Hearing Statement - Surrey Waste
Local Plan 2019-2033 Local Plan
Examination

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

On behalf of SMECH Management Company Ltd

August 2019

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0.0 Introduction

0.1 This statement has been prepared by DPDS Consulting Group (DPDS) on behalf of SMECH Management Company Ltd. It sets out the response to the questions included in Matter 1 of the Hearings Programme. This matter is in relation to the Legal Requirements, the Duty-to-Cooperate and the Plan Period.

0.2 DPDS has acted on behalf of SMECH Management Company Ltd since February 2013. DPDS has engaged in the Surrey Waste Local Plan 2019-2033 (SWLP) since the Regulation 18 Consultation which took place in February 2018. DPDS has also made various representations in respect of both the Runnymede Core Strategy, and more recently, the Runnymede 2030 Draft Local Plan which is also currently undergoing examination.

0.3 The previous representations submitted by DPDS in regards to the emerging SWLP were based on our client’s objections to the proposed allocation of the Land adjacent to Trumps Farm and its unsuitability for a waste management facility.

0.4 DPDS is of the opinion that the Land adjacent to Trumps Farm site should not be allocated in the SWLP. Our previous representations have demonstrated that the plan does not comply with the requirements identified at section 20(5)(a) and (c) of the Planning and Compulsory Purchase Act 2004 and that it is not sound as it is not “positively prepared”, “justified”, “effective” and “consistent with national policy”.

0.5 This statement should be read in conjunction with previous representations made to the SWLP. Hearing Statements have also been submitted on behalf of SMECH Management Company Ltd for Matters 2-8 of the Examination.

0.6 DPDS welcome the invitation to appear at the Hearing Sessions to expand on the comments included in this statement and confirm that representatives from DPDS and PFA Consulting Ltd will be attending the Hearing Sessions.

0.7 The Surrey Waste Local Plan 2019-2033 was submitted on the 12th April 2019 and is therefore subject to the requirements of the National Planning Policy Framework (NPPF) adopted in February 2019.
1.0 Response to Matter 1

Q1. 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?

1.1 Although we have no comment on the continuous process of engagement, collaboration and effective cooperation with neighbouring local authorities outside of Surrey County we consider that the evidence demonstrates that there has not been ‘effective’ cooperation with local authorities within Surrey County, and specifically Runnymede Borough Council. This is discussed in detail in our response to question 2.

Q2. 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?

1.2 No. We consider there that is not sufficient evidence that the Council has made every effort to secure the necessary cooperation of District and Borough planning authorities on waste matters, specifically Runnymede Borough Council.

1.3 The Executive Summary of the Duty to Cooperate Evidence of Engagement (January 2019) Statement (SWLP 21) notes:

“In developing a new Surrey Waste Local Plan (new SWLP), Surrey County Council, as the Waste Planning Authority (WPA), has a statutory duty to “engage constructively, actively and on an ongoing basis” with other relevant organisations on cross boundary strategic matters in order to maximise the effectiveness of plan preparation.”

1.4 This statement outlines the actions which need to be taken in preparing the SWLP. Within this statement the outcomes of all meetings and discussions that have taken place with the Local Authorities located within Surrey County as well as previous consultations held prior to this stage are noted.

1.5 As noted in our representations to the Regulation 91 consultation, With regards to RBC, four meetings have taken place in preparation of the plan. These meetings took place on the 7th February and 14th August 2018, and the 24th January and 27th February 2019. In these meetings the Land adjacent to Trumps Farm was discussed on numerous occasions as well as the draft Runnymede 2030 Local Plan. In the more recent meetings which took place in early 2019, the need for a Statement of Common Ground has been the focus of attention to ensure awareness of areas of agreement and disagreement.

1.6 It is noted that that a Statement of Common Ground (SoCG) (June 2019) (SWLP 26) has been agreed and signed by SCC and RBC in which the main point of discussion is the land allocated adjacent to Trumps Farm. What is significant to note is that no particular areas of agreement have been declared in this statement. It should therefore be referred to as a Statement of
Uncommon Ground between SCC and RBC. It should also be noted that the areas of disagreement identified in SWLP26 do not fully reflect all the objections raised in RBC’s representations to the Regulation 19 consultation. Section 6.5 of the SWLP26 outlines RBC’s reasons why the proposed site should not be allocated.

1.7 It is accepted that SCC would appear to have tried to resolve these issues as the only action point identified in section 6.5 of SWLP26 was as follows:

“Surrey County Council to clarify why this site is so important for development as a facility for the management of Dry Mixed Recycling.”

1.8 We are deeply concerned that SCC is trying to resolve these issues so late in the process of the production of the SWLP and particularly after the SWLP has been submitted for examination. RBC has continually shown concern regarding the lack of evidence provided by SCC surrounding the allocation of Trumps Farm. Given this late stage of trying to address the objections raised by RBC and also their significance we consider that it is unlikely that the ‘action’ identified above will be capable of overcoming these overarching concerns. It would also appear that contrary to the action identified above, SCC has failed to provide justified evidence as to why the site has been allocated and why the site “…is so important for development as a facility for the management of Dry Mixed Recycling.”

1.9 Furthermore, as can be evidenced in RBC’s response to the Regulation 19 consultation SCC have failed to secure the necessary cooperation from RBC with regards to the removal of the allocated site from the Metropolitan Green Belt. RBC still consider the site serves an appropriate Green Belt function, this is further clarified by their most recent Green Belt Review Report (December 2014). Given that the site remains in the Green Belt despite its allocation within the SWLP, it is anticipated that any proposed development which comes forward will have difficulty in demonstrating the Very Special Circumstances required to remove the site from the Green Belt.

1.10 Further to this, the final SoCG agreed between SCC and RBC does not refer to the SRN matters associated with the Runnymede 2030 Local Plan, nor does it reflect that the proposed Land adjacent to Trumops Farm will exacerbate these issues. There is in fact no reference to the potential conflicts with the draft Runnymede 2030 Local Plan. The issues surrounding the SRN are still ongoing with RBC yet to provide further evidence and mitigation measures to overcome the issues. Furthermore, the provisional dates for the Stage 3 Examination Hearings to discuss these issues are not anticipated until the 14th and 15th November, after the SWLP Examination Hearings. DPDS do not believe the appropriateness of allocating the Trumps Farm site can be realistically discussed without this crucial information being provided as it will almost certainly effect the ability of Trumps Farm to perform at its full capacity of a Medium-sized facility (120,000 tpa).

1.11 Paragraph 27 of the NPPF (2019) states:

“In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”
1.12 Although a SoCG between SCC and RBC has been finalised it does not effectively document the SRN matter and the progress in co-operating to address this, nor does it highlight any of the potential conflicts between the SWLP and the Runnymede 2030 Local Plan. It is therefore not compliant with Paragraph 27 of the NPPF.

1.13 DPDS are unconvinced that SCC have effectively cooperated with RBC in the preparation of this plan and that all appropriate and relevant issues have been discussed effectively. Further to this, the SWLP has paid no attention to the status of the outstanding issues which could be a major determinant in SCC’s ability to allocate the site at Trumps Farm.

1.14 As noted in our representations to the Regulation 19 consultation, we share the views of Runnymede BC over the lack of justified evidence provided and consider that the site must not be allocated in the SWLP.

1.15 Given that SCC are still having to ‘clarify’ the importance of allocating the site at Trumps Farm to a major consultee in RBC it is clear that the site’s allocation is not ‘justified’ and has not been ‘effective’ in relation to SCC’s consultation and engagement phase of the plan. It is therefore believed the Land adjacent to Trumps Farm should be removed from the plan due to the lack of evidence and justification signalling the site’s suitability as an allocated site within the SWLP.

1.16 This has now been signed by both parties, however, it must be noted that there are no Particular Areas of Agreement within the statement.

1.17 As indicated in appendix 7 of the Draft Plan Consultation: Summary Report (November 2018) RBC, in their representation to the consultation of the draft SWLP (Regulation 18), raised concerns over the cumulative impact of traffic from the proposed Land adjacent to Trumps Farm waste allocation and the proposed housing allocation at Longcross Garden Village in the draft Runnymede 2030 Local Plan. RBC also outlined that it wishes to ensure that there would be no conflict between the proposed local plan housing allocations and the use of Trumps Farm. In the meeting notes listed in the Duty to Cooperate Evidence of Engagement (May 2019) RBC continue to make reference to the potential cumulative impacts of the proposed allocation at Trumps particularly regarding its proximity to the existing settlement at Virginia Water, and the proposed Longcross Garden Village at land opposite the site.

1.18 Further to this, RBC submitted a representation as part of the Regulation 19 Consultation, they reiterated a number of points they have made in their meetings with SCC and previous representations they have made. Overall they have not been supportive of the plan’s allocation of the Land adjacent to Trumps Farm.

1.19 Whilst there is evidence of engagement between SCC and RBC it has by no means been effective in gaining the support of Runnymede BC for the plan and the allocation of Trumps Farm. This is indicated by the fact RBC have not removed the proposed allocation site from the Green Belt in their emerging Local Plan currently in the latter stages of its Examination.

1.20 Further to this, little attention has been paid to the ongoing Highways issues at the Runnymede Local Plan Examination. Given that the ability of the Trumps Farm site to reach its maximum capacity and operate as a medium Waste Management Facility, is reliant on highways mitigation measures it does not appear as though the site is indeed ‘suitable’ and ‘sustainable’.

1.21 It is for these reasons DPDS believe that the allocation of Trumps Farm is not ‘positively prepared’ or ‘consistent with national policy.’ It is therefore the believed that the Land
adjacent to Trumps Farm should be removed from the plan on the grounds that it is not a sound allocation.

Q7. 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?

1.22 Firstly, it should be noted that there is no para 7.3 within the SOCG (SWLP 21). Notwithstanding, it has been evident throughout the emergence of the SWLP that the allocation of Trumps Farm was likely to conflict with emerging policies in the Runnymede 2030 Local Plan. These concerns have been continuously raised by RBC as well as DPDS Consulting Group throughout the stages of consultation on this plan. Yet, significant conflicts still remain as underlined in the SoCG between RBC and SCC.

1.23 Policy 11b of the SWLP is in major conflict with a number of policies within the Runnymede Local Plan 2030. The most notable policies this policy conflicts with are Policy SD10 (Longcross Garden Village) and Policy SL10 (Housing Allocation at Virginia Water South). The cumulative impact of the development of these two housing allocations is already anticipated to majorly exacerbate highways issues in the surrounding area i.e. the A320 Corridor. The additional development of the Land adjacent to Trumps Farm will only contribute further to the highways issues in the surrounding area and the SRN.

1.24 With the further information RBC are set to provide in relation to highways mitigation, with respect to the ongoing Local Plan Examination, not expected to be available until the SWLP Examination Hearings have been completed it is impossible to know what conflicts will remain. It is therefore believed that the suitability of Trumps Farm as an allocated waste site will remain unknown until further information is available regarding Highways mitigation on the SRN and the surrounding area.

1.25 Furthermore, the Runnymede Local Plan 2030 continues to allocate the Trumps Farm site as Green Belt land despite its allocation in the SWLP as it still performs an appropriate Green Belt function. Any development which may come forward on the site in the future therefore must demonstrate Very Special Circumstances, meaning that gaining planning permission will be very challenging.

1.26 It is for the reasons listed above that DPDS feel the plan in its current form with the existing conflicts cannot be found ‘sound’, most significantly because it is unknown whether the allocation is ‘effective’. It is therefore believed that the allocation of the Land adjacent to Trumps Farm should be removed from the SWLP on these grounds.

Q10. 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?

1.27 No, it is not clear how the Environmental and Sustainability Report (December 2018) (SWLP5) has influenced the final plan. The Environmental & Sustainability Report does not provide clear reasoning as to why the Land adjacent to Trumps Farm, or indeed the other proposed allocated waste sites, has been taken forward and why potential alternative options are rejected. We therefore have concerns that the SEA Directive requirement in providing clear justification for how alternative options were considered and rejected has not been met. The Environmental &
Sustainability Report does provide a very detailed assessment of options and sites but fails to provide a logical chain of reasoning. It is therefore not clear how the Environmental & Sustainability Report has actually informed the Submission SWLP.

1.28 We consider the Submission SWLP is “unsound” as it is not ‘justified’ as it is not clear how the Environmental & Sustainability Report has informed the Plan and the allocation of the site at Trumps Farm.

Q11. 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?

1.29 DPDS do not believe that all reasonable alternatives have been similarly evaluated to the preferred option with regards to the allocation of the Land adjacent to Trumps Farm. It is not clear as to why the Trumps Farm site was allocated above all reasonable alternatives considered. The Site Identification and Evaluation Report concluded that five sites were considered suitable for inclusion in the plan, these are the sites allocated in Policy 11a (excluding Trumps Farm). In conjunction with the selection of these sites as the most suitable, the report at paragraph 6.1.1.3 states the following:

“This list of sites would be able to fully meet the additional land requirement for waste management sites over the period of the SWLP, as identified in the waste capacity needs assessment.”

1.30 According to this statement, these five sites can accommodate all of the county waste need and there is no need to allocate further sites. Yet, Policy 11b allocated an additional waste site at Trumps Farm.

1.31 The technical evidence base does not make it clear why the proposed allocation of the Land adjacent to Trumps Farm has been allocated for a MRF nor is it clear that any alternative sites have been considered for a specific MRF use. The site was not recommended for allocation within the Site Identification and Evaluation Report (2019) and there is no assessment of the site within the evidence base which makes a justified case for the site’s inclusion in the plan, yet it has been allocated.

1.32 It is for these reasons, DPDS do not believe that an appropriate Site Assessment has been undertaken in the preparation of the SWLP. Furthermore, from assessment of other sites, such as the Lyne Lane Sewage Treatment Works, Chertsey, it seems as though there are sites more suitable to accommodate a waste facility which have not been allocated in the plan.

1.33 It is therefore believed that the inclusion of the Land adjacent to Trumps Farm is not ‘justified’ and is not ‘consistent with national policy’, the allocation is therefore unsound and should therefore be removed from the SWLP on this basis.