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

Matter 4: Spatial Strategy

On behalf of SMECH Management Company Ltd

Incorporating work from PFA Consulting

August 2019
C11786
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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 4 of the Hearings Programme. This matter is in relation to the Legal Requirements, the Duty-to Co-operate and the Plan Period.

0.2 DPDS has acted on behalf of SMECH Management Company Ltd since February 2013. DPDS has engaged in the Waste Local Plan 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 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.

0.4 This statement should be read in conjunction with previous representations made to the Surrey Waste Local Plan 2019-2033. Hearing Statements have also been submitted on behalf of SMECH Management Company Ltd for Matters 1-3 and 5-8 of the Local Plan Examination.

0.5 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 associated consultants our company have worked with will be attending the Hearing Sessions.

0.6 The Surrey Waste Local Plan 2019-2033 was submitted on the 12th April 2019 and is therefore subject to policies under the latest version of the National Planning Policy Framework (NPPF) adopted in February 2019.
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 Whilst DPDS do not object to the specific wording of the spatial strategy we do not feel it has been implemented effectively as the allocated site of the Land adjacent to Trumps Farm does not reflect a number of the main principles of the spatial 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 feel as though the allocation of Trumps Farm is not in line with this principle as it is not well connected by good transport links and is in fact the site furthest away from the SRN of the sites considered for allocation in the Site Identification and Evaluation Report (April 2019). Further to this, the site’s ability to reach

1.2 Further to this, 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 meets none of this criteria and yet it is allocated in the SWLP.

1.3 Whilst DPDS do not object to the wording of the spatial strategy and the main principles within it we do not believe that the spatial strategy has been appropriately implemented when considering the allocated sites, particularly with regards to the allocation of Trumps Farm under Policy 11b. We therefore feel the spatial strategy is not ‘justified’, ‘effective’ or ‘consistent with national policy’ and should therefore be seen as unsound.

1.4 Regarding the spatial hierarchy, DPDS are not adverse to the hierarchy proposed within the SWLP, however, we do feel as though the hierarchy does not 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 Land adjacent to Trumps Farm. This further justifies that the Land adjacent to Trumps Farm does not comply with the principles of the spatial strategy as the most appropriate site. Therefore it is believed that the waste hierarchy is 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 Consulting Group do not wish to comment specifically on this question. Our concerns are articulated under other relevant questions/matter statements and in previous representations.

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 The proximity principle is one of the main justifications for the allocation of the Land adjacent to Trumps Farm as a Mixed Recyclables Facility (MRF). Paragraph 5.3.4.8 of the Submission SWLP states:

“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.”

1.8 Although we do not object to the proximity principle in theory as it complies with Paragraph 6 of the NPPW, it is not clear from the evidence base why another MRF is required just 17 miles by road from the existing MRF at Leatherhead. We consider that the existing MRF is located centrally within the county and is not located in the South East of the county. We therefore feel the proximity principle is not justified reasoning for the allocation of Land adjacent to Trumps Farm for a DMR facility in the SWLP and believe the policy should be removed. The use of the proximity principle in this instance is not ‘justified.’

1.9 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:

“A network of sustainable facilities is encouraged. This should include sites which are well-connected to sources of waste, such as main centres of population & employment by road or rail.

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”.

1.10 DPDS do not consider that the proposed allocation of Trumps Farm complies with the Spatial Strategy. The proposed allocation is the least suitable site in terms of accessibility and movements of waste, the site is not located in close proximity to any of the major populations listed in the Spatial Strategy and is the furthest away from the SRN. Further to this, the site is in close proximity to the allocated Longcross Garden Village in the emerging Runnymede Local Plan. The development of the site could therefore have significant adverse impacts on the surrounding residents at Longcross Garden Village which would not comply 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 and further information regarding Highways. It is
therefore anticipated the vehicle movements, particularly of HGVs could exacerbate the existing situation on the SRN and the surrounding roads.

1.11 This Hearing Statement is concerned with the allocated sites, in particular Trumps Farm allocated under Policy 11b, rather than the ILAS. The process by which potential site allocations were identified is documented in the Site Identification and Evaluation Report, April 2019.

1.12 The methodology is described in Section 3. In transport terms, information about access to the surrounding transport network 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 primary route network, the strategic road network or classified A roads, or that could be accessed by non-road means:
1.13 Appendix 2 of the Site Identification and Evaluation Report 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 strategic road network: 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 dated July 2018 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 primary or strategic road network, and that the inclusion of Trumps Farm in Policy 11b 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) of the Submission SWLP 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:

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 Policy 9 (Green Belt) states that one of the factors which would contribute to ‘very special circumstances would be: ‘the site is identified as suitable for waste development under Policy 11.’ This is not a justified approach as in effect policy 9 is confirming that “exceptional circumstances” as per Section 13 of the NPPF (2019) in allocating the site has been demonstrated. This is not the case as the Submission SWLP states that planning proposals on proposed allocated waste sites in the Green belt will still need to ‘demonstrate very special circumstances’. The Submission SWLP is therefore internally inconsistent.

1.21 Further to this, although the Land adjacent to Trumps Farm site is proposed for allocation a planning application will still need to demonstrate ‘very special circumstances’. We consider that the site will not be able to demonstrate ‘very special circumstances’ despite its allocation within the plan. The Submission SWLP is not enabling a “genuinely plan-led” approach as required by the NPPF (2019) at paragraph 15.

1.22 DPDS are not satisfied that Policy 9 is in line with national planning policy, the SWLP does not remove the land adjacent to Trumps Farm from the Green Belt, and furthermore it has not been proposed within the emerging Runnymede Local Plan 2030 that the site should be removed from the Green Belt. This does not satisfy Paragraph 137 of the NPPF which states that:
“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.”

1.23 DPDS do not feel that this policy has been met as there does not appear to be any justification as to why this site has been allocated over any of the other reasonable alternatives. Given the lack of evidence for the allocation of the Land adjacent to Trumps Farm in the plan over the alternative sites not considered e.g. Lyne Lane, the SWLP and any subsequent application would not be able to demonstrate the necessary exceptional circumstances required to develop/allocate the site.

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?

1.24 Policy 9 (Green Belt) states that one of the factors which would contribute to ‘very special circumstances would be: ‘the site is identified as suitable for waste development under Policy 11.’ This is not a justified approach as in effect policy 9 is confirming that “exceptional circumstances” as per Section 13 of the NPPF (2019) in allocating the site has been demonstrated. This is not the case as the Submission SWLP states that planning proposals on proposed allocated waste sites in the Green belt will still need to ‘demonstrate very special circumstances. The Submission SWLP is therefore internally inconsistent.

1.25 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.’”

1.26 We are concerned that the Cabinet Report has not clearly identified the facts. Contrary to paragraph 20 of the Cabinet Report, the Land adjacent to 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.

1.27 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.”
1.28 We consider that the evidence base does not justify and articulate the “particular circumstances” why the Land adjacent to Trumps Farm site has been proposed for allocation. It is for this reason that we believe the allocation of a waste site at the Land adjacent to Trumps Farm is unjustified and should therefore be removed from the SWLP.

1.29 As we have stated in our response to other Matters and in previous consultations, there is no justified evidence as to why the Land adjacent to Trumps Farm is allocated for waste development in the SWLP.

1.30 The Site Identification and Evaluation Report (April 2019) concluded 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.”

1.31 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.

1.32 The technical evidence base does not make it clear why the proposed allocation of Land adjacent to Trumps Farm has been allocated for a MRF. 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. There appears to be a major hole 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 and we believe there are better reasonable alternatives which were dismissed when Trumps Farm was allocated without any justification.

1.33 It is for these reasons, DPDS find that Policy 9 is inconsistent with national policy and does not acknowledge the constraints of sites such as the Land adjacent to Trumps Farm, we do not see Trumps Farm as a deliverable site. Furthermore, DPDS do not believe the Site Identification and Evaluation Report (2019) or Policy 11b, which allocates the Land adjacent to Trumps Farm provides any valid justification as to why the site has been included in the plan for the development of an 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?

1.34 Policy 9 (Green Belt) of the Submission SWLP 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:

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.

1.35 DPDS accept that it is made clear that ‘very special circumstances’ must be demonstrated the factors which are listed as those that ‘may’ contribute to demonstrating such circumstances are not seen to be in line with national planning policy. As stated Paragraph 143 of the NPPF states:

‘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.

1.36 Yet, Policy 9 in effect confirms that “exceptional circumstances” as per Section 13 of the NPPF (2019) in allocating the site has been demonstrated. This is not the case as it is also stated that in Policy 9:

“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 by reason of inappropriateness and any other harm.”

1.37 This means the wording is fundamentally inconsistent both within the policy and National Planning Policy. The wording should therefore be altered to signal that those factors in Policy 9 should be considered as other considerations in development proposals rather than factors which contribute to ‘Very Special Circumstances.’

1.38 Furthermore, DPDS believe that these factors should be merely considered indicators with each site considered on its individual merits and constraints. ‘Very Special Circumstances’ relate to a number of factors, no specific considerations are listed as each site and each development proposal should be assessed individually. DPDS believe this should be made clear in Policy 9.

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?

1.39 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 Land adjacent to Trumps Farm
to come forward for development in the previous plan period, as well as other sites allocated within the plan. It is therefore the belief of DPDS that it will be unlikely that the sites allocated within this plan will be brought forward in the upcoming plan period. In the case of the Land adjacent to Trumps Farm the unlikelihood of the site being brought forward for development is furthered by the number of other constraints surrounding the site.

1.40 The Land adjacent to Trumps Farm was also allocated in the existing Surrey Waste Plan 2008 and has not been brought forward. Surrey CC have failed to work with RBC to enable the removal of the site from the Green Belt. Given RBC’s unwillingness to remove the proposed allocation from the Green Belt and their clear objection to the plan at the Regulation 19 Representations, this demonstrates that the proposed allocation still serves a Green Belt function. This is evidenced by the RBC Green Belt Review Part 1 (2014) which accompanied the submission Runnymede Local Plan 2030. Within this review it can be seen that General Area 22, which includes the part of the proposed housing allocation at Longcross Garden Village site south of the M3 and also the proposed allocation at Trumps Farm, performs better against the purposes of the Green Belt than many other General Areas in the Green Belt Review.

1.41 The proposed Land adjacent to 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) states that the Green Belt serves five purposes as follows:

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.

1.42 The Land adjacent to Trumps Farm currently serves three of the five Green Belt purposes. Given that it performs such a number of Green Belt functions, the site should not be seen as an appropriate site for allocation of a waste facility.

1.43 Overall, DPDS do not believe that allocating sites such as the Land adjacent to Trumps Farm which are located within the Green Belt will contribute toward the SWLP achieving the appropriate waste management needs. Sites located within the Green Belt including the Land adjacent to Trumps Farm have not been brought forward in previous plan periods and there is no evidence to justify why the council have any further confidence they will brought forward in this plan period. Given the severe constraints (in large part to the site’s location in the Green Belt), DPDS do not believe that the Land adjacent to Trumps Farm is a justified inclusion in the plan and should therefore be removed given its failure to be brought forward in previous plan periods.