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

Matter 6: Design and the Environment

On behalf of SMECH Management Company Ltd

August 2019

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Examination
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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 6 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 1-5 and 7-8 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 6

Q126. Does the SWLP clearly explain the relationship with other elements of the development plan within the county, including the need to comply with the policy requirements of other plans, unless material considerations indicate otherwise, as well as those of the SWLP?

1.1 No. Paragraph 1.1.1.5 of the SWLP outlines that when determining planning applications, all relevant policies of the development plan will be taken into account. However, DPDS believe that the SWLP itself is internally inconsistent, as Policy 11b conflicts with a number of other policies within the plan as well as national policy.

1.2 The Land adjacent to Trumps Farm allocated under Policy 11b is located within the Green Belt, it has not been removed from the Green Belt as part of the emerging Runnymede Local Plan 2030 as it continues to meet Green Belt purposes. Any waste-related development proposed on the site will be considered inappropriate development within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development in the Green Belt is by definition harmful and should therefore not be approved except in very special circumstances. This is somewhat reiterated in Policy 9 of the SWLP, but is not repeated in all policies which relate to allocated sites within the Green Belt.

1.3 Policy 11b states that planning permission will be granted for a DMR facility at the allocated site at Trumps Farm, there is no specific reference to the need to demonstrate Very Special Circumstances. This is also the case with Policy 10 which outlines the areas suitable for the development of waste facilities including Policy 11b. It should be noted that in the supporting text of Policy 11a it is made clear that any application which comes forward on the allocated sites in Policy 11a which are located within the Green Belt would need to demonstrate Very Special Circumstances (Paragraph 5.3.3.10). Furthermore, the need for proposals to comply with Green Belt policy at national and local level is made clear, as well as the requirement to address all key development issues raised in Part 2 (Sites) of the plan. The same explicit references are not made in Policy 11b which suggests that development at Trumps Farm might not be subject to the same level of scrutiny as other sites.

1.4 Further to this, DPDS consider that the proposed allocation at Trumps Farm is also in conflict with the proposed Policy 15 criteria B iii) given the known potential for larger sites as set out in emerging Runnymede Local Plan and the capacity of the A320 and the SRN.

Q128. For effectiveness, should Policy 14 make reference to the high potential for waste management proposals to be EIA development (as specified in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017)? Is the role of screening and scoping under those Regulations made sufficiently clear within paragraph 5.4.2.3 of the SWLP?

1.5 DPDS do not wish to comment specifically on this question. Our main concerns regarding the preparation of the SWLP are set out in other questions/matter statements and previous representations.

Q129. Is the Policy 14 requirement to avoid significant adverse impacts consistent with the legal duties and national planning policy requirements for Areas of Outstanding Natural Beauty (AONBs), biodiversity and protected European and international sites, the special interest features of nationally designated sites, irreplaceable habitats, and protected species, listed buildings and their settings, Conservation Areas and other nationally and locally
important designated and non-designated heritage assets, including Scheduled Monuments and their settings, and areas of archaeological potential?

1.6 No. Paragraph 175c of the NPPF, in reference to irreplaceable habitats, states that: ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.’ It is not believed that Policy 14 of the SWLP is in compliance with national policy as the wording of the policy allows some scope for harm to Irreplaceable habitats which includes ancient woodlands.

1.7 Policy 14 of the SWLP makes clear that planning permission for waste development will be granted where it can be demonstrated that it would not result in significant adverse impacts on irreplaceable habitats. It is the belief of DPDS that this is not in compliance with the guidelines of the NPPF which makes clear that any development which results in the loss or deterioration of an irreplaceable habitat should be refused. This is not implied in Policy 14.

1.8 The allocated site at Trumps Farm contains two small areas of Ancient Woodland within the allocated site, this is not referenced in the supporting or policy text of Policy 11b which allocates the site in the SWLP. This constraint is noted in Part 2 of the plan, however, at no point is it stated the likely impacts on these areas of woodland and what might be required to overcome this constraint. Whilst it may be considered that future development may be consistent with Policy 14 of the SWLP in that it will not lead to Significant Adverse Impacts on these habitats, it is considered unlikely that a future development will not result in the loss or deterioration of irreplaceable habitats. It is therefore clear that Policy 14 of the SWLP is not consistent with the national policy with regards to irreplaceable habitats.

1.9 Further to this, it is not believed that Policy 14 point A ii) which refers to SPAs is consistent with Paragraph 176 of the NPPF, which states that SPAs ‘should be given the same protection as habitat sites.’ Whereas Policy 14 again states that developments should not result in Significant Adverse Impacts on Key Environmental Assets including SPAs.

1.10 It is overall considered that the SWLP is allowing more lenience with development which will effect important environmental assets including the irreplaceable habitats such as ancient woodland and SPAs, both of which are relevant to the allocated site at Land adjacent to Trumps Farm under Policy 11b. It is therefore believed by DPDS that this policy should be found ‘unsound’ on the grounds that it is not ‘consistent with national policy’ for the reasons given above.

Q132. In relation to biodiversity, for effectiveness, should paragraph 5.4.2.30 be explicit that any mitigation, or compensation, would need to be considered suitable? In paragraph 5.4.2.33, for consistency with national policy, should the phrase ‘minimise the risk of significant adverse impacts’ be replaced with ‘avoid the risk of adverse impacts’? For effectiveness, should Policy 14 include the requirement, referred to in paragraph 5.4.2.34, for development to provide net gains in biodiversity and the network of Biodiversity Opportunity Areas (BOAs), referred to in paragraph 5.4.2.35?

1.11 To be consistent with national policy, DPDS believe that further emphasis should be put on preserving constraints such as irreplaceable habitats and SPAs, as in its current state Policy 14 does not go far enough to protect them. Whilst the further protection which is afforded to these habitats in this question it would not provide sufficient protection to those habitats mentioned
above to be consistent with national policy. It is therefore believed that Policy 14 should be amended to avoid the *loss or deterioration* of irreplaceable habitats and SPAs to be consistent with the NPPF.

1.12 It is therefore believed that whilst the proposed change by the Inspector to Paragraph 5.4.2.33 might allow some extra protection, it is not believed this will go far enough to protect important environmental assets including irreplaceable habitats and SPAs. It is therefore believed that Policy 14 of the NPPF, and supporting text, should be amended to developments avoiding the *loss or deterioration* of appropriate environmental assets which are afforded this protection within national policy. Policy 14 in its current state is therefore ‘unsound’ as it is not ‘consistent with national policy’ and should be amended to that which is noted within DPDS’s response to this question.