between the Waste Planning Authorities of the South East of England (SWPS-02)*
### Spatial Strategy

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1 – Reg 18 spatial strategy</td>
<td>The <em>Preferred Options Report - Spatial Strategy August 2017 (SWSP-05)</em> sets out how the wording for the Draft Plan Spatial Strategy was selected from a series of options (building blocks) taking into account comments following the Issues and Options Consultation.</td>
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</tr>
<tr>
<td>A2 – Reg 19 spatial strategy</td>
<td><em>Draft Plan (Reg 18) Consultation Summary Report (SWLP 24)</em> (This report documents why this strategy was considered imperfect, and why subsequent changes were made).</td>
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<tr>
<td>B – focus new development outside green belt</td>
<td><em>B – Preferred options – spatial strategy report, Table 6, p. 32 – 33 (SWPS-05)</em></td>
<td></td>
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<tr>
<td>C – focus development on areas with limited existing capacity</td>
<td>This option was discounted as a spatial strategy for the SWLP for the following reasons. Surrey is a relatively small county geographically. It has good transport links which facilitate easy travel across the county. Existing capacity has a reasonable geographical spread across the county and is well located with regard to centres of population (see Policies Map). Areas with limited capacity tend to be more remote rural areas and so focusing development in these areas would not be consistent with the proximity principle. Accordingly, it is considered that focusing development towards areas with limited existing capacity would place inappropriate restrictions on development.</td>
<td></td>
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<tr>
<td>D – focus development on areas where existing capacity is currently concentrated</td>
<td>This option was discounted as a spatial strategy for the SWLP. Surrey is a relatively small county geographically. It has good transport links which facilitate easy travel across the county. Furthermore, there are no areas where capacity is particularly concentrated (See Policies Map). Accordingly, it is considered that focusing development towards areas where existing</td>
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</table>
capacity is concentrated would place inappropriate restrictions on development.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Surrey Waste Plan 2008</th>
<th>The Preferred Options Report – Draft Policies August 2017 (SWPS-06) sets out how existing policies have been taken into account in developing new policies.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reg 18 Draft SWLP v.3</td>
<td>The Preferred Options Report – Draft Policies August 2017 (SWPS-06) - sets out how Draft Plan policies were developed</td>
</tr>
<tr>
<td></td>
<td>Reg 19 Submission SWLP v.4</td>
<td>Draft Plan (Reg 18) consultation summary report (SWLP 24).</td>
</tr>
<tr>
<td>Site allocations</td>
<td>50 sites considered after preliminary sieves at site identification stage.</td>
<td>Site Identification and Evaluation Report (SWLP 9).</td>
</tr>
<tr>
<td></td>
<td>Sites in Reg 19 Plan.</td>
<td>Site Identification and Evaluation Report (SWLP 9)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trumps Farm: Waste Plan Supporting Information (ED-03)</td>
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<tr>
<td></td>
<td></td>
<td>These sites are the preferred option and were therefore carried forwards into the Submission SWLP.</td>
</tr>
<tr>
<td>ILAS</td>
<td>ILAS in Reg 19 Plan.</td>
<td>ILAS report (SWLP 10).</td>
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</tbody>
</table>
Habitats

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

Council’s Response:

12.1 Yes. The HRA Report (SWLP 7) for the SWLP covers the sixteen European sites (five SPAs and eleven SACs) that are either situated within the county of Surrey or are located within 10 kilometres of the county boundary. The HRA (SWLP 7) is structured around the key pressures and threats to the achievement of the conservation objectives for each SPA and SAC, which are identified in the Site Improvement Plans published by Natural England. For each SPA and SAC the HRA Report includes an initial screening assessment which addresses the question of the likelihood of significant effects, followed where necessary by more detailed assessment for those SPAs and SACs and proposed development site where likely significant effects cannot be ruled out.

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.

Council’s Response:

13.1 Yes. Only two of the areas of land identified in the SWLP (one allocated site, at Oakleaf Farm in Stanwell Moor, and one ILAS, the Molesey Industrial Estate in West Molesey) are located sufficiently close to parts of a designated European site (the South West London Waterbodies SPA) for emissions or noise or dust from the construction or operational phases of any waste related development to be potential sources of impacts on the SPA. The potential for new waste related development to give rise to emissions of noise and light that could contribute to disturbance of the two SPA bird species (over-wintering populations of Gadwall and Northern Shoveler) is discussed in paragraphs 11.14 and 11.15 in chapter 11 of the HRA Report for the SWLP (SWLP 7). The HRA Report (SWLP 7) concluded that further assessment was not required in respect of the issue due to physical characteristics of the SPA components (King George VI Reservoir for Oakleaf Farm, and Knight & Bessborough Reservoirs for the Molesey Industrial Estate), both of which are composed of major...
public water supply reservoirs operated by Thames Water that are contained by earthen embankments of more than 10 metres in height. The existing earthen embankments of the reservoirs could be reasonably expected to screen the waterbodies and any populations of wildfowl present on those waterbodies from emissions of noise, or light and would also serve to impede significant dust deposition.

13.2 A Statement of Common Ground between SCC and Natural England has been agreed (SOCG-09). This includes Appendices A & B which answer questions raised by NE including reference to noise and dust.

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?

Council’s Response:

14.1 Yes. A number of the areas of land identified as potentially suitable for future waste related development were determined through the HRA process for the SWLP to have the potential to give rise to significant effects on one or more SPAs and/or SACs if the development included thermal treatment facilities. For all sites located within 10 kilometres of any SPA or SAC identified by the relevant Site Improvement Plan as likely to be adversely affected by nutrient nitrogen deposition Appendix B to the HRA Report (SWLP 7) makes recommendations in terms of their suitability as locations for thermal treatment facilities and of the need for project level appropriate assessment.

14.2 The question of mitigation is not addressed in detail in the SWLP HRA Report (SWLP 7), as the question of appropriate emissions abatement methods and technologies is best addressed on a case by case basis at the planning application stage when there is greater certainty about the type of waste management facility that is to be constructed at a given location. The HRA Report (SWLP 7) recommends that in order to proceed any thermal treatment facility would have to demonstrate emissions of less than 1% of the most sensitive site relevant critical load for the SPA or SAC of concern, or sufficient evidence would have to be provided to prove that the SPA or
SAC of concern would not experience any significant adverse impacts as a consequence of the proposed development.

15. Does the HRA process followed take account of the Wealden judgement (Wealden V SCLG [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?

Council’s Response:

Does the HRA process followed take account of the Wealden judgement (Wealden V SCLG [2017] EWHC 351Admin) and potential “in combination” air quality impacts of traffic flows on relevant designated areas?

15.1 Yes. The HRA for the SWLP (SWLP 7) includes consideration of the potential for in-combination impacts as a consequence of the contribution that vehicle emissions make to nutrient nitrogen deposition within sensitive habitats. For all those SPAs and SACs for which air quality has been identified as an issue of particular concern by Natural England (through the relevant Site Improvement Plan) the HRA has addressed the question of traffic emissions.

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?

15.2 Yes. The HRA for the SWLP (SWLP 7) was undertaken to include both the screening and appropriate assessment stages of the process, screening has only been used where the Council is confident that there are no mechanisms by which the SWLP could give rise to likely significant effects on the ecological integrity of the European site covered by the assessment.
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?

Council’s Response:

16.1 Yes. Policy 1 implements the waste hierarchy which ensures that waste is managed in a manner that mitigates climate change. The Waste Management Plan for England recognises how more sustainable management of waste helps mitigate climate change. As explained in paragraph 5.2.6.6 of the SWLP, landfill of biodegradable waste results in the production of methane which is a highly potent greenhouse gas (21 times more potent than carbon dioxide). Defra estimates that waste management accounts for 3% of UK greenhouse gas emissions with the majority being emitted from landfills. SWLP policies allow for the development of recycling and other recovery facilities will help ensure that the amount of biodegradable waste being disposed of in landfill is greatly reduced.

16.2 Mechanisms to address the causes of climate change, in respect of waste related development, have been embedded into the SWLP, principally through Strategic Objective 6 (to encourage innovation and best practice which provide opportunities to minimise the impact of waste development on communities and the environment), Strategic Objective 7 (to keep waste movement by road to minimum practicable levels and support options for sustainable transport), and the policies which implement these Strategic Objectives namely Policies 13 (sustainable design) and 15 (transport and connectivity). The Strategic Objectives are also implemented by the Spatial Strategy (SWLP Part 1).

16.3 Policy 13 ensures that waste development seeks to contribute to sustainable development to reduce the demand for non-renewable natural resources, safeguard the environment and be resilient and enable adaptation to the effects of climate change (including the management of flood risk). Facilities should promote energy efficiency and consider the use of decentralised low carbon energy sources. Policy

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2 See second paragraph on page 10

3 Review of Landfill Methane Emissions Modelling, Defra, November 2014
13 enables good planning and design for waste management development whilst taking account of climate change.

16.4 Policy 15 ensures that low or zero emission vehicles are used which, where practicable, use fuels from renewable sources. The Plan encourages waste development to be sited near the source of waste to reduce the impact of transportation, and to use sustainable modes of transport where possible, for example rail.

16.5 The specific mitigation measures (e.g. energy savings measures, use of recycled water, harvesting of rainwater, electric vehicle fleets and charging points, etc.) that may be deployed to address the climate change impacts of a particular development are matters that are best attended to at the planning application stage, but the policy framework set out in the proposed Plan provides the County Planning Authority with the means to require that such measures be identified and integrated into development proposals.