



## Report to Surrey County Council

**by Anne Napier BA(Hons) MRTPI MIEMA CEnv**

**an Inspector appointed by the Secretary of State**

**Date: 11 May 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## Report on the Examination of the Surrey Waste Local Plan

The Plan was submitted for examination on 12 April 2019

The examination hearings were held between 17 and 26 September 2019

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## Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
ARJDPD	Aggregates Recycling Joint Development Plan Document 2013
CD&E	Construction, Demolition and Excavation
C&I	Commercial and Industrial
DtC	Duty to Co-operate
DMR	Dry Mixed Recycling
EfW	Energy from Waste
EIA	Environmental Impact Assessment
EqIA	Equality Impact Assessment
ESR	Environmental & Sustainability Report
GB	Metropolitan Green Belt
ha	Hectares
HGV	Heavy Goods Vehicle
HIA	Health Impact Assessment
HRA	Habitats Regulations Assessment
ILAS	Industrial Land Areas of Search
LACW	Local Authority Collected Waste
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MRF	Materials Recycling Facility
NPPF	National Planning Policy Framework 2019
NPPW	National Planning Policy for Waste 2014
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SANG	Suitable Alternative Natural Greenspace
SCI	Statement of Community Involvement
SEWPAG	South East Waste Planning Advisory Group
SIER	Site Identification and Evaluation Report
SJMWMS	Surrey Joint Municipal Waste Management Strategy
SJWP	Surrey Joint Waste Partnership
SMP	Surrey Minerals Plan 2011
SOCG	Statement(s) of Common Ground
SWP	Surrey Waste Plan 2008
tpa	Tonnes per annum
WCA	Waste Collection Authority
WDA	Waste Disposal Authority
WFD	Waste Framework Directive
WNA	Waste Needs Assessment
WPA	Waste Planning Authority

## Non-Technical Summary

This report concludes that the Surrey Waste Local Plan provides an appropriate basis for the planning of the County, provided that a number of main modifications [MMs] are made to it. Surrey County Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The provision of improved information about the environmental context, known key constraints and mitigation required for allocated sites, industrial land areas of search and non-allocated development proposals, particularly regarding potential impacts on designated European sites and local communities;
- Improved clarity in policies and supporting text, to support the effective delivery of development and address internal inconsistencies and ambiguities within the Plan;
- The amendment of policies and supporting text to ensure consistency with national policy, including in relation to development within the Metropolitan Green Belt, the assessment of highway impacts, flood risk and biodiversity;
- The amendment of Policy 10, to ensure that it appropriately reflects the spatial strategy of the Plan and its approach to the development within the Metropolitan Green Belt;
- Improved reference within the Plan to other mechanisms important to securing the effective implementation of its policies and proposals, such as the Council's local list for validation; and
- The amendment of several identified monitoring triggers, to ensure robust and effective monitoring of the implementation of the Plan.

## Introduction

1. This report contains my assessment of the Surrey Waste Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) (the Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2019 (NPPF) (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Surrey Waste Local Plan, Submission Plan submitted in April 2019 is the basis for my examination. It is the same document as was published for consultation in January 2019.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The implications for Habitat Regulation Assessment were also considered. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and, in this light, I have made some amendments to the detailed wording of the main modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Policies Map and the Industrial Land Areas of Search (ILAS) and allocated site maps as set out in Part 1 and Part 2 of the Plan.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, the

geographic illustration of facilities on the submission policies map does not include existing major disposal and recovery installation and changes to the policies map are needed to ensure that the relevant policies are effective.

7. These further changes to the policies map were published for consultation alongside the MMs as Proposed Modifications to the Policies Map.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Proposed Modifications to the Policies Map and the further changes published alongside the MMs, incorporating any necessary amendments identified in this report.

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## Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. It is clear from the evidence provided, including the Duty to Cooperate Evidence of Engagement (DtC) Statement, that the Council has engaged constructively with relevant bodies prescribed in section 110 of the Localism Act 2011, together with other organisations. As part of this engagement process, the Council has agreed Statements of Common Ground (SOCG) with a range of organisations. These include the district and borough planning authorities within Surrey, the South Downs National Park Authority, the borough planning authorities from north London, other minerals and waste planning authorities that have strategic waste movements that involve Surrey, as well as with Natural England.
11. The DtC Statement also demonstrates that the Council actively engaged with other bodies, such as Historic England, the Greater London Authority, Transport for London, Thames Water, Surrey Hills Area of Outstanding Natural Beauty (AONB) Management Board and the Environment Agency, in the preparation of the Plan. The Council is also a member of the Surrey Joint Waste Partnership (SJWP), which is made up of the Council and the districts and boroughs within the county. The SJWP produced the Surrey Joint Municipal Waste Management Strategy (SJMWS) in 2015, which has clearly informed the preparation of the Plan's proposals and policies.
12. In addition, the Council is a member of the South East Waste Planning Advisory Group (SEWPAG) and has signed a Memorandum of Understanding as part of SEWPAG, which seeks to coordinate the planned provision of waste management facilities within the South East of England and ensure that the approach to waste planning within the South East is consistent between the different authorities involved. SEWPAG has produced a draft joint position statement on inert landfill and a joint position statement on non-hazardous landfill, which set out the common data and planning position for these matters in the South East of England. It is clear from the evidence provided that these statements and the Council's membership of SEWPAG have also informed the Plan preparation process.

13. The Plan submissions demonstrate that the Council recognises that the management of waste is inherently a strategic issue that has a significant impact on all districts and boroughs within the county and other local planning authorities across the wider South East of England. The extensive engagement undertaken, including the wide range of SOCG, demonstrate that the Council has worked effectively with others on a range of matters, including biodiversity, flood risk, waste movements, landfill, safeguarding, waste from London and the potential expansion of Heathrow airport.
14. This engagement has clearly helped to shape and influence the Plan, to address issues relating to waste management, such as the overall approach, spatial strategy, and the capacity, distribution and location of waste management facilities, including in relation to Green Belt. The SOCG also identifies areas where disagreement exists, and the actions being taken to resolve these. For example, the Council's report on the *Management of Impacts on Human Communities Arising from Waste Management* was produced in response to concerns raised by districts and boroughs within the county.
15. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## Assessment of Soundness

### Background

16. The current Surrey Waste Plan 2008 (SWP) forms part of the suite of development plan documents for the area. In addition to the documents that relate to each of the 11 districts and boroughs within Surrey, the SWP forms one of several county-wide documents that also make up the development plan. These include the Surrey Minerals Plan 2011 (SMP) and the Aggregates Recycling Joint Development Plan Document 2013 (ARJDPD).
17. Having regard to other policy being developed, including other local plans, minerals and waste plans from other authorities, and changes to national planning policy, the Council as waste planning authority (WPA) identified a need to review and update the SWP. The Plan would cover the period 2019-2033 and sets out the policies of the SWP that would be superseded on adoption.

### Main Issues

18. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified eight main issues upon which the legal compliance and soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

## **Issue 1 – Whether the Plan would be justified and consistent with national planning policy and other elements of the development plan, and would meet other legal requirements**

19. The Plan is formed of two parts, with Part 1 including the strategic objectives, spatial strategy and policies. Part 1 also includes a thorough consideration of the spatial and policy context for the Plan, which considers the relationship of the Plan with, for example, the Waste Framework Directive, the Landfill Directive, the EU Circular Economy Action Plan, the NPPF, the National Planning Policy for Waste (NPPW), the Waste Management Plan for England, and the Resources and Waste Strategy. The Plan inherently demonstrates, therefore, that regard has been had to the national waste policy context and, subject to the modifications identified below, I am satisfied that, overall, it is consistent with national planning policy in this regard.
20. Part 2 of the Plan outlines the purpose of identifying sites and areas of search, outlines the assessment work undertaken and identifies the issues to be addressed at application stage, with details of the proposed site allocations and areas of search. This overall structure represents a logical and effective approach to addressing the various issues identified regarding the future management of waste within the Plan area. Subject to the modifications identified below, it clearly sets out the planning framework for the development of waste management facilities within the county and I find this approach to be soundly based.
21. The Regional Spatial Strategy for the South East of England was revoked, with the exception of Policy NRM6: Thames Basin Heath SPA, which remains part of the development plan. Having regard to the policies and proposals of the Plan, and the evidence base supporting it, such as the Habitats Regulation Assessment (HRA), I am satisfied that the Plan would be consistent with this element of the development plan.
22. The evidence provided indicates that the Council actively reviewed existing adopted and emerging plans within the county and neighbouring authorities, including the new London Plan, to ensure consistency. Where issues were identified, this informed subsequent engagement and details of this were provided within the relevant SOCG. In addition, the Council commented on emerging plans during their preparation, including through SEWPAG in the case of the London Plan, which resulted in proposed changes to those plans.
23. Given the varying timescales for preparation, I am mindful that circumstances can inevitably alter. However, I am satisfied that the evidence demonstrates that the Plan would be consistent with other elements of the existing development plan within the area and is sufficiently flexible to take account of changing circumstances. Furthermore, whilst there may be different views in respect of individual proposed site allocations, overall and in strategic terms, there is nothing to indicate that the policies and proposals of the Plan would materially conflict with the approach being taken by emerging plans within or neighbouring the county.
24. As part of the plan preparation process, the Council consulted with Parish and Town Councils. In addition, the Council has produced a *Neighbourhood Planning Guide* to assist neighbourhood forums with developing



Neighbourhood Plans, which includes advice that consultation with the Council is required in relation to minerals and waste. The Plan would not be inconsistent with any Neighbourhood Plans in the county. Consequently, I am also satisfied that the Plan would be consistent with the development plan in this regard.

### *Sustainability Appraisal*

25. The Sustainability Appraisal (SA) is an important part of the evidence base that supports and justifies the policies and proposals of the Plan. At the time of submission, a number of concerns were expressed about the Council's *Environmental & Sustainability Report* (ESR), which combined the SA and Strategic Environmental Assessment requirements. These concerns were discussed during the hearing sessions part of the Examination.
26. As a result, the Council undertook further work in relation to the SA. More details were provided about the reasons for selecting and rejecting alternatives, both in terms of proposed site allocations and in relation to policies. These and other revisions to the SA, along with the SA required for the proposed MMs, were subject to consultation and I have had regard to the comments made.
27. The evidence base, including the SA, demonstrates that the policies and proposals of the Plan have evolved and developed over time. The current local planning policy context for waste and minerals development is materially different to that which existed in 2008. Several of the allocation sites identified in the SWP have been developed and changes have also taken place to national planning policy and guidance, with the publication of the first NPPF in 2012 and the NPPW in 2014, as well as the Planning Practice Guidance (PPG).
28. The evidence demonstrates that the evolution of the Plan's preferred approach involved the consideration of several reasonable alternative approaches as part of this process. The reasons for this are clearly set out within the SA.
29. There is potential for waste related development to interact with other development, giving rise to cumulative impacts. However, the detailed assessment of such impacts requires a degree of certainty about the type and scale of development proposed. The approach taken by the Plan does not provide that level of site-specific detail. Therefore, the detailed assessment of cumulative and project specific impacts will need to be appropriately addressed at the planning application stage of the development process. Provision for this is made by Policy 14.
30. Overall, I am satisfied that the analysis within the SA is sufficiently robust, and the reasoned explanations it contains provide clear justification for the approach proposed within the Plan.

### *Habitats Regulations Assessment*

31. A *Habitats Regulations Assessment (HRA) Report* was produced to assess the potential impact of the policy framework and proposed site allocations in the Plan on sixteen European sites that are situated either within Surrey or are located within 10 kilometres of the county boundary. The HRA Report



considers the key pressures and threats to the achievements of the conservation objectives for each European site and includes an initial screening assessment, which addresses the likelihood of significant effects. Where necessary, this is followed by more detailed appropriate assessment (AA) for those sites where likely significant effects cannot be ruled out.

32. At the screening stage of the HRA process, the need for AA was only determined as not being necessary where the Council was confident that no mechanisms existed by which the Plan could give rise to likely significant effects on the ecological integrity of the European site concerned. Therefore, I am satisfied that the HRA screening undertaken in relation to the Plan is compliant with the recent Court of Justice of the European Union judgement concerning mitigation.<sup>1</sup>
33. The HRA Report specifically addresses the potential impact of traffic emissions for those European sites for which air quality has been identified as an issue of particular concern by Natural England (through the relevant Site Improvement Plan). The Report also includes consideration of the potential for in-combination impacts as a consequence of the contribution that vehicle emissions make to nutrient deposition within sensitive habitats. As such, I am satisfied that the HRA process that was followed took account of the recent High Court judgement in this matter.<sup>2</sup>
34. Several of the proposed site allocations and areas of search identified within the Plan would be located at sufficiently close proximity to have potential impacts on a designated European Site. Initial concerns raised by Natural England in respect of potential impacts in these regards were addressed by an agreed SOCG between the Council and Natural England, to which I have had regard.
35. Currently, the Plan does not make appropriate reference to the environmental context and likely sensitivity of sites, as set out in the ESR, which is an unacceptable omission that could impact on the delivery of development. For clarity and effectiveness, therefore, it is necessary to draw specific attention to these matters within Part 2 of the Plan and this is addressed by **MM29**.
36. The Plan makes specific reference to the need for project level AA for development proposals that could give rise to likely significant effects on a European designated site. This requirement is clearly identified within the related supporting text to Policy 14, as well as in Part 2 of the Plan.
37. A number of areas of land that have been identified as potentially suitable for waste related development within the Plan were determined through the HRA process to have the potential to give rise to significant effects on one or more European sites, if the development included thermal treatment facilities. This includes those sites located within 10 kilometres of any European site likely to be adversely affected by nutrient nitrogen deposition.

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<sup>1</sup> People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)

<sup>2</sup> Wealden V SSCLG [2017] EWHC 351Admin

38. Part 2 of the Plan clearly identifies those site allocations where thermal treatment is unlikely to be considered suitable in this respect. It also provides an indication of the likely scale of facility, for those sites where the development of a thermal treatment facility is likely to be suitable, subject to certain conditions being met. However, such clarification is not provided within the Plan for the identified ILAS and, in this respect, the Plan is unsound.
39. To be positively prepared, effective and consistent with national policy, it is necessary to amend the Plan to include reference to the plan level AA within the HRA Report, which refers to the type and scale of thermal treatment facility likely to be considered suitable in respect of each site allocation and ILAS location. In addition, for clarity and effectiveness, the individual ILAS locations listed within Part 2 of the Plan should include specific reference to the potential for thermal treatment facilities and the HRA findings, if appropriate, including likely constraints on the scale of development.
40. In light of responses received to the consultation on the MMs, to reflect the SOCG between the Council and Natural England, the findings of the HRA, including Appendix B, and to ensure that the Plan will be effective in delivering appropriate development in suitable locations, I consider that it is necessary to distinguish in Part 2 of the Plan between those ILAS which are considered less likely to be suited, unlikely to be suited, or which may be suited to the development of thermal treatment facilities. These matters and those above are addressed by **MM30** and **MM31**.

#### *Climate Change*

41. Policy 1 of the Plan implements the waste hierarchy, which ensures that waste is managed in a manner that mitigates climate change, as recognised in the Waste Management Plan for England. The policies of the Plan enable the provision of recycling and other recovery facilities, the development of which would significantly reduce the amount of biodegradable waste disposed of in landfill. In turn, this would reduce the production of methane, a highly potent greenhouse gas, resulting from this type of disposal.
42. The strategic objectives, spatial strategy and policies of the Plan embed mechanisms to address and adapt to climate change, including through sustainable design, safeguarding the environment and the management of flood risk. Facilities are encouraged to promote energy efficiency and consider the use of decentralised low carbon energy sources. In addition, the Plan seeks to limit the movement of waste by road and encourages the use of low or zero emission vehicles, where practicable. Taken as a whole, I am satisfied that the policies of the Plan would contribute effectively to the mitigation of, and adaptation to, climate change.

#### *Equality and Health Impacts*

43. As part of the plan preparation process, the Council undertook a Health Impact Assessment (HIA), which included consideration of the potential impact of the policies and proposed site allocations on human health. The HIA informed the wording of the development criteria identified in relation to individual allocations in Part 2 of the Plan and the wording of policy and supporting text, particularly Policy 14. I am satisfied that, subject to the modifications

identified below, the Plan would enable adverse health impacts to be avoided or appropriately mitigated.

44. In addition, in relation to the Equality Act 2010, an Equality Impact Assessment (EqIA) was produced to assess the potential impacts of the policies and proposals of the Plan on residents and service users with protected characteristics, as defined by the Equality Act. The EqIA concludes that no significant impacts on those with protected characteristics are anticipated that cannot be mitigated to an acceptable level. I am satisfied therefore that the Plan would not have a disproportionate effect on people with protected characteristics, including age and disability.
45. Consequently, subject to the modifications identified, I find the approach within the Plan is sound, meets legal requirements, and would be consistent with and justified in the context of the existing components of the development plan for the area and national planning policy.

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## **Issue 2 – Whether the identified waste requirements are justified and based on a sound assessment of need**

46. Part 1 of the Plan includes a thorough consideration of the waste management context for the policies and proposals within the Plan. It sets out the principal types of waste considered by the Plan and outlines the likely waste arisings in Surrey to 2035. Reference is made to the *Waste Needs Assessment* (WNA) to support these findings, which was undertaken by the Council to support the preparation of the Plan. However, the Plan does not include details of existing major disposal and recovery installations on the Policies Map.
47. As a result, the Council have produced an additional map to form part of the Policies Map, which was subject to consultation and indicates existing strategic waste management facilities (as defined by the Council's Consultation Protocol with borough and district councils) in the county, which meets the aims of the PPG in this respect.

### *Existing capacity*

48. The WNA contains evidence relating to existing waste management facilities, including details of the location and type of facility, the treatment type, throughput and capacity and close date, where relevant. From the details provided, I am satisfied that this evidence is sufficiently detailed to provide a robust basis for the calculation of future capacity and meets the guidance within the PPG.
49. The capacity of existing waste management facilities has been assessed. The Plan acknowledges that this may change. Having regard to past trends and given the land constraints within Surrey, I concur with the Council's view that it seems likely that existing facilities may be improved, reconfigured or expanded, to increase their capacity. Policy 8 of the Plan supports such an approach, subject to certain criteria.
50. To complement this approach, Policy 7 of the Plan seeks to safeguard existing facilities and discourage their use for non-waste purposes. It is acknowledged that the closure of smaller sites may happen in the future, particularly where they concern historic uses situated in locations that may well be considered

inappropriate, were they proposed now. However, given the demand for waste management in Surrey, the evidence supports the view that the redevelopment of existing sites with significant waste management capacity would be unlikely.

51. From the evidence provided, I am satisfied that the approach taken within the WNA to the consideration of registered sites that are exempt from an environmental permit was reasonable and represents a suitably conservative estimate of their contribution to overall capacity.
52. Overall, I am satisfied that the assessment of existing capacity within the WNA is thorough and robust and supports the overall assessment of need within the Plan.

*Forecast of waste arisings over the plan period*

53. Waste arisings have been forecast at the end of the plan period and at specific points within it, which is set out within Table 2 of Part 1 of the Plan. The WNA details the factors that have informed these forecasts and the preparation of the growth profile and, from the evidence provided, the assessment has followed PPG advice.
54. In terms of the main types of waste, the assessment of future local authority collected waste (LACW) included consideration of household or population growth and waste arisings per household or per capita, and modelled three different scenarios, including no change in waste arisings, medium growth or high growth. The annual rate of commercial and industrial (C&I) waste and construction, demolition and excavation (CD&E) waste arisings were also calculated using economic and statistical information and, again, three potential growth scenarios were modelled.
55. The adoption of a high growth profile for LACW and C&I waste represents a reasonable approach, which given the overall constraints on growth within the county is also suitably precautionary. It will inherently build in flexibility and enable the Plan to respond to changes in circumstances over the plan period, including the potential for market conditions to change, in line with NPPF requirements and PPG advice.
56. For CD&E waste, the approach taken is that net arisings of C&D waste will remain constant over time. Whilst this follows PPG advice, concerns were expressed that this would not provide for sufficient capacity to accommodate the extent of development likely to take place within the plan period, including major infrastructure projects, such as the possible expansion of Heathrow airport. However, I understand that the amount of housing construction within Surrey has remained stable and, given the constraints that exist, it is considered likely to remain so in future, with significant additional growth not anticipated.
57. Furthermore, improved construction techniques and the economic need to re-use inert material on development sites is likely to reduce CD&E waste arisings. The management of waste for large infrastructure projects forms an integral part of the project management, with waste generally managed on site, as far as practicable, with specialist or bespoke management approaches agreed. In any event, the proposed monitoring framework and any

subsequent reviews of the Plan provide a mechanism to consider the need for additional future facilities to manage any additional CD&E waste arisings.

58. As such, I am satisfied that the Plan's approach in this regard is reasonable and not unrealistic. In addition, should circumstances alter and additional capacity be required, there is an undisputed need for inert waste for the restoration of mineral workings, which would provide additional flexibility in this regard.
59. The likely future arisings of other types of waste was also assessed, including hazardous waste, wastewater, agricultural waste, and nuclear and radioactive waste. Having regard to the evidence provided, the analysis undertaken of these other types of waste, including the likely increase in hazardous waste arisings, satisfactorily demonstrates that the likely future arisings would be insufficient to justify the identification of land for strategic waste management facilities dedicated to these particular sectors. Nonetheless, the policies within the Plan would provide flexibility in this regard.
60. The percentage targets for recycling, food waste reduction and disposal of waste to land within the Plan reflect new goals for the management of waste within the county over the plan period and encourage the management of waste further up the waste hierarchy. These have been informed by European and national targets, such as those in the waste prevention programme for England and government strategies.
61. The targets within the Plan are also informed by those within the Joint Municipal Waste Management Strategy (JMWMS), which was agreed in 2015 between the district and boroughs in the county, as Waste Collection Authorities (WCAs), and the Council as Waste Disposal Authority (WDA). The JMWMS set targets for the management of LACW.
62. The targets within the Plan are lower in some respects than those in the JMWMS. However, the extent of difference is relatively limited, and I am mindful that the JMWMS figure for recycling also includes an element of recovery. Moreover, the lower disposal targets within the Plan recognise that, currently, the recycling of some products, such as mattresses and carpets, is very challenging. As such, I find that the targets within the Plan represent a pragmatic and realistic acknowledgement that some disposal to landfill is likely to remain in the future.
63. Overall, I am satisfied that the WNA's forecasts of waste arisings are appropriately thorough and sufficiently robust to provide the evidence required to inform the proposals to meet waste needs within the Plan, whilst avoiding unnecessary and spurious precision.

*Future capacity and the capacity gap*

64. The Plan seeks to ensure net self-sufficiency. As such, it aims to provide sufficient waste management infrastructure to deal with the equivalent amount of waste to that arising in Surrey, taking into account existing safeguarded capacity and the identified capacity gap.
65. The WNA considers future capacity using the methodology recommended within the PPG, including existing capacity information and available

information about the lifetime of facilities. Whilst a range of planned capacity is not identified for each type of waste, for the reasons given above, I consider that the adoption of a high growth profile demonstrates a reasonable and suitably precautionary approach to the identification of future waste requirements.

66. Tables 4 to 7 of Part 1 of the Plan consider future capacity at the end of the plan period and at key points within it. As such, I find that the Plan sufficiently identifies when new or replacement facilities are likely to be required.
67. Assuming the recycling targets for the Plan are met, the tables identify that whilst, overall, there will be a surplus of waste management capacity, there are key areas of need that should be addressed. In particular, the analysis has identified a need for facilities which fall under the definition of 'other recovery'. A capacity gap has also been identified for the disposal of waste to land (landfill), for CD&E recycling facilities and for the recovery of waste to land in the long term, as well as the potential need for additional composting facilities.
68. The Plan promotes recycling over other forms of waste management and, whilst the WNA has not identified an overall need for other recycling facilities, only a small surplus in capacity is predicted at the end of the Plan period. Furthermore, as part of the examination process, additional evidence was provided by the Council (*Trumps Farm: Supporting Information, June 2019*, Ref ED-03) and discussed during the Hearing sessions, to demonstrate a need for further capacity for bulking and recycling household waste during the plan period, in particular for Dry Mixed Recyclables (DMR).
69. Currently, only one site within the county processes DMR and the evidence indicates that this is operating at near capacity. As a result, a significant proportion of this waste is transported to facilities outside the county for treatment, including as far afield as Birmingham. Recent changes made to collection contracts have enabled the Council as WDA to review these arrangements.
70. The provision of additional recycling facilities within the county would enable a materially greater proportion of household recycling waste to be treated in closer proximity to the source of the waste, in accordance with the NPPW and the PPG. This would have significant advantages in reducing distances travelled, which would have the real potential to reduce associated emissions.
71. Closer control of facility management and collection arrangements, as well as an increased proximity to waste sources, would also enable the Council as WDA to have greater ability to influence positively the recycling habits and improve the composition of the waste collected, so resulting in the real potential for material benefits in waste management. As such, I am satisfied that a compelling case has been demonstrated to support the identified requirement for additional recycling capacity within the Plan.
72. The Council's *Site Identification and Evaluation Report* (SIER) sets out the land requirements for each waste management stream at key points during the plan period, based on the identified capacity gap. Appendix 3 of the SIER identifies a need for some 6 hectares (ha) of additional land and clearly sets out the basis for this calculation and provides a robust justification for the



need identified. The land identified through site allocations is some 19ha and, as such, the site allocations would enable a significant degree of flexibility in provision. Nonetheless, for reasons discussed further below, I consider that the extent of land allocated does not represent an unreasonable or excessive overprovision.

73. As acknowledged within the Plan, the targets set within it are ambitious. However, overall, I consider that the policies and proposals of the Plan will provide for the development of capacity to manage waste in a manner that supports the achievement of these targets. As such, I am satisfied that they are reasonably likely to be achievable. Furthermore, having regard to the policies and proposals of the Plan, and the previous history of provision within the county, I am satisfied that the Plan is positively prepared, and the additional capacity required has a realistic prospect of being achieved.
74. Consequently, for these reasons, I find the identified waste requirements to be sound and based on a sound assessment of need.

### **Issue 3 – Whether the approach to waste management is justified and soundly based**

#### *Policy 1*

75. Policy 1 is an over-arching policy that reflects a strategic objective of the Plan, to ensure that waste is managed at the highest point on the waste hierarchy that is practicable. The policy generally supports those facilities which provide for the recycling of waste over those which provide for other forms of recovery. It also enables strict controls on proposals for 'other recovery' facilities, requiring an up-to-date assessment of need to support such proposals, which will ensure that the development of those facilities further down the waste hierarchy would not be encouraged. As such, I am satisfied that the approach identified in Policy 1 is justified and consistent with national policy.
76. The Plan includes clear and specific targets for the management of different waste streams, as referred to above, which are drawn from national, international and current local targets. For the reasons given above and having regard to the history of positive recycling performance within the county and the currently high rates of recycling, I consider these targets to be justified and likely to be deliverable.
77. To support this approach, Policies 2, 3 and 5 specifically allow for additional recycling and other recovery proposals to come forward, with Policy 6 only allowing for additional landfill capacity in very limited and specific circumstances.

#### *Policy 2*

78. Policy 2 concerns recycling and recovery facilities, other than those which manage inert CD&E and soil recycling. The Plan avoids prescribing a specific technology for particular sites or facilities, beyond that set out in Part 2 of the Plan, which highlights those sites that are likely to be unsuited, or less suited, to thermal treatment. In so doing, it is consistent with national policy and, in particular, the approach advocated in the NPPW in this regard.



79. The supporting text to the policy clearly identifies the need to consider the nature and scale of a proposed scheme in relation to its location, including the characteristics of the site and its surroundings. Furthermore, in identifying the approach to the assessment of such proposals, Policy 2 includes a number of criteria, one of which explicitly requires consideration of other policies in the Plan. However, the interaction between the various policies within the Plan is not sufficiently clear.
80. In particular, the Plan indicates that proposals for the improvement or extension of existing recycling or recovery operations should be dealt with under Policy 8. During discussions in the Hearing sessions, the Council clarified that it is intended that the assessment of such proposals would also have regard to Policy 2. There is no conflict between the two policies, with Policy 8 providing further specific criteria for the consideration of those schemes. As currently worded, the supporting text to Policy 2 is ambiguous and likely to cause confusion in relation to how such proposals should be assessed. Therefore, for clarity and to ensure that Policies 2 and 8 are effective, it is necessary to amend the supporting text to Policy 2 and the wording of Policy 8, as set out in **MM1** and **MM10**.
81. Furthermore, whilst Policy 2 refers to the need to assess proposals against other policies within the Plan, it does not make a specific reference to Policy 10, which sets out the hierarchical preference for the development of sites. The absence of a specific reference to Policy 10 also makes Policy 2 unacceptably ambiguous. Therefore, to ensure that the Plan is internally consistent and explicitly supports the identified spatial strategy, it is necessary to amend the wording of Policy 2 to make appropriate cross-reference to Policy 10. To be effective, positively prepared and for clarity, it is also necessary to specifically identify Policies 11a (Strategic Waste Site Allocations) and 11b (Allocation of a Site for a Household Waste Recycling Facility). These changes are addressed by **MM2**.
82. Reference has been made to the potential expansion of Heathrow airport and the resulting potential loss of the existing Lakeside Energy from Waste (EfW) facility, which currently receives a relatively modest proportion of exported waste from Surrey. It is clear that the Council has taken this into account in preparing the Plan and is actively engaging with the infrastructure development process, both directly and through SEWPAG. I understand that the parties concerned are seeking to avoid a break in capacity. However, I am satisfied that if this is not possible, Policies 1 and 2 of the Plan would enable the potential impact of the loss of the site to be addressed.
83. The supporting evidence does not demonstrate a specific need to identify sites for additional capacity for agricultural waste, composting, anaerobic digestion, nuclear waste or radioactive waste. Nonetheless, I am satisfied that the policies of the Plan, including Policies 1 and 2, would provide sufficient flexibility to fully assess such proposals should they arise.

### *Policy 3*

84. Policy 3 concerns facilities for the recycling of inert CD&E waste. The WNA indicates that currently there is insufficient capacity for CD&E recycling in the later part of the plan period. Unlike the existing SWP, no specific allocations

are proposed within the Plan to address this identified need. However, the SWP was adopted prior to the adoption of the SMP and the ARJDPD. The ARJDPD is a joint minerals and waste document, which allocates sites for CD&E recycling. As such, the policy context for the Plan is materially different to that which existed at the time the existing SWP was adopted.

85. The evidence indicates that there is unlikely to be a shortfall in capacity for CD&E recycling in the short to medium term. The Council has confirmed that a review of the SMP and the ARJDPD is due to commence in 2020, which would consider the need for the allocation of sites for CD&E recycling. I am satisfied that this approach represents an appropriate and timely way of addressing the matter. Furthermore, having regard to the criteria-based approach to provision within Policy 3, I find that the absence of specific allocations for CD&E recycling in the Plan before me does not render it unsound.
86. CD&E recycling can operate under temporary planning permissions in relation to mineral workings, before or during restoration. Policy 3 makes continued provision for this type of activity, whilst not precluding permanent facilities. However, as drafted, there is an unacceptable and confusing lack of clarity on the policies of the Plan that would be used to assess such proposals, including those for CD&E recycling facilities on restored mineral workings, for the permanent retention of existing temporary facilities, and for the improvement or extension of existing facilities.
87. To be effective and positively prepared, it is necessary for the supporting text to Policy 3 to be amended, to clearly identify the policies against which such proposals would be assessed, and which matters would be taken into account in these assessments, including the need to consider potential additional benefits that may result in respect of permanent proposals. **MM3** addresses these matters.
88. In addition, as drafted, Policy 3 is unacceptably ambiguous, as it is not clear whether a proposal would need to comply with each of the criteria listed, or how the nature and duration of a proposal should relate to an existing mineral operation or restoration. Therefore, to be justified and for effectiveness, Policy 3 should be amended to clarify that, to be supported, proposals only have to meet one of the specified criteria, and the nature and duration of the proposal should be limited to that of the consented operation or restoration activity, as set out in **MM4**.
89. A tension may exist between, on the one hand, supporting the recycling of inert CD&E waste and, on the other, encouraging the timely restoration of mineral and other sites through the recovery of this type of waste material to land. However, as not all CD&E waste may be suitable for recycling, there is the potential to achieve both aims, whilst respecting the waste hierarchy.
90. This is recognised by Policy 5, which concerns the recovery of inert waste to land, and would be appropriately addressed by Policy 3, as modified. However, Policy 8, which concerns the extension or improvement of existing facilities, does not specifically address this issue, which is a failing that could frustrate the implementation of the Plan.

91. To be effective and justified, it is necessary to ensure that Policy 8 includes reference to facilities for the recycling of inert CD&E waste and an explicit requirement for proposals to be consistent with Policy 3. **MM10** would address this matter.

#### *Policy 4*

92. Policy 4 promotes and supports the delivery of waste minimisation. It seeks to ensure that waste management is addressed as part of the design process for new development, with the aim of ensuring that wastes arising during the construction and operational phases can be minimised and managed in a sustainable manner.
93. It is intended that large scale development should be accompanied by a Site Waste Management Plan to demonstrate compliance with the policy. However, in the main, the enforcement of this requirement would be a matter for the district and borough councils. Whilst I understand that it is intended to include the specified need for a Site Waste Management Plan in the next update to the Council's *Consultation Protocol* and *Standing Advice note on Sustainable Construction*, given the potential uncertainties of timing and implementation, this mechanism is not sufficiently robust. Therefore, to be effective, it is necessary to amend Policy 4 to include a footnote to explain how it is expected that the policy can be demonstrated to have been followed.
94. In addition, Policy 4 makes reference to integrated storage, to ensure storage facilities are incorporated in the design of all new development, to facilitate the reuse and recycling of waste. However, as currently written, it could be perceived as one of a number of management options, which does not appropriately reflect the nature of this important requirement.
95. Consequently, to be clear and effective, it is necessary for the policy to be amended to make separate reference to this specific requirement for new development. In addition, following responses received on the consultation on the proposed MMs, it is necessary to include a definition of 'large scale development' within the footnote to Policy 4, to ensure that it is effective and fully justified. **MM5** would address all these matters.

#### *Policy 5*

96. Inert material derived from CD&E waste can be used in mineral restoration, or as a capping material for landfill or landraising activities and, when used in this way, can be considered as a recovery operation. Evidence demonstrates that sufficient capacity currently exists to accommodate material that cannot be recycled over the plan period, with additional mineral sites coming forward, or reasonably likely to come forward.
97. Policy 5 makes provision for the recovery of inert material as part of mineral restoration or landraising activities to take place. The policy also enables other recovery to land of inert waste, subject to criteria. I am satisfied that this approach is sound. However, currently the supporting text is unacceptably inconsistent with the wording of the policy and it does not clearly identify a preference for the use of inert material in site restoration, rather than other types of recovery operation.

98. In order to ensure that the policy is internally consistent, justified and effective, it is necessary to modify the supporting text to provide such clarity and to explain clearly why the disposal of inert waste to land is considered unacceptable. This is addressed by **MM6**.

#### *Policy 6*

99. The WNA identifies a capacity gap for the disposal of non-inert waste to land towards the end of the plan period, following the scheduled closure of the existing landfill site at Patteson Court in 2030. Notwithstanding this, no sites were promoted for the disposal of non-inert waste to land and no clear evidence exists that such capacity would be developed within the county within the plan period. Consequently, having regard to the evidence provided, I concur with the Council's view that the allocation of a specific site for this use is not justified.
100. Nonetheless, the Plan does make provision for this type of facility, as Policy 6 provides for the assessment of any such proposals that come forward to meet any on-going need for the disposal of non-inert waste to land, including in respect of hazardous waste, if required. Policy 6 sets out the circumstances in which the development of such facilities would be considered acceptable. However, in its current form, criteria (ii) of Policy 6 has the potential to be unrealistic and impractical, as no geographical distance is specified for the search for alternative existing permitted sites.
101. Given the move away from landfill disposal, it would be difficult to provide a precise distance. Nonetheless, to ensure that Policy 6 is positively prepared, justified and effective, it is necessary to amend Policy 6 to confirm that it would be necessary to demonstrate that the additional disposal land capacity could not practicably be met at existing permitted sites, as set out in **MM7**.

#### *Policy 7*

102. As referred to above, Policy 7 aims to safeguard existing and planned waste management sites. Given the characteristics of the county, including the extent of Metropolitan Green Belt (GB) within it, opportunities for the development of waste management capacity are relatively limited. As such, a policy to prevent the loss of sites to other forms of development, or to avoid constraints on management activity and capacity, is justified and will directly support the achievement of net self-sufficiency.
103. In addition to identifying the types of waste sites that are safeguarded, the policy also makes specific reference to the Council's Consultation Protocol with district and borough councils. This protocol is an established and effective mechanism, which will ensure sites will also be safeguarded from non-waste development. The inclusion of identified requirements within Policy 7 for the assessment of non-waste developments in proximity to safeguarded waste sites is a positive measure that will support the effective implementation of the Plan and its policies.
104. Within Policy 7, a number of criteria have been identified to justify exceptions to safeguarding from non-waste development. However, currently, it is unclear whether proposals would have to meet one or all of the criteria specified. As such, the policy is unacceptably ambiguous. Therefore, to be

effective and justified, it is necessary to amend the format and wording of Policy 7, as set out in **MM9**, to make it clear that only one of the criteria would need to be met.

105. Moreover, whilst it is implicit that an assessment of the continued need for particular sites would be required, the supporting text to the policy does not include a specific reference to this. Without such clarification, there would be a potential lack of clarity about how a decision maker should respond to a proposal, which could undermine appropriate plan-led delivery of development within the area. Consequently, to ensure that the Plan is positively prepared and the approach in Policy 7 is justified and effective, it is necessary to include specific reference to a safeguarding assessment within the supporting text to the policy, as set out in **MM8**.

#### *Policy 8*

106. The improvement or extension of existing waste development, as referred to above, may enable more waste to be recycled, recovered or processed for re-use within an established site and with reduced impacts, due to changes in technology or site layout. As such, in making provision for the support of such development within Policy 8, the Plan is positively prepared and consistent with national policy.
107. Reference has previously been made to the need to amend Policy 8 to make specific reference to Policies 2 and 3. In addition, currently, the policy wording is relatively brief. Whilst it refers to improvements in the quantity of waste managed, no reference is made to the type of waste, or a need for consistency with the Plan's requirements for the management of waste. Furthermore, whilst referred to within the supporting text, Policy 8 currently does not refer to sites with temporary planning permission and the need to consider the original reason for the grant of a time limited permission in relation to the proposed development of those sites.
108. As a result of these omissions, there is the unacceptable potential for waste development proposals related to existing facilities to undermine the objectives of the Plan, including the need to avoid unacceptably harmful impacts on local communities. Therefore, to ensure that the policy is robust, effective and justified, it is necessary to include specific reference to these matters, as addressed by **MM10**.
109. Consequently, for these reasons and subject to the modifications identified, I find that the approach to waste management set out within the Plan is justified and soundly based.

#### **Issue 4 – Whether the spatial strategy and distribution of waste management provisions are soundly based**

110. The spatial strategy is set out within section 4 of the Plan. It identifies a number of key matters that are considered likely to influence the future location and distribution of additional waste management capacity within the county. These include issues such as net self-sufficiency, cross-boundary waste movements, the scale and type of facilities, the approach to development within the GB, relationship to settlements, previously developed land, and transport and connectivity.

111. The evidence base to support this approach is comprehensive and robust. It includes the Council's report on *Delivering the Spatial Strategy* and the outcomes are summarised in the revised ESR. In broad terms, the strategy seeks to safeguard existing capacity, enable appropriate extensions and improvements to existing facilities, as considered above, and provide for the development of new facilities in suitable locations.
112. In addressing the location of new development, the strategy considers and identifies a number of constraints, including an identified requirement to minimise adverse impacts on the environment and communities. In this respect, the strategy seeks to focus development in towns and in urban areas, including sites and areas in existing use for employment, industrial and storage, and on previously developed land. As such, it is consistent with national policy.
113. Settlements within the county are relatively dispersed. As a result, a suitably pragmatic approach has been taken to the distribution of waste management facilities. Given the variety of sources of waste arisings, the strategy seeks to provide a range of facilities in a mix of locations and through a network of sites that are relatively well-connected by appropriate transport links, to enable the efficient management of waste. I am satisfied that this represents a sound approach.
114. The county contains the Surrey Hills and the High Weald Areas of Outstanding Natural Beauty (AONB). The landscape and natural beauty of these areas have the highest status of protection in national planning policy, with great weight required to be given to their conservation and enhancement. In addition, approximately three-quarters of the land within the county is covered by GB, including the land within the AONBs.
115. In considering potential locations for waste management facilities, the SIER and the revised ESR clearly set out the approach taken to the identification of potential locations for new development. A large number of potential sites and areas were originally identified. Having identified a number of potential constraints, a series of filters were applied to those locations. From the evidence provided, the approach taken was open and transparent and the methodology followed was clear and robust. I am satisfied that it represents a reasonable and justified approach.
116. As an example, sites within an AONB were discounted and, having regard to the sensitivity of those areas, I find this approach to be entirely appropriate. However, in addressing the need to allocate sufficient land to meet the identified requirements for waste development, it is clear that it was necessary to balance a number of different potential constraints and considerations.
117. Whilst industrial land areas of search (ILAS) have been identified, it is clear from the evidence provided that these areas are not likely to be of sufficient size, or necessarily suitable in other ways, to support the extent of new strategic waste infrastructure development likely to be required to meet the identified need. Furthermore, in assessing non-industrial land, the evidence also demonstrates that it was not possible to identify sufficient suitable land outside the GB to meet the identified need for waste management development within the county.



118. As a result, as part of the site identification process, the council removed the GB 'filter' from the list of potential sites. Whilst this enabled sufficient land to be identified, the extent of land was far in excess of that required, following a revised estimate of the identified capacity gap. Consequently, a further refinement was applied, with sites which were considered to be 'previously developed land' within the GB prioritised in preference to greenfield sites within the GB.
119. This process resulted in the identification of the five sites allocated in relation to Policy 11a. The SIER demonstrates that the sites allocated under Policy 11a would provide approximately 19 ha of land, excluding Site 5.1, against an identified requirement of 6 ha for additional capacity for other recovery. However, the majority of these sites are within the GB. Having regard to the existing provision of waste management facilities within the GB, I find that there is a reasonable prospect that the development of some sites would take place. Nonetheless, taking into account the policy provisions within the Plan, the Council considers that it is very unlikely that the development of all the allocated sites will take place within the plan period. I concur with this view.
120. I am also satisfied that the evidence provided demonstrates that the identification of sufficient land outside the GB is not possible currently. Given that situation, I consider that the approach taken by the Plan is appropriate and pragmatic. Moreover, whilst the amount of land allocated exceeds that required, for the above reasons, I consider that a significant margin in provision would be both sensible and necessary to provide a suitably robust 'safety net' and the degree of flexibility required in these circumstances.
121. In addition, as indicated above, Policy 1 would require a need to be demonstrated in respect of proposed recovery facilities. Furthermore, for inappropriate development proposed on those sites located within the GB, the existence of very special circumstances would be expected to be demonstrated in support of such schemes, as set out below. As such, I am satisfied that the extent of land allocated represents a positive approach that has been adequately justified.
122. The approach to identification of a site for the proposed development of a Household Waste Materials Recycling Facility (MRF) under Policy 11b (Land adjacent to Trumps Farm, Longcross) followed a slightly different path. The plan preparation process can be lengthy and it is not unexpected for circumstances to change during that time. Additional evidence provided by the Council before and during the Examination Hearing sessions provided clear and compelling justification for the need for an additional facility of this type. The additional evidence also provided further clarity on the reasons for the choice of the site concerned.
123. Detailed issues raised about the location identified will be considered further in relation to Issue 5, below. Nonetheless, in overall terms, I am satisfied that the evidence provided, including that contained within the *Trumps Farm: Supporting Information, June 2019* and reflected in the revised ESR, satisfactorily demonstrates that the process undertaken in identifying and assessing the potential locations for the MRF was thorough and robust.



124. The evidence provided is sufficient to satisfactorily explain the reasons for discounting the potential 'reasonable alternatives' to the proposed allocation site, including the five sites allocated under Policy 11a, together with the three other sites originally proposed to be allocated at an earlier stage of the plan. Whilst there would be some variation in impact, in overall terms, the potential environmental, economic and social impacts of the allocated site would not be materially worse than the alternatives and, in some respects, would be notably better, including the relative location of the site in relation to the existing MRF at Leatherhead.
125. The evidence demonstrates that a key factor in favour of the allocation of this site, in preference to other reasonable alternatives, is its ownership by the Council. Furthermore, it is my understanding that the proposed MRF facility is intended to be developed and managed by, or on behalf of, the Council as WDA. Consequently, if considered acceptable at the application stage, the provision of the facility on the allocated site as proposed would have significant advantages in terms of confidence in securing its delivery, in comparison to the identified reasonable alternatives. Whilst I am satisfied that the evidence demonstrates that this was not the overriding factor in its selection, to the exclusion of the proper assessment of other matters, it is nevertheless an important consideration that further supports the allocation of this site.
126. Furthermore, whilst the need for the facility was identified at a relatively late stage of the plan making process, I find that this did not preclude a thorough consideration of the options, or unfairly restrict the opportunity for representations to be made and considered as part of the examination process. Consequently, I am satisfied that both the approach and methodology followed were acceptable and do not render the Plan unsound.

### *Policy 9*

127. Policies 9 and 10 of the Plan seek to ensure that the distribution of new development within the county would reflect the spatial strategy. In particular, Policy 9 addresses the approach to development within the GB and Policy 10 sets out the hierarchical approach to development in different locations. However, neither policy is sound in its current form.
128. For the reasons indicated above, the Council has proposed the allocation of sites within the GB for the development of new waste facilities. However, the decision as to whether or not to remove these sites from within the GB lies with the particular district or borough council concerned. Of the sites proposed for allocation by Policies 11a and 11b, one is outside the GB, with the remaining five sites within the GB.
129. As part of the plan preparation process, the Council has been advised that one of the sites within the GB (on land at Lambs Business Park) will be proposed to be removed by the district council as part of its own emerging local plan. However, it is not possible to pre-empt the outcome of that process and, in any event, a similar indication has not been made in respect of the remaining sites. Moreover, whilst paragraph 5.3.3.9 of the Plan encourages the relevant district and borough planning authorities to consider making alterations to GB boundaries as local plans are reviewed, to support the development of the

allocated sites, it does no more than this. Whilst it has been suggested that this 'encouragement' should be more strongly worded, having regard to national planning policy, I disagree.

130. The question of whether or not to alter the boundary of the GB is not an issue that falls to be considered as part of the examination of this Plan, but would be a matter for the particular local planning authority concerned and, potentially, for the examination of any resulting emerging local plan. As such, I consider the wording used within the Plan in this respect to be appropriate and that further direction in this regard is unnecessary.
131. Consequently, it is necessary for Policy 9 to set out clearly the process by which proposals for waste development within the GB will be assessed. The policy clearly identifies the need for 'very special circumstances' to be demonstrated to justify the grant of planning permission for inappropriate waste management development in the GB. However, the precise wording used within the policy is not consistent with that used in the NPPF, which would result in unacceptable confusion and lack of clarity regarding interpretation and application.
132. Therefore, to be effective and to be consistent with national policy, it is necessary to amend Policy 9 to reflect accurately the policy for development within GBs, as set out within the NPPF, including in relation to harm being clearly outweighed by other considerations. I have considered whether the policy should refer explicitly to the need to consider the extent to which a site meets GB purposes. However, I am not persuaded that the absence of reference in this regard within Policy 9 would render it unsound.
133. For similar reasons to those above, it is necessary to amend Policy 9 to remove the criteria within the policy, currently listed as contributing to 'very special circumstances', and to include those factors within the supporting text in a non-exhaustive list of 'other considerations', which would need to be weighed in determining whether or not very special circumstances exist. These alterations are addressed by **MM11**.

#### *Policy 10*

134. In relation to the overall assessment of proposals, paragraph 5.3.2.2 of the Plan confirms that although the Plan allocates sites within the GB, unless those sites have subsequently been removed from the GB, their development is contingent on there not being suitable alternative sites available that are not within the GB, at the time development is proposed. As such, allocated sites within the GB would not have primacy over other potentially suitable sites outside the GB, which may come forward during the plan period.
135. I am satisfied that, given the need to control development within the GB, such an approach is justified and would provide an effective and robust control mechanism over new development. However, this approach is not accurately reflected by Policy 10. This indicates that permission would be granted to development proposals on allocated sites, which is not consistent with the approach set out in Policy 9. As such, as currently worded, Policy 10 would render the Plan internally inconsistent and would not achieve the effective implementation of its spatial strategy. In its current form, therefore, it is unsound.

136. In order to ensure that development of new waste facilities within the county is justified, to ensure the effective delivery of development, and to be consistent with national policy, with the spatial strategy and with other policies of the Plan, it is necessary to amend Policy 10 to delete the existing reference to the site allocated under Policy 11b and, in the list of preferred locations for the development of facilities, to amend the reference to sites allocated under Policy 11a to those not within the GB.
137. Furthermore, for similar reasons, it is necessary to include specific additional text in relation to the allocation of a site for the proposed development of a Household Waste Materials Recycling Facility under Policy 11b and for the sites allocated under Policy 11a within the GB, which sets out clearly when planning permission would be granted for those allocated sites.
138. In particular, it is necessary to identify clearly within Policy 10 that permission for the development of facilities under Policy 11b, and for sites allocated under Policy 11a on land within the GB, would be granted if it is shown that the need cannot be met in any of the preferred locations specified in Policy 10 and that the proposal is consistent with other policies of the Plan, including Policy 9 concerning GB. Such a revision would ensure an appropriate plan-led approach to waste development within the county. All these modifications are set out within **MM12**.
139. Overall, I find that the spatial strategy for the provision and distribution of waste management facilities is justified and consistent with national planning policy and guidance. The spatial hierarchy identified for the location of future waste management provision is appropriate, justified and clear, and the policies of the plan support this approach. Accordingly, in these respects, subject to the modifications identified, the Plan and its policies are soundly based.

**Issue 5 – Whether the Industrial Land Areas of Search (ILAS) and the allocations are soundly based and provide sufficient flexibility to meet the identified needs of the area for the management of waste**

140. Part 2 of the Plan provides details of the ILAS and site allocations, sets out the assessment work undertaken and identifies the key issues that would need to be addressed at application stage.

*ILAS*

141. In terms of the ILAS, some 22 different areas have been identified, across the 11 district and boroughs within the county. The process by which these areas were identified is set out in the ILAS Identification Report. This clearly demonstrates that the approach taken was thorough and robust and I am satisfied that it represents a justified mechanism for the identification of these areas of search that is both open and transparent.
142. These areas have already been identified as being suitable in principle for a range of industrial or storage uses, through the local plan process of the relevant local planning authority. As such, in comparison with the allocated sites, only relatively limited further assessment work was undertaken for the ILAS, such as that within the HRA referred to above.

143. Given the nature of the land potentially available within the ILAS, the Plan indicates that suitable waste management facilities are considered more likely to be small to medium in scale. Moreover, although landowner support does not currently exist for three areas (ILAS 4.5, 4.6 and 4.8), I am mindful that such positions can alter over time and, in any event, support may exist for smaller scale, specialist, uses.
144. As such, I am satisfied that the ILAS have been appropriately assessed as available, suitable and achievable. I also consider the extent of assessment undertaken in relation to the ILAS to be proportionate and sufficient, in light of their existing land use planning designations and the identified requirement for further detailed assessment at the planning application stage.
145. Part 2 of the Plan considers each area individually and identifies known environmental sensitivities including, for example, issues related to heritage, nature conservation, flood risk and air quality, as well as highlighting the potential need for further HRA at a project level. Nonetheless, for the reasons given above, modifications are required (as set out in **MM29**, **MM30** and **MM31**) to draw specific attention to the environmental context and likely sensitivity of the sites, the plan-level AA within the HRA and to include reference within each individual ILAS to indicate the likely suitability to accommodate thermal treatment, to reflect the results of the HRA.
146. In addition, the key environmental sensitivities do not currently refer to proximity to residential receptors. Whilst the ILAS are located on existing or allocated employment areas, the absence of this information would potentially jeopardise or unacceptably delay the effective search for suitable sites within these areas. Consequently, to be positively prepared, justified, to ensure the effective delivery of development and for consistency with the approach taken with site allocations, it is necessary to include this information in relation to each ILAS, as set out in **MM31**.
147. Furthermore, following the consultation responses on the proposed MM, I also consider that it is necessary, for similar reasons, for ILAS 4.20 to make specific reference to the planned new settlement of which it is part. This matter would also be addressed by **MM31**. In addition, in order for the Plan to be justified and effective, it is necessary to correct an error in the flood zone information listed in relation to ILAS 4.15, as set out in **MM32**.
148. Overall, I find that the identified ILAS are soundly based, subject to the modifications identified above. Each area is considered to be suitable for a range of different waste treatment facilities. For the above reasons and having regard to past development trends, the Council recognises that these areas are unlikely to be sufficient to meet all the identified requirement for waste management facilities.
149. Nonetheless, I find that the ILAS represent an important positive component of the Plan's provision. They will have potential to meet the need for a range of uses, including specialist facilities, and will enhance the ability of the Plan to respond flexibly to changing demands and circumstances, including market forces, over time.

*Policy 11a*

150. Detailed assessment work was undertaken for allocated sites, which followed the initial assessment against the range of criteria, as referred to above, at the site selection stage of the process, to demonstrate that the sites are available, suitable and achievable. This further assessment was undertaken in order to better understand specific constraints at each of the allocated sites and their suitability for different types of waste related development.
151. A range of detailed assessments were undertaken, including an Air Quality Impact Assessment, a Background Ecological Data Search, a Health Impact Assessment, a Landscape and Visual Sensitivity Study, a Strategic Flood Risk Assessment, a plan-level AA under the HRA, and a Transport Study.
152. In its approach to site allocations under Policy 11a and the ILAS, the Plan is consistent with national planning policy, which promotes the identification of the broad type or types of waste management facility that would be appropriately located on the allocated site or in the identified area. The assessments undertaken support this approach and have considered the potential impacts of a range of different types of waste facility. These types of facility are listed within Part 2 and defined in the Glossary to the Plan.
153. The assessments undertaken have identified specific issues at each site, which have informed the key development issues set out for each site within Part 2 of the Plan, including the type and scale of facility likely to be considered suitable.
154. **MM29** and **MM30** are required to draw attention to the environmental assessment already undertaken and the need for further assessment to support development proposals. In common with proposals within ILAS, this further assessment would include matters with potential impacts on the environment and communities, as identified by Policy 14 and required by the Council's validation checklist.
155. The Air Quality Impact Assessment (AQIA) undertaken for the plan considers possible impacts on AQMAs and indicates each allocated site is likely to be suitable for some form of waste related development in terms of air quality. The recent Blackwater Valley Air Quality Direction does not have a material impact in this regard, as it relates to the implementation of reduced speed limits (from 70mph to 50mph) on a section of the A331 Blackwater Valley Relief Road. Any vehicles transporting waste along that section of the A331 would be expected to comply with the speed limit.
156. The potential transport impacts of the development of these allocated sites will be considered further below. However, I find that the Transport Study represents a thorough and robust plan-level analysis of the potential capacity and highway management issues relating to the proposed allocations. The study supports the allocation of the sites proposed, with specific transport issues demonstrated to be reasonably likely to be addressed by identified project specific mitigation. Moreover, in terms of the potential wider impact, I am mindful that Highways England did not raise objections to the Plan and I am satisfied that the effect of its policies and proposals on the strategic road network would be acceptable.

157. I am mindful that vehicle emissions can make a material contribution to issues of air quality and pollution. However, the allocated sites are situated in different locations across the county and, in part, would seek to reduce the need for the transportation of waste for treatment outside the county. Having regard to the evidence base and the requirements of the Plan for further project level assessment in these regards, I am satisfied that the policies and proposals of the Plan will not delay compliance or contribute to any future non-compliance with the Ambient Air Quality Directive (Directive 2008/50/EC).
158. Overall, taking into account the range and extent of detailed assessment undertaken, together with the responses received, I am satisfied that the proposed allocations are justified and strongly supported by a suitably robust and thorough assessment process. Furthermore, whilst these assessments have identified key issues for the development of the allocated sites across a range of matters, which are clearly set out within Part 2 of the Plan, I am satisfied that none of these issues, either individually or collectively, indicate that the sites are unsuitable, in principle, for the development of some form of waste management facility.
159. From the evidence provided, I find that there is a reasonable prospect that the identified constraints could be addressed by the use of appropriate mitigation through design and operation processes. Moreover, the identification within the Plan of a range of different types of waste management facilities that may be suitable for these sites, coupled with the identified ILAS, ensures a flexibility of provision that will support the effective delivery of waste management facilities during the plan period.
160. There are some matters, however, that are specific to each site, which merit separate consideration below.

*Site 5.1- Land to the north east of Slyfield Industrial Estate, Moorfield Road, Guildford*

161. The site is included within the list of allocated sites under Policy 11a. However, it is clear from the evidence produced that its development is largely proposed to accommodate the relocation of existing waste management facilities, including a wastewater treatment works, to facilitate the redevelopment of that existing site, as part of a wider regeneration proposal for the area.
162. I am satisfied that the inclusion of this site under Policy 11a would be sound. It is clear that the primary intended use of the site has been taken into account in the assessment of potential land availability to meet identified requirements. Moreover, I am satisfied that its inclusion in relation to Policy 11a would not prevent its intended use from occurring. Indeed, at the time of my visit to the area, preparatory works for the development of the site were underway.
163. Furthermore, whilst I understand that the relocated waste management facilities are likely to occupy a significant part of the site, they may not require the whole site. As such, there would appear to be some prospect that the site may also be able to accommodate some other waste management facilities, which lends further support to its allocation under Policy 11a.



164. However, the current list of key development issues does not identify that the site is within reasonably close proximity to two areas of Ancient Woodland. These are important designations, which will need to be considered in relation to development proposals on the site. As such, the omission of this information could frustrate or delay the site's development. Consequently, to be effective and positively prepared, it is necessary to include reference to these areas within the key development issues for the site, as set out in **MM33**.

*Site 5.2 – Former Weylands Treatment Works, Walton-on-Thames*

165. This site is located on land adjacent to an existing industrial estate, which is situated in close proximity to residential areas. Several existing uses operate from the site, including a number of different waste management activities. Access to the site is constrained and the site and the industrial estate are served by busy local roads, some of which pass through residential areas.
166. I have no doubt that the context of the site and issues such as deliverability, traffic impacts, air quality and odour, would present challenges to its suitable development. However, having carefully considered the evidence, I am satisfied that some form of development could be achieved, provided acceptable design and operation mitigation measures were in place, supported by a robust environmental impact assessment process, where required, and effective community engagement.
167. In reaching this view, I have had regard to the planning history of the site. Whilst previous development proposals raised a number of concerns, it seems to me that none of those represented insurmountable issues that could not be overcome, given an appropriate mix, scale and type of development.
168. Moreover, the site would benefit from being improved and upgraded, which would also potentially enable greater control to be exercised over activities on the site through the planning system. In addition, the Environmental Permitting regime exists to control the detailed operation of waste management activities, to avoid harmful impacts on the environment and human health.
169. I recognise that the deliverability of the site is impacted, in part, by the confidence of the landowner in pursuing a proposal in light of its planning history. The site is also located within the GB. However, for reasons given above, I consider that the location of the site within the GB is not an overriding reason to find this allocation unsound and the allocation of the site should contribute positively towards addressing issues of confidence.
170. Nevertheless, access is a particularly important issue that will need to be addressed in the successful development of the site, both in terms of highway safety and capacity, including in relation to residual and cumulative impacts. Whilst the allocation would appropriately require a new access to the site from Lyon Road, it is also necessary to consider the wider traffic impacts.
171. This would form part of the assessment of transport issues that would need to be undertaken at the planning application stage. However, heavy goods vehicle (HGV) access to the site using local residential roads, including Rydens Road and Walton Park, should be avoided. This is not currently made clear



within the transport section of the key development issues in Part 2 of the Plan, which represents a failing of the Plan in this respect.

172. Consequently, to assist the effective delivery of the site and ensure that the Plan is positively prepared, it is necessary to draw the attention of prospective developers to the need for a HGV routing agreement that would avoid the use of local residential roads, including those referred to above. This modification is addressed by **MM34**.

*Site 5.3 – Land adjoining Leatherhead Sewage Treatment Works, Randalls Road, Leatherhead*

173. The site is located adjacent to an established materials recycling facility (MRF), community recycling centre, waste transfer station and sewage treatment works. A number of issues have been identified in relation to its potential development, including in relation to access. For reasons similar to those above, I am satisfied that these issues have the potential to be suitably addressed at the application stage of the development process, through the use of appropriate design and operational mitigation measures.

174. The access arrangements would require improvement to support the development of the site, and this is identified within the key development issues in Part 2 of the Plan. However, as currently worded, the extent of works required, which would include works to the junction of the access road with the A245 Randalls Road, is not clear. As a result, the Plan is unacceptably imprecise in this respect. To be effective and for clarity, it is necessary to include specific reference to the need for junction improvement works within this identified issue, as set out in **MM35**.

*Site 5.4 – Oakleaf Farm, Stanwell Moor*

175. The site is an operational waste recovery and recycling operation, which has been identified within the Plan as having scope for a significant increase in capacity. The site is located within 150 metres of residential properties and is in close proximity to Heathrow Airport. However, I am satisfied that potential impacts on air quality and human health are not matters that would render the allocation unacceptable and are capable of being addressed at the application stage, subject to suitable design and operational mitigation measures.
176. The potential expansion of the airport is not explicitly referred to within the Plan in relation to this site, which is an omission. Consequently, for clarity and to ensure the effective development of the site, it is necessary for Part 2 of the Plan to include reference to the potential for the site to be affected by the expansion of Heathrow Airport.
177. In addition, the indicative boundaries of the site, included within Part 2 of the Plan, do not currently identify the existing MRF or the associated bunds within the site. As a result, there is the potential for unacceptable ambiguity about the potential extent and siting of development within the site. Accordingly, for clarity, to ensure the effective development of the site and to mitigate impacts on local amenity, it is necessary for Part 2 of the Plan to refer to the need to retain the existing perimeter bunding on the site and to specify that development should take place within the bunded area. These matters would all be addressed by **MM37**.

178. Horton Road links the site to Stanwell Moor, providing a potential access route in this direction, whilst direct access is also provided to the A3044 Stanwell Moor Road, at a restricted movement junction. However, due to this context, the Transport Study recognises that unmitigated further development of the site has the potential to result in unacceptable impacts on the local highway network and local living conditions.
179. The Plan currently identifies the site as likely to be able to accommodate medium sized facility types. However, having regard to the Transport Study, the Plan also states that a larger facility may be able to be accommodated, if suitable mitigation can be implemented, to allow all movements at the Horton Road/Stanwell Moor Road junction. From the evidence provided, I am satisfied that this type of junction improvement is likely to be achievable.
180. The junction improvement is correctly identified as a key development issue for the site. However, the Plan unacceptably fails to identify that an intensification of the use of the site is likely to result in a need to improve the access to the site, to allow all movements from the junction referred to above. Moreover, having regard to the likely impact on local living conditions and the highway network, it also fails to explicitly state that all site traffic must be prevented from using the route to the site through the nearby village.
181. As a result, the identification of the transport measures likely to be required for the site are insufficiently detailed and potentially ambiguous. For clarity, to be effective and to accurately reflect the findings of the Transport Study, it is necessary to make specific reference to these requirements within the key development issues for the site. This would be addressed by **MM36**.
182. Following consultation on the proposed MM, I also consider that it is necessary to make a further change to the proposed modified wording, to correctly refer to the potential need to improve access to the site to allow all movements from the Horton Road/Stanwell Moor Road junction, as set out in **MM36**.

*Site 5.5 – Lambs Business Park, Terra Cotta Road, Tillburstow Hill Road, South Godstone*

183. The site comprises former clay pits, which are in the process of being restored. The site shares an access with the adjacent business park, which is located on the site of former brickwork buildings. An operational railway line and siding (not currently in use) exists to the north boundary of the site.
184. Currently, the key development issues fail to refer to the proximity of the site to nearby housing. This is an important consideration that will need to be taken into account in the design and operation of development proposals. As such, its omission has the potential to unacceptably affect the delivery of development on the site.
185. Therefore, to be effective, justified and positively prepared, it is necessary to include reference to sensitive receptors in the list of key development issues. Moreover, I consider that the wording of the MM should refer to housing situated alongside and in the vicinity of the access road to the site. This is addressed by **MM39**.

186. The site has been identified as having the potential for a medium to large scale development. However, currently, reference to the indicative scale refers to the need to utilise rail sidings to support a large scale facility. However, the practical development of a medium to large scale facility is not dependent on the utilisation of the rail sidings and, in any event, this matter is more appropriately considered in relation to the transport issues.
187. Consequently, for clarity and to be positively prepared, it is necessary to simplify the description of the indicative scale, as set out in **MM38**. Such a change would not increase the indicative scale from medium to large, but would enable the indicative scale of facility to be understood more clearly.
188. In conjunction with this proposed change, to ensure the Plan is effective, it is necessary to include additional text within the transport issues of Part 2 of the Plan, to reflect the findings of the Transport Study, which provides a robust and suitably proportionate assessment of the issues involved. This amended text should clarify that, as transport by road is restricted, with little opportunity to increase total HGV movements, any large-scale waste use is likely to require the reopening of the rail sidings and use of the rail network.
189. Existing text, expressing the encouragement for the use of the rail network to support sustainable transport patterns repeats similar encouragement within Policy 15 and, as such, is not necessary. However, for effectiveness and to emphasise the importance of considering rail access, further clarification is necessary regarding the likely improvements that would be required to the junction of the A22 Eastbourne Road with Tillburstow Hill Road, depending on the scale of the facility and the utilisation of rail.
190. To avoid any potential ambiguity, I consider that the junction likely to require improvement should be correctly identified within the key development issues. These changes would all be addressed by **MM39**.
191. I am satisfied that there is a reasonable prospect that these issues can be overcome and that the allocation, with the modifications identified, is sound. However, I also recognise that the landowner of the site has carried out further assessment and considers that these matters could be addressed without the need to reopen the rail sidings or utilise the adjacent railway line, particularly given the transport mitigation works likely to be associated with the nearby garden village allocation being proposed within the emerging Tandridge local plan for the area.
192. I am mindful that the allocation within this Plan will identify a use for the site, rather than a particular development proposal. Whilst an assessment of the transport impacts of a specific proposal on this site will be necessary, this would be undertaken as part of the assessment process for an application for planning permission. Moreover, the garden village allocation is being considered as part of a separate local plan examination, which is not before me. Even if it is found sound, I am also mindful that such a development would be very likely to have a long lead in time. As such, even if it does take place, it would not be appropriate for an allocation in this Plan to rely on this neighbouring development to obviate the need for potential traffic mitigation measures to support the development of this site for waste management facilities.

193. As such, I consider the approach taken within the Plan has been robustly justified and will positively support the effective delivery of development on the site, subject to the modifications indicated.

*Policy 11b*

*Site 5.6 – Land adjacent to Trumps Farm, Kitsmead Lane, Longcross*

194. The site is within the GB and, as such, having regard to the requirements of the Plan's policies, a case for the need for its development, including the scale of facility proposed, will need to be made at the application stage of the process. Notwithstanding this requirement, I am satisfied that sufficient justification exists for the allocation of the site as proposed to meet the identified needs for a DMR facility in this location.
195. An initial assessment was undertaken for the potential allocations, against the range of criteria at the site selection stage of the process, to demonstrate that the sites are available, suitable and deliverable. In addition, a range of detailed assessments were undertaken for the proposed allocations, as described above. The assessment process for a specific allocation for a DMR in this location followed the approach taken in respect of the other allocated sites.
196. Reference is made within paragraph 5.3.4.10 of Part 1 of the Plan to the potential capacity of the site. However, currently a footnote indicates the capacity figure is subject to adequate mitigation following the outcome of the SIER. This is likely to cause confusion as, in common with other allocated sites, the indicative scale of the facility, site characteristics and key development issues, including mitigation requirements, are set out within Part 2 of the Plan. Consequently, to be effective, it is necessary to amend the footnote to refer to the mitigation identified within Part 2 of the Plan, in accordance with **MM13**.
197. A number of key development issues have been identified in relation to the site and several concerns have been expressed regarding these potential constraints. However, whilst these issues will need to be addressed at an application stage, I am satisfied that the development of the site for a waste management facility of the overall scale proposed would be feasible, subject to satisfactory design and operation mitigation measures.
198. In particular, I am satisfied that the development of the site as proposed would not have an unacceptable impact on the highway network, including the strategic road network, either individually or cumulatively. Concerns in this respect were not raised by Highways England or the highway authority. I am mindful that the traffic likely to be generated by the development of the site will, in part, be displaced from existing traffic movements and, in any event, a significant proportion is likely to occur outside peak hours. Moreover, the scale of traffic generated is very likely to be materially less than that typically associated with other forms of development.
199. It has been suggested that Policy 11b should be amended, to prevent development from taking place until proposed improvements to the strategic highway network have been undertaken, particularly works to the A320, or to require the development of this site to contribute financially to those

improvements. However, the allocation makes provision for strategic waste infrastructure and, for the reasons above, I am not satisfied that the evidence before me demonstrates that such a change to Policy 11b would be necessary, or that the policy in its current form would be unsound in this regard.

200. Moreover, I am also mindful that this is a matter that would be considered specifically as part of a transport assessment to support the development of a particular facility and could be adequately addressed, if necessary, at the planning application stage. Currently, it appears likely that improvements will be required to nearby road junctions to support the development of a small to medium sized facility, as identified in the Transport Study. From the evidence provided, I consider that there is a reasonable prospect that such improvements are likely to be achievable.
201. In reaching this view, I am mindful of the proposed allocation for the development of Longcross Village, as part of the emerging Runnymede local plan. However, in this respect and in relation to other potential impacts, I consider that the requirements of Policy 14 and other policies of the Plan, together with the relevant policies of other parts of the development plan, would provide sufficient safeguards to protect the living and working conditions of existing and potential future occupiers in the vicinity of the site.
202. Concerns were also expressed at the potential impact of the development of the site on environmental considerations including, in particular, ancient woodland. The NPPF, in paragraph 175, seeks to avoid the loss or deterioration of irreplaceable habitats, such as ancient woodland. Two areas of ancient woodland exist on the allocation site, together with trees and areas of priority habitat across other parts of the site.
203. The potential loss of some trees on the site and some areas of priority habitat as a result of the development of a DRM facility on the site would seem likely. However, details provided as part of the Examination process, have demonstrated that a facility of the scale proposed could potentially be accommodated within the site, without the loss of ancient woodland and with potential to achieve biodiversity net gain.
204. As such and having regard to the requirements of Policies 13 and 14, I consider that some form of development of the scale proposed is reasonably likely to be achievable, subject to the necessary detailed assessment and mitigation through the design process, which may include compensatory planting and habitat creation.
205. The existence of the ancient woodland is correctly identified as a development issue for the site within Part 2 of the Plan. However, the site is also located some 200 metres from an area of Suitable Alternative Natural Greenspace (SANG) that forms part of the mitigation package for the Thames Basin Heath Special Protection Area for the proposed Longcross Village. Reference to this area of SANG has not been included within the key development issues for the site. As it is a consideration that should be taken into account in relation to development proposals, this is an omission. For effectiveness, it is necessary to include reference to this area of SANG within the key development issues, as set out in **MM40**.

*Policy 12*

206. The evidence provided, including the WNA, demonstrates that it is not considered necessary to make strategic provision for wastewater facilities within the Plan. As referred to above, Site 5.1 allocated under Policy 11a includes an area that has been identified for development of a new wastewater treatment works, as part of a wider regeneration project. Should the need for the development of further sites be identified in the future, Policy 12 provides sufficient flexibility to respond to such needs.
207. Policy 12 also refers to the potential generation of biogas from wastewater facilities. Controls over such activity exist through other mechanisms, such as environmental permits, and potential impacts on the environment and communities would be addressed by Policy 14 of the Plan. Nonetheless, currently Policy 12 is unacceptably imprecise and provides a lack of clarity about the circumstances in which the potential use of biogas as an energy source would be expected.
208. To ensure the policy and supporting text are clear, justified and effective, it is necessary to amend the policy wording and include additional supporting text concerning the production and use of biogas, as well as the potential need for an environmental permit. This is addressed by **MM14**.
209. Overall, therefore, for these reasons and subject to the modifications identified, I consider that the ILAS and the allocations are soundly based and will provide sufficient flexibility to meet the identified needs of the area for the management of waste.

**Issue 6 – Whether sufficient opportunities are provided to protect and enhance the natural, built and historic environment and minimise any adverse impact of waste development on communities**

*Policy 13*

210. Policy 13 concerns the design of new development and seeks to ensure that the production of waste is minimised and that consideration is given to the use of recycled or reused construction materials. As such, together with Policy 4, it highlights the opportunities for waste prevention through the lifecycle of a development and represents a clear approach to the promotion and delivery of waste minimisation.
211. Nonetheless, in relation to the sustainable design of new development, Policy 13 does not make sufficient reference to the achievement of net gains in biodiversity or the creation of green infrastructure. However, confusingly, reference is made to these issues in relation to Policy 14. This results in a lack of clarity and focus, which risks potentially undermining the Plan's aims in these respects.
212. Therefore, to ensure the interpretation of Policy 13 is clear and effective, it is necessary to delete and redraft supporting text from Policy 14 in relation to these issues, relocate this to support Policy 13 and to ensure that specific reference is made to the need to prepare a Landscape and Ecology Management Plan to support specified significant developments.



213. I consider that it is also necessary to include reference to the relevant AONB Management Plan, to ensure that these are also taken into account, if appropriate. These proposed changes are set out in **MM16**.

*Policy 14*

214. Policy 14 would require individual proposals to demonstrate that the scheme would not have a significant adverse effect on communities and the environment, including impacts on noise, transport, habitats, air quality and Air Quality Management Areas (AQMAs). The Council's validation checklist would ensure that such matters are addressed in application submissions.

215. This appears to me to be a robust and appropriate way of ensuring that such matters are fully assessed, particularly as I understand that the validation checklist is reviewed and updated as required every two years. Whilst the need for such assessments is unlikely to change during the plan period, the considerations involved and the methodology used may alter. Consequently, this mechanism will ensure that such assessments are undertaken using up-to-date methodology and in light of current considerations at the time.

216. Currently, however, insufficient reference is made to the validation checklist within the Plan. Given its importance to ensuring that the necessary assessments in relation to Policy 14, and other policies, are undertaken as required, this is an omission that could unacceptably delay the consideration of development proposals and undermine the Plan's effectiveness.

217. Accordingly, to ensure that Policy 14 is clear and effective, and potential developers have a positive indication of how the Council is likely to react to a submitted application, it is necessary to introduce further supporting text to Policy 14, to refer to the Council's local list for validation of planning applications and the national PPG. This is addressed by **MM17**.

218. Most waste related development will fall within the scope of the Environmental Impact Assessment (EIA) Regulations. Whilst the Plan refers to the screening process, it does not specifically make reference to the potential for the scope of the information to be provided to be agreed with the Council under the Regulations.

219. For similar reasons to those above, it is necessary for additional supporting text to be included, as set out in **MM17**, to make specific reference to the scoping process under the EIA Regulations and to the further guidance available about that process within the national PPG and the Council's local list for the validation of planning applications.

220. Policy 14 is currently titled 'Development Management'. However, this does not fully reflect the scope or purpose of the policy. Therefore, for clarity, it is necessary to amend the title of the policy to 'Protecting Communities and the Environment'.

221. Currently, the policy wording specifies that significant adverse impacts should be avoided on a range of matters, both in relation to the community and the environment. However, whilst the intention behind this is clear, the particular wording used does not reflect the requirements of national planning policy, as set out in the NPPF, and legislation, including in relation to the various



statutory duties required of a decision maker. This would result in unacceptable tension between the Plan's policy requirements and those of national policy and legislation, which would potentially significantly undermine the effective implementation of the Plan.

222. Accordingly, to address these issues, for effectiveness and consistency with national policy, it is necessary to amend the wording within Policy 14, to refer to a need for proposals to be consistent with the relevant national policy for key environmental assets, such as that for AONBs and European sites. It is also necessary to expand the list of those potentially affected by including reference to all the relevant AONBs, and to the potential for impacts to occur to important ecological sites and nationally important heritage assets located outside the county.
223. In addition, for similar reasons, it is necessary to amend the wording in the second part of the policy, relating to the environment and communities, to refer to unacceptable impacts, with an explanation that the term unacceptable should be interpreted in accordance with current national and local planning policy and guidance. To enable the policy to be clearly understood, it is necessary to include additional text in relation to several of the criteria and, for accuracy, to refer to the proposed development, rather than the proposed application. All of these matters are addressed by **MM23**.
224. As drafted, Policy 14 appropriately includes reference to dust and vibration in its consideration of potential impacts. However, no reference is made to these matters in the supporting text, which is an unacceptable omission. For clarity and to ensure the effectiveness of the policy, it is necessary to include additional text providing guidance in these respects, as set out in **MM18**.
225. Similarly, the reference to open space within the supporting text does not include reference to SANGs. This is an important resource, which should be taken into account in assessing the impacts of a proposal and should be referred to as a key development issue in respect of the allocated site under Policy 11b. Consequently, for effectiveness, specific reference to SANGs should be included within the supporting text to Policy 14, as addressed by **MM21**.
226. Policy 14 also considers flood risk. However, as currently worded, the explanatory text is not consistent with national policy and is lacking in clarity which, for similar reasons to those above, is unacceptable. Consequently, to ensure consistency with national policy, it is necessary to amend the wording to refer to proposed development within areas at risk of flooding and to refer to the sequential test carried out as part of the Strategic Flood Risk Assessment. For clarity, it is also necessary to include an explanation of the purpose of holding early discussions with the Lead Local Flood Authority, if development is proposed on land at substantial risk of flooding from surface water or groundwater. These matters are addressed in **MM19**.
227. As referred to above, for clarity and effectiveness, it is necessary to move and cross reference the supporting text to Policy 14 referring to net gains in biodiversity, and Landscape and Ecology Management Plans, to supporting text in relation to Policy 13, as set out in **MM16** and **MM20**.

228. In addition, as currently worded, the remaining supporting text relating to biodiversity is ambiguous and not consistent with national policy, as it does not set out sufficiently clearly the approach to be taken to mitigation and compensation. Consequently, for clarity and consistency, the wording of this part of the supporting text should be amended to set out clearly the approach required. This is also included in **MM20**.

229. In addressing the need for proposals to demonstrate that they would not have an unacceptable impact, Policy 14 also requires the potential effect on aerodromes and air traffic to be considered. However, currently, the wording of the supporting text is not consistent with that used within the policy, so potentially undermining its effectiveness. Therefore, to be consistent with the requirements of Policy 14 and to be clear and effective with regards to aerodrome safeguarding, it is necessary to include additional wording within the supporting text, concerning building heights and potential interference to radio signals. This is addressed by **MM22**.

230. Accordingly, for the above reasons and subject to the necessary modifications identified, I find that the Plan and its policies satisfactorily provide sufficient opportunities to protect and enhance the natural, built and historic environment and to minimise the adverse impact of waste development on communities.

**Issue 7 – Whether the policies and proposals of the Plan demonstrate that options for sustainable transport are supported and waste movement by road will be minimised as far as practicable**

*Policy 15*

231. The Plan identifies that impacts from HGV movements and on congestion are key areas of concern for local communities, including in relation to ease of transport and air quality. As such, it indicates that preferable locations for waste facilities are those on or close to the strategic road network.

232. As referred to above, the location and distribution of development was considered as part of the spatial strategy for the Plan, as well as in relation to the identification and evaluation of the allocated sites. It is clear that, in considering these issues, the Council has sought to minimise waste movement by road, where possible, and the options for transport by means other than road have been fully explored. A clear requirement to evaluate the use of rail and water for the transportation of materials to and from sites is specifically included within Policy 15.

233. The Transport Study for the Plan assesses the suitability of the allocated sites for waste related development in terms of potential traffic impacts, including in relation to the suitability of the access to each site and traffic flows in the vicinity. I find that the level of assessment undertaken within the Study is proportionate and at an appropriate level of detail for the plan making stage of the development process.

234. The Plan has included specific issues identified by the Transport Study within the key development issues for allocated sites. As considered above, I am satisfied that there is a reasonable prospect that the necessary improvements to the highway will be delivered in support of the allocations.

235. The Transport Study also indicates where cumulative impacts from proposed waste development and other development proposed nearby could arise. However, given the relative uncertainty about the type and scale of development that could come forward at each site, full assessment of these issues at the plan making stage is difficult.
236. Accordingly, Policies 14 and 15 will ensure that the transport impacts of a proposal are fully considered at the project stage, including the potential for cumulative impacts on the strategic road network. As referred to above, the implementation of these policies will be supported by the Council's local list for validation, which will ensure that the information required to assess the potential impacts of a proposal on transport and the highway network forms part of the application submission. The local list also contains specific detail of when a construction traffic management plan, traffic statement or transport assessment will be required, and why, and gives details of the required content of these documents, as well as associated guidance.
237. Where the need for road transport has been demonstrated, Policy 15 seeks to ensure, amongst other matters, that the distance and number of vehicle movements associated with the development are minimised and satisfactory provision is made for the parking, manoeuvring and servicing of vehicles on site. Policy 15 also requires the development to ensure that low or zero emission vehicles, under the control of the site operator, are used, together with fuels from renewable sources, where practicable.
238. The policy also refers to impacts on the road network and highway safety. However, the wording within the policy in these respects does not reflect that in paragraph 109 of the NPPF. This tension could cause confusion and unacceptably delay the effective development of waste facilities. Accordingly, to be consistent with national planning policy, it is necessary to amend the wording used within clauses (v) and (vi) of Policy 15 to reflect that used in the NPPF, as set out in **MM25**.
239. Therefore, for these reasons and subject to this modification, I find that policies and proposals of the Plan demonstrate that options for sustainable transport are supported and waste movement by road will be minimised as far as practicable.

## **Issue 8 – Whether the provisions for community engagement, delivery and monitoring are effective and adequately identify triggers for review**

### *Policy 16*

240. Policy 16 encourages applicants to undertake suitable proportionate steps to engage with local communities and to ensure that their comments are taken into account. The explanatory text provides details of the Council's Statement of Community Involvement (SCI) and of the information required in support of an application, to explain how pre-application engagement has been addressed.
241. Reference is also made to the potential establishment of liaison groups for larger waste developments and, more generally, to the requirements of the Council's validation checklist. As such, I consider that this matter is

adequately addressed within the Plan and these provisions are clearly supported by the Council's SCI and validation checklist.

### *Delivery*

242. For the reasons given and subject to the modifications identified, I have found above that the policies and proposals of the Plan are effective and will enable the delivery of waste management facilities within the county to meet the identified requirements. The Council's local list for validation will be a key element in ensuring the effective delivery of these policies and proposals, whilst ensuring that the environment and local communities are protected.
243. In addition, the SOCG and SEWPAG documents clearly demonstrate the Council's commitment to on-going and collaborative joint-working with other organisations. The Council's membership of SEWPAG also demonstrates its commitment to working with other organisations to co-ordinate strategic capacity provision across the South East of England.
244. The Plan includes an indicative delivery trajectory that clearly indicates when increased capacity for different types of waste management is anticipated to be required during the plan period. Policy 1 will prioritise the development of facilities towards the top of the waste hierarchy. However, most of the allocated sites are located within the GB and are considered to be a 'safety net' in terms of capacity provision. Taking this into account, together with the nature of the development proposed, I consider that it is not possible, nor would it be appropriate, to include a detailed delivery trajectory within the Plan.
245. The Plan has identified a need for additional capacity over the plan period and makes provision for this to be met by safeguarding existing capacity, enabling appropriate extensions and improvements to existing facilities, and by the development of new facilities in suitable locations. Moreover, the area of land included within the allocated sites amounts to some 19ha against an identified need of approximately 6ha. In addition, further land has been identified within the ILAS.
246. As such, I am satisfied that the policies and proposals of the Plan represent an effective mechanism for the delivery of development, which will be sufficiently flexible to respond to possible changes in circumstance, including market requirements, over the plan period.

### *Monitoring*

247. Monitoring of the delivery of waste management provision is proposed to take place in line with the requirements identified in the PPG, including through the Council's Annual Monitoring Report (AMR), which will provide data to enable any capacity gaps to be identified. The provision of additional capacity will be monitored against the identified requirements in the AMR. The AMR will also take into account any revised predictions of future waste arisings and the level of existing capacity. As such, should requirements or anticipated provision change significantly, the monitoring would enable a review of the Plan to be triggered.

248. Each policy within the Plan contains a measure or indicator, identifies a data source, key organisations that will be involved in the monitoring, sets targets and identifies a trigger for review. However, as currently worded, some of the identified monitoring triggers are unacceptably ambiguous and imprecise, which would unacceptably undermine the ability to monitor robustly the implementation of the Plan.
249. Consequently, for clarity and effectiveness, it is necessary to specify the number of planning applications that would activate the trigger for Policy 13, to refer to urban sources, the strategic road network and rail/water in the trigger for Policy 15, to specify the number of applications not submitted with a SCI within a specific period for Policy 16 and, in respect of Policy 14, to include an Appendix that sets out clearly the relevant indicators and triggers for each aspect of the policy. These necessary modifications would be addressed by **MM15**, **MM24**, **MM26**, **MM27** and **MM28**.
250. Consequently, for these reasons and subject to the modifications identified, I find that the provisions for community engagement, delivery and monitoring are effective and adequately identify triggers for review.

## Assessment of Legal Compliance

251. My examination of the legal compliance of the Plan is summarised below.
252. The Surrey Waste Local Plan has been prepared in accordance with the Council's Minerals and Waste Development Scheme, adopted December 2018.
253. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (2015).
254. Sustainability Appraisal has been carried out as set out within the *Environmental and Sustainability Report* and is adequate.
255. The Habitats Regulations Assessment Report (January 2019) sets out that a full assessment has been undertaken and that the plan may have some negative impacts which require mitigation, particularly in relation to thermal treatment facilities. Mitigation is secured within the Plan, by Policy 14 and Part 2 of the Plan.
256. The Plan includes policies designed to secure that waste-related development and the use of land in the waste planning authority's area contribute to the mitigation of, and adaptation to, climate change. The Plan as a whole achieves this requirement, with Policies 13 and 15 of particular relevance in this regard, together with Policy 1 and the spatial strategy.
257. The Surrey Waste Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
258. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This includes my consideration of several matters during the examination, including the provision of waste management facilities within new development. Having regard to the evidence base and consultation responses, including the EqIA, I consider that the Plan is likely to have

generally positive or neutral impacts on persons with a protected characteristic. Given the aims of the Plan and its policies, including the provision of adequate capacity to meet identified waste management requirements, whilst protecting communities and the environment, I consider that the Plan will help to eliminate discrimination and inequality, and foster good community relations.

## Overall Conclusion and Recommendation

259. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
260. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Surrey Waste Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Anne Napier*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.