Surrey Waste Local Plan Examination

Cover note regarding the revision to Chapter 2 of the Environmental and Sustainability Report

20 September 2019

1 Context

1.1 Chapter 2 of the Environmental and Sustainability Report, comprising Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA), for the Surrey Waste Local Plan 2019-2033 (SWLP) has been revised. The revised chapter seeks to provide a clear explanation of why the broad strategy, Strategic Objectives, Policies, Site Allocations and Industrial Land Areas of Search (ILAS) in the plan were selected and why the reasonable alternative options also assessed as part of the SEA/SA were rejected.

1.2 This chapter was revised during the Examination of the SWLP following correspondence with the Inspector appointed to examine the SWLP (document reference SCCD-012, included below for ease of reference) which identified that further information was required relating to the reasoning behind and rejection of the reasonable alternatives. It has been produced to ensure that the SEA/SA for the Plan is compliant with SEA/SA Regulations.

Correspondence from Inspector (with emphasis added) [source: SCCD-012 Surrey County Council Response to Inspector’s Query about the ESR]

Having reviewed the responses to the MIQs, Matter 1b, Questions 9, 10 and 11, it will be necessary to discuss the Sustainability Appraisal as part of the first Hearing session. Having regard to the responses received from the Council and representors, I consider that the SA does not currently comply with the requirements of the EA Regs. In particular, the results of the appraisal 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.

The Council will be aware that concerns have been raised by representors at the absence of reasoned justification within the SA for the selection and rejection of reasonable alternatives. Whilst reference has been made within the Council’s statement to other documents, the Courts have also held that it is not acceptable when reading the final SA to have to go on a paper chase to find information (Save Historic Newmarket v Forest Heath DC & SSCLG [2011] EWHC 606 (Admin)). To this end, the Council may wish to refer to Calverton PC v Nottingham CC [2015] EWHC 1078 (Admin), which contains a helpful summary of established law considering treatment of alternatives in SA reports.

It would be helpful to understand how the Council proposes to address this matter, prior to the start of the Hearing sessions...
2 Assessment of reasonable alternatives

2.1 Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the SEA Regulations) states:

“Preparation of Environmental Report

12.— (1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this Regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

3 Content of the revised Chapter 2

3.1 In accordance with the above, the revised Chapter 2 of the ESR identifies reasonable alternatives for each key element of the plan assessed as part of the SEA/SA, namely the Broad Strategy Options, Strategic Objectives, Spatial Strategy, Policies, Site Allocations, and ILAS. For each of these elements, the reasonable alternatives assessed are set out along with the reasoning for their selection or rejection for inclusion in the plan.

4 Next steps

4.1 It is intended that a revised Chapter 2 of the ESR is published, alongside any main modifications proposed to be made to the Plan, in order to ensure that consultees have the opportunity to see how the reasonable alternatives assessed as part of the SEA/SA were selected or rejected. Depending on the nature of the main modifications, an amended version of Chapter 2 may be required that takes them into account. Ultimately a final version of the ESR will then be produced to be adopted alongside the plan, which will contain the revised Chapter 2.