Hearing Statement Summary

Matter 4: Spatial Strategy

On behalf of SMECH Management Company Ltd

Incorporating work from PFA Consulting

September 2019

C11786
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0.0 Introduction

0.1 This Hearing Statement Summary has been prepared by DPDS Consulting Group (DPDS) on behalf of SMECH Management Company Ltd. It summarises our response to the questions included in Matter 4 of the Hearings Programme as requested by the Inspector in their ‘Examination Guidance Note 2’ dated 2nd September 2019. This matter is in relation to the Spatial Strategy of the Surrey Waste Local Plan 2019-2033.

0.2 DPDS’s response is largely in respect of the proposed MRF allocation at Land adjacent to Trumps Farm, Longcross (Policy 11b) and how it is unsound based on the NPPF tests of not being ‘positively prepared’, ‘justified’, ‘effective’ or ‘consistent with national policy’ with respect to the following significant constraints of the site:

- Green Belt location;
- Ancient Woodland;
- Accessibility and Highways impact.

It is therefore requested this allocation is removed and more sound and suitable alternative sites properly considered.
1.0 Response to Matter 4

Q63. Is the proposed spatial strategy for the planned provision for new capacity justified and consistent with national planning policy and guidance, including in relation to the focus on towns and urban areas, the use of previously developed land, and impacts on the environment and amenity? Is the identified spatial hierarchy for the location of future waste management provision justified, clear and readily understandable? Do the policies of the plan, including Policies 2, 9 and 10, clearly support the delivery of the spatial strategy and the locational hierarchy?

1.1 DPDS do not object to the wording of the spatial strategy but feel it’s been ineffectively implemented as the Trumps Farm allocation does not reflect a number of the main principles of the strategy. As the spatial strategy makes clear it is “important that facilities are well-connected by good transport links rather than being located in geographic proximity to key centres.” DPDS consider the allocation to conflict with this principle as it is not well connected and is in fact the site furthest away from the SRN of the sites considered for allocation in the Site Identification and Evaluation Report (SWLP 9) (April 2019).

1.2 Further, the spatial strategy seeks to prioritise “previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages and/or land not in the Green Belt.” The land adjacent to Trumps Farm fails to meet these criteria but is nonetheless allocated.

1.3 We therefore feel that, given the allocation at Trumps Farm, the spatial strategy is unsound.

1.4 Regarding the spatial hierarchy, DPDS are not adverse to the hierarchy, however it does not appear to reflect the allocation of waste sites. The number of sites which are allocated within the SWLP which have also remained in the Green Belt in spite of their allocation means they are automatically moved further down the waste hierarchy, including the Trumps Farm allocation. The waste hierarchy is therefore not clearly justified.

1.5 DPDS do not believe that other policies within the plan, including Policies 2, 9 and 10, support the delivery of the spatial strategy, as they are inconsistent with Policy 11b which allocates the Land adjacent to Trumps Farm.

Q64. Does the proposed distribution reflect a robust analysis of waste management needs, including for specific waste streams? What sources of data have been used for this analysis? How reliable and up-to-date are these sources? Does the evidence demonstrate that options for strategic approaches to locating facilities have been considered?

1.6 Note that DPDS do not wish to comment specifically on this question.

Q65. How does the spatial strategy and the proposed distribution of waste management facilities address the proximity principle and are strategic movements of waste justified? How have the transport implications for the proposed distribution of proposed allocated sites and ILAS been assessed? Is the distribution justified in this regard?

1.7 This statement is concerned with allocated sites, in particular Trumps Farm, rather than the ILAS.
1.8 The proximity principle is one of the main justifications for the allocation of the Land adjacent to Trumps Farm as a MRF. Paragraph 5.3.4.8 of the Submission SWLP states:

5.3.4.8 The existing Leatherhead MRF is well located to serve the WCAs towards the south east of the county, and so, in accordance with the proximity principle, the second MRF should be located towards the north west of the county. Site identification and evaluation work has revealed that land at Trumps Farm, Longcross would be suitable for the development of the second MRF. Trumps Farm was allocated in the Surrey Waste Plan 2008 and included in the Draft Plan at the Regulation 18 consultation stage.

1.9 Although we do not object to the proximity principle in theory, it is not clear from the evidence base why another MRF is required just 17 miles by road from the existing MRF at Leatherhead. The existing MRF is located centrally within the county rather than in the south east, therefore the proximity principle is not justified reasoning for the Trumps Farm MRF allocation and should be removed.

1.10 Whilst the spatial strategy does not make any specific reference to the proximity principle, the positioning of new waste management facilities is considered in the following section of the strategy:

By encouraging a network of waste management facilities which are well-connected to sources of waste movements of vehicles, especially heavy goods vehicles (HGVs), the county council is seeking to avoid significant adverse impacts from vehicles on residents.

1.11 DPDS do not consider the Trumps Farm allocation to comply with the Spatial Strategy. The site is the least suitable as it is not located in close proximity to any of the major populations listed in the strategy and is the furthest away from the SRN. Further, the site is in close proximity to the allocated Longcross Garden Village in the emerging Runnymede Local Plan. Development at Trumps Farm could therefore have significant adverse impacts on the future residents of the Garden Village which would conflict with the Spatial Strategy. Another consideration is that this area of road/highway is already at capacity, RBC are currently having to undertake further work as part of the Runnymede Local Plan Examination to provide appropriate mitigation measures. It is therefore anticipated the vehicle movements, particularly of HGVs, could exacerbate the existing situation on the SRN.

1.12 The ‘Site Identification & Evaluation Method’ is described in Section 3 of SWLP 9. In transport terms, information about access was sourced from OS mapping (paragraph 3.3.1.8). Following application of preliminary sieves, a number of short-listing secondary sieves were applied, including Sieve K – Proximity to the Strategic Road Network (Section 3.5.6). Preference was to be given to those sites in closest proximity to the PRN, SRN or classified A roads, or that could be accessed by non-road means:
1.13 Appendix 2 of the SWLP 9 sets out the results of the application of the secondary sieves. Trumps Farm (site RU02C) is given an ‘amber’ listing in respect of proximity to the SRN; it is 4.6km from the A320, and has no non-road access. It barely scrapes into this category: another 400m distant and it would have been given a ‘red’ listing in transport terms.

1.14 The Waste Local Plan – Transport Study (July 2018) (SWLP 19) suggests that the route to the SRN goes south along Kitsmead Lane, along B386 Longcross Road, to the mini roundabout junction with the A320 Guildford Road, and then onto the A320 St Peter’s Way to the M25 Junction 11 (paragraph 7.3.1). Paragraph 7.3.2 comments that this site is the furthest from the SRN out of the nine sites considered in the SWLP, being 6.75km from the SRN at M25 Junction 11.

1.15 An existing anaerobic digestion facility operated by Severn Trent Green Power (West London) Ltd [formerly Agrivert] is located on Kitsmead Lane to the south of the proposed allocation. The supporting statement for a recent planning application for a Section 73 Variation of Condition to amend hours of operation (Reference RU.19/0535, submitted in March 2019) includes at Appendix B a plan showing the proposed route to / from the site. The plan is reproduced below.
1.16 All vehicles are to turn right (north) out of the site and access from the same direction to negate the impact on residential properties on Kitsmead Lane. At the northern end of Kitsmead Lane the vehicles would turn left onto Chobham Lane, south west to the roundabout, then left to access the B386.

1.17 This route, if adopted for the allocation site at Trumps Farm, would add some 3.75km to the distance to the primary road network, resulting in a distance of 8.35km to the A320 and 10.5km to the SRN at M25 Junction 11. This would take Trumps Farm firmly into the ‘red’ category: do not take forward.

1.18 It is considered that the assessment of the sites for allocation has not given enough thought to the routeing to the PRN or SRN, and that the allocation of Trumps Farm is therefore not justified in transport terms.

Q67. Is the spatial strategy consistent with national planning policy in respect of development within the Green Belt? To be effective, should the spatial strategy clearly indicate that allocated sites within the Green Belt would not be preferred to other suitable sites outside the Green Belt that may come forward in the future. For effectiveness, should the interrelationship between the Spatial Strategy, Policy 2, Policy 9 and Policy 10 be clearly explained within the Plan?

1.19 Policy 9 (Green Belt) states that planning permission will not be granted for inappropriate development unless there are ‘very special circumstances’ (VSC) which clearly outweigh the harm to the Green Belt. The policy then lists factors that ‘may’ contribute to VSC which are reproduced below:
The following factors may contribute to ‘very special circumstances’:

i) The lack of suitable non-Green Belt sites.

ii) The need to find locations well related to the source of waste arisings.

iii) The characteristics of the waste development including scale and type of facility.

iv) The wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.

v) The site is identified as suitable for waste development under Policy 11.

vi) The wider environmental benefits associated with increased production of energy from renewable sources.

1.20 DPDS do not consider Policy 9 (particularly part v) to represent a justified approach as it is predetermining that, by virtue of allocation in the SWLP, the required circumstances can be demonstrated. This conflicts internally with other references in Policy 9 and the SWLP requiring applications having to demonstrate the circumstances in their own right.

1.21 The Submission SWLP is therefore not enabling a “genuinely plan-led” approach as required by the NPPF (2019) at Paragraph 15.

Q68. Is Policy 9 consistent with other adopted and emerging development plans within the area covered by the SWLP? Is the location of proposed allocations within the Green Belt justified? Does the evidence demonstrate an inability to identify sufficient, suitable, opportunities for waste management facilities on land outside the Green Belt?

1.22 As discussed at paragraphs 1.20 and 1.21 above, part v of Policy 9 (Green Belt) is unjustified as it predetermines that very exceptional circumstances are demonstrable by virtue of any Green Belt site’s allocation in the SWLP. This conflicts both internally with other provisions of the SWLP and in particular with the NPPF.

1.23 The SCC Cabinet Report from December 2018, at which the Submission SWLP was agreed for Regulation 19 consultation, at paragraph 20 states the following:

“As suitable land for waste management in urban areas is difficult to find, particularly in a county such as Surrey, five of the sites are located in the Green Belt, albeit they include previously developed land and sites which are being considered for removal from Green Belt by District and Borough local plan reviews. In accordance with national policy, to be granted permission, any proposal on a Green Belt site would have to demonstrate ‘very special circumstances’.”

1.24 We are concerned that the Cabinet Report has not clearly identified the facts. Contrary to paragraph 20 of the Cabinet Report, the Trumps Farm site is within the Green Belt, is not previously developed land and is not a site which is being considered for removal from the Green Belt by the emerging Runnymede 2030 Local Plan.

1.25 It is of note that paragraph 4.3.2.3 of the Submission SWLP states:
“...For each site particular circumstances were considered to justify the allocation of Green Belt land, including, where relevant the status of land as PDL.”

1.26 We consider that the evidence base does not justify and articulate the “particular circumstances” why the Trumps Farm site has been proposed for allocation.

1.27 Document SWLP 9 concludes that five sites were considered suitable for allocation, these are the ones allocated in Policy 11a of the Submission SWLP (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.”

1.28 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.

1.29 The technical evidence base does not make it clear why the proposed allocation at Trumps Farm has been allocated for a MRF. The site was not recommended for allocation within SWLP 9 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. There appears to be a major gap in the evidence base demonstrating why the site at Trumps Farm is the most appropriate for allocation as a waste management facility. As we have outlined in response to other questions the site is severely constrained (Green Belt, Highways and Ancient Woodland) and we believe there are better reasonable alternatives which were dismissed when Trumps Farm was allocated without sufficient justification.

1.30 It is for these reasons, DPDS find that Policy 9 is inconsistent with national policy and does not acknowledge the constraints of sites which render them undeliverable. Furthermore, DPDS do not believe that SWLP 9 or Policy 11b (Trumps Farm allocation) provide any valid justification as to why the site has been included in the plan for a MRF.

Q69. Does the wording of Policy 9 make it sufficiently clear that, even for proposed allocations, to be considered acceptable, waste development in the Green Belt would need to demonstrate very special circumstances exist? To be consistent with national planning policy, should the policy refer to the factors identified as those that may contribute to ‘other considerations’? To be justified, should the policy clarify that those factors are indicative, with each proposal considered on its merits?

1.31 Policy 9 (Green Belt) states that planning permission will not be granted for inappropriate development unless there are very special circumstances which clearly outweigh the harm to the Green Belt. The policy then lists factors that ‘may’ contribute to ‘very special circumstances’, which are as follows:
The following factors may contribute to ‘very special circumstances’:

i) The lack of suitable non-Green Belt sites.

ii) The need to find locations well related to the source of waste arisings.

iii) The characteristics of the waste development including scale and type of facility.

iv) The wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.

v) The site is identified as suitable for waste development under Policy 11.

vi) The wider environmental benefits associated with increased production of energy from renewable sources.

1.32 DPDS accept that it is made clear that ‘very special circumstances’ must be demonstrated, but the factors which are listed as those that ‘may’ contribute to demonstrating such circumstances are not consistent with the NPPF (Paragraph 144) which states:

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

1.33 Yet, part v) of Policy 9 in effect confirms that such circumstances are already demonstrated simply by virtue of allocation. This internally conflicts with the first paragraph of Policy 9, which states:

Policy 9 – Green Belt

Planning permission will not be granted for inappropriate waste management development in the Green Belt unless it is shown that considerations associated with the proposal, either on their own or in combination, amount to the existence of very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm.

1.34 This means the wording of Policy 9 (particularly part v) is fundamentally inconsistent both internally and with the NPPF. The wording should therefore be altered to make clear that site-specific ‘very special circumstances’ will still need to be demonstrated by the applicant if Green Belt sites come forward.

Q70. The evidence indicates that sites within the Green Belt allocated in the current Waste Local Plan, such as former Weylands STW, have faced issues with their proposed development, due in part to their location within the Green Belt. Given this, what confidence does the Council have that the proposed allocations are likely to be effective in delivering waste development?

1.35 DPDS feel that the location of allocated sites within the Green Belt indicates the Submission SWLP is not enabling a “genuinely plan-led” approach as required by the NPPF (2019) at paragraph 15. This is indicated in particular by the failure of the Trumps Farm site coming forward for development during the previous plan period despite being allocated. DPDS
consider that, due to the site constraints discussed, the Trumps Farm allocation is also unlikely to come forward in the next plan period and more suitable sites exist in the County for a MRF.

1.36 The Trumps Farm site was also allocated in the existing Surrey Waste Plan 2008 but has not been developed. In terms of Green Belt, an agreement has failed to be reached with Runnymede BC which the removal of the site from the Green Belt. Given the content of RBC’s representations to the SWLP and evidence base for their emerging Local Plan, it is clear that the Trumps Farm site will remain in the Green Belt due to the important function it performs in this respect.

1.37 The proposed Trumps Farm site serves an important purpose as Green Belt land even more so when considering the proposed housing sites in close proximity which are proposed to be removed from the Green Belt. In this context it is important to highlight paragraph 134 of the NPPF (2019) which states the five Green Belt purposes:

134. Green Belt serves five purposes:

   a) to check the unrestricted sprawl of large built-up areas;
   b) to prevent neighbouring towns merging into one another;
   c) to assist in safeguarding the countryside from encroachment;
   d) to preserve the setting and special character of historic towns; and
   e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

1.38 The Trumps Farm site currently fulfils three of the five purposes and should therefore be seen as an appropriate location for a MRF.

1.39 Overall, DPDS do not believe that allocating sites such as Trumps Farm (which are located within the Green Belt) will contribute toward the SWLP achieving the appropriate waste management needs. Previously allocated Green Belt sites (including Trumps Farm) have not been brought forward in previous plan periods and there is no evidence to justify why the SCC have any further confidence they will be deliverable in the next plan period. Given the severe constraints (largely the site’s highly functioning Green Belt location but also highways and ancient woodland), DPDS do not believe that the Land adjacent to Trumps Farm is a justified inclusion in the SWLP and should therefore be removed.