

## **Response and Recovery Committee**

25 June 2020

### **Draft South London Waste Plan 2021-2036**

Executive Director, Place

Relevant Portfolio Holder: Councillor Rebekah Moll, Planning Policy & Economic Development Portfolio

#### **Purpose**

To inform members of the preparation of the South London Waste Plan document which has been prepared jointly with the London Boroughs of Croydon, Merton and Sutton and to seek approval to carry out a statutory public consultation on the joint document and to submit the document to the Secretary .

#### **Recommendation**

To **resolve** that -

1. The Draft South London Waste Plan and associated documents are recommended for approval at Full Council as Council documents for a Regulation 19 consultation.
2. The Draft South London Waste Plan and associated documents are recommended for approval at Full Council for submission to the Secretary of State for Housing, Communities and Local Government, subject to no substantial modifications being required as a result of the consideration of the representations received.
3. Any minor changes arising during or subsequent to the Examination-in-Public be delegated to the relevant Portfolio Holders in conjunction with the Assistant Director for Strategic Planning and Infrastructure.

#### **Benefits to the Community:**

The sustainable management of waste will bring social, economic and environmental benefits to members of the local community and businesses and helps towards the reduction of impacts of climate change through the appropriate location of waste facilities and treatment of waste generated during the plan period 2021-2036. Continual engagement with the community and businesses on this Draft South London Waste Plan document will help to shape the document.

#### **Key Points**

- A. In 2012, the Royal Borough of Kingston, together with the three London boroughs of Croydon, Merton and Sutton, adopted the South London Waste Plan (Development Plan Document) 2011-2021 which allocated sites, created planning policies and designated areas for waste management development. The plan also safeguarded existing waste sites and identified areas which may be suitable for waste use. The plan period is coming to an end and so it is necessary to prepare a new one.

- B. The four south London Councils of Croydon, Merton, Kingston and Sutton have agreed to prepare a new South London Waste Plan to cover the period from 2021 to 2036.
- C. The new plan has identified sufficient capacity within the plan area to exceed the apportionment set out in the London Plan.
- D. The only change to designated waste sites in the Royal Borough of Kingston is the removal of the Chessington Industrial Area and the addition of the Genuine Solutions Group site on Hook Rise South. No new waste sites are being proposed. The existing waste sites are being safeguarded and intensified where appropriate.
- E. The Planning and Compulsory Purchase Act 2004 requires local planning authorities to engage and involve the local community and other interested parties in the area in the production of Development Plan Documents, including Waste Plans.
- F. A Regulation 18 consultation was carried out between October and December 2019. A Statement of Consultation with a summary of responses received can be found in Appendix C.
- G. Once approved and placed on public consultation, members of the public will be able to view and understand how waste will be managed in the borough during the plan period 2021 to 2036 and be able to make their views known to the Council.
- H. The Regulation 19 consultation will be carried out for a period of at least six weeks following approval by Full Council at the respective four south London Councils of Croydon, Merton, Kingston and Sutton.

## **Context**

1. In 2012, LB Sutton, LB Croydon, RB Kingston and LB Merton adopted the South London Waste Plan (Development Plan Document) 2011-2021 to provide policies for deciding planning applications for waste use. The plan also safeguarded existing waste sites and identified areas which may be suitable for waste use. As the South London Waste Plan document was still in force during the Local Plan review, the Council continued to rely on those policies rather than include them within Sutton's Local Plan. Now the plan period for the South London Waste Plan is coming to an end, it is necessary to prepare a new plan to cover the period from 2021 to 2036.
2. It was agreed that the same four boroughs would collaborate on a new South London Waste Plan for the following reasons:
  - Without waste policies, all four Councils would be unable to refuse inappropriate applications for waste treatment. Neither the adopted Local Plans for Sutton or Croydon have waste policies nor do the emerging Local Plans for Kingston and Merton.
  - It is a specialised area of planning that has specific policy requirements.
  - Waste treatment is best considered in a regional context, with a number of waste operators transferring between sites in Sutton, Croydon and Merton over the past ten years.
  - All London boroughs have a statutory duty to prepare a waste Local Development Plan in line with Article 28 of the Waste Framework Directive (2008). Paragraph 3 of the National Planning Policy for Waste (October

2014) also requires waste planning authorities to plan to meet their identified waste and advises collaborative working. The Intend to Publish London Plan Policy SI8 (December 2019) also sets targets for boroughs to meet in terms of waste management.

3. The Partner Boroughs' London Plan 2036 waste management target is 13% above the waste they produce so they are already more than playing their part in meeting Greater London's waste.
4. The Development Management policies within the current South London Waste Plan will largely be rolled forward. There will, of course, be some minor amendments to improve a few aspects of the policies and to bring them up-to-date with current national and regional guidance.
5. The new South London Waste Plan will contribute towards meeting Outcome 1 of the Council's Corporate Plan 2019, i.e. A sustainable approach to new homes, development and infrastructure which benefits our communities, in a well maintained borough.

### **Relationship with the South London Waste Partnership**

6. It is important to note that the current and future South London Waste Plan is separate from the South London Waste Partnership, which provides waste management services to the residents of the borough. The South London Waste Plan deals with all types of waste, not just local authority collected waste, and, in terms of the plan, the South London Waste Partnership is treated like any other waste operator within the four boroughs.

### **South London Waste Plan Issues and Preferred Options Document and Consultation**

7. Between 31 October and 22 December 2019, the four Councils consulted on an Issues and Preferred Options document. The document proposed eight draft planning policies and identified 46 existing waste sites across the four boroughs for safeguarding for waste treatment uses over the plan period to 2036. The document identified that all targets could be met to manage waste from the four boroughs with the principal headline to propose no new waste sites, although a replacement site for an existing site would be considered.
8. The consultation was undertaken in line with the Statement of Community Involvement standards for consulting on planning policy documents. All 'specific' and 'general' consultation bodies on the council's Strategic Planning database were informed, with documents made available online, on the council's online consultation portal, and publicity via social media.
9. The consultation closed with 78 individual representors making 1,155 representations across the four boroughs. A summary of the responses are set out in Table 1.

Table 1: Summary of Representations from the Issues and Preferred Options Consultation

Representor	Comment	Officers' Comment and Actions
<b>The Mayor of London</b>	<ul style="list-style-type: none"> <li>● Councils must remove their no new sites policies because it does not allow better waste management (reuse is preferred to recycling is preferred to other waste management) or new technologies coming forward.</li> <li>● Waste sites which are not required by the boroughs should be offered to other London boroughs.</li> <li>● No contingencies for plan not delivering</li> </ul>	<ul style="list-style-type: none"> <li>● Officers intend to keep to the 'no new sites policy' because the councils can meet their waste targets through existing sites only and there is great demand for land from non-waste industrial uses, which the Councils must also meet.</li> <li>● The Councils' targets are already 13% above the waste the Councils produce so the Councils are already more than playing their part in meeting Greater London's waste needs.</li> <li>● A contingencies plan is accepted.</li> </ul> <p><i>See 'Risks' below.</i></p>
<b>Councils outside London (notably Kent, Surrey, Essex and Northants)</b>	<ul style="list-style-type: none"> <li>● The Councils have not dealt with the exportation of waste to the South East, particularly Construction, Demolition and Excavation Waste.</li> <li>● The plan was too restrictive and the Councils would not meet their targets.</li> </ul>	<ul style="list-style-type: none"> <li>● Officers have some sympathy with this position as the South East councils have received London's waste for many decades. However, this is not the case for south London now.</li> <li>● The South London Waste Plan area can meet its waste targets without the need for new waste sites.</li> </ul> <p><i>See 'Risks' below.</i></p>
<b>Transport for London</b>	Additions and clarifications	Accepted
<b>Environment Agency</b>	Additions and clarifications	Accepted
<b>National Grid</b>	Additions and clarifications	Accepted
<b>Historic England</b>	Additions and clarifications	Accepted
<b>NHS England</b>	Request for additional clinical waste facilities	Unable to obtain further details. <i>See 'Risks' below.</i>
<b>Metropolitan Police Service</b>	Additions and clarifications	Accepted
<b>Thames Water</b>	Support	Accepted

<b>Viridor</b>	Request for sufficient outdoor operating space	Officers had carried forward the safeguarded site from the previous South London Waste Plan. However, following the representation, officers re-examined the Beddington Farmlands Restoration Plan and reduced the area to be safeguarded for the Beddington Farmlands Energy Recovery Facility.
<b>SUEZ</b>	Request for 'Agent of Change' policy (ie: new development must mitigate effects from established uses)	Accepted
<b>Veolia</b>	Request for 'Agent of Change' policy (ie: new development must mitigate effects from established uses)	Accepted
<b>Days Aggregates</b>	Request for greater flexibility and correction that the site managed 168,000 tonnes per annum of Construction and Demolition waste	Accepted. This representation meant the shortfall for Construction and Demolition Waste target has been eliminated.
<b>Poppymill Ltd</b>	Delete the Chessington Equestrian Centre site as it is temporary use	Accepted
<b>Curley Skip Hire</b>	Delete the Curley Skip Hire site because it is adjacent to residential uses	Accepted
<b>Wandle Valley Forum</b>	Additions and clarifications	Accepted
<b>Residents</b>	Mixed opinions with a number of residents supporting the plan or element of it and some not. The principal objections were: (i) insufficient emphasis on waste reduction (ii) the safeguarding of Beddington ERF (iii) traffic generation on Beddington Lane (iv) insufficient air quality monitoring (v) cost of producing the plan	(i) the London Plan targets include a 5% waste reduction within thm (ii) the site has planning permission. The plan expires in 2036 and the contract is until 2037 (iii) the Council is proposing to undertake works to improve the environment of Beddington Lane (iv) there are two air quality monitors on Beddington Lane and one in Hackbridge (v) the plan is expected to be cost-neutral to the councils as it is being funding by a Government grant

## Changes incorporated into the Plan

10. The Issues and Preferred Options South London Waste Plan document has now been revised to become the Draft South London Waste Plan (see Appendix A). The key changes are:
- Key Issue 3 - Scarcity of Land has been updated to reflect the fact that the London Plan housing targets have been reduced and to provide more statistics on the demand for industrial land from non-waste industrial uses.
  - The Vision and Objectives have been amended because they did not quite reflect the policies.
  - Policy WP2 (Strategic Approach to Other Forms of Waste) has been amended to reflect the move from a shortfall in Construction and Demolition Waste to a small surplus in terms of meeting the target. In addition, the position regarding Excavation Waste has been clarified to reflect the concerns of South East councils.
  - Policy WP6 (Sustainable Construction of Waste Facilities) has been amended so that the sustainability credentials can be measured against one and/or two sustainability metrics.
  - Policy WP8 (New Development Affecting Existing Sites) is a new policy to reflect the requests from SUEZ and Veolia (see above). It sets out the principle of new development in the vicinity of a potential bad-neighbour established use needing to take mitigation measures rather than the established use. This principle is also part of national and regional planning policy.
  - Policy WP10 (Monitoring and Contingencies) is a new policy to meet statutory requirements for monitoring and the Mayor of London's request for contingencies.
  - Site C2 (Croydon Car Spares, Croydon) has been deleted because it is closed, it only contributed a very small amount to meeting the targets and was located adjacent to two residential properties.
  - Site C3 (Curley Skip Hire, Croydon) has been deleted because it did not contribute to the targets and is adjacent to existing and proposed residential uses.
  - Site C5 (Factory Lane Waste Transfer Station) has been divided into three: C5A (Factory Lane Waste Transfer Station), C5B (Factory Lane Reuse and Recycling Centre) and C13 (Solo Wood Recycling) at the request of the site operators/owners.
  - Site K1 (Chessington Equestrian Centre) has been deleted because it is a temporary site which is closing soon.
  - Changes to the safeguarded sites in Sutton comprise boundary changes, references to overhead power lines and references to the need of a transport assessment including cumulative impacts.
  - Appendix 1 is new and is a table of indicators for monitoring the policies.

- Appendix 2 has been revised to show new waste throughput figures and to reflect the latest information from site owners as to which sites may be intensified.

## Options Considered

- **Option 1 - Abandon the Waste Plan:**  
This would leave the councils with no planning scope to refuse inappropriate waste treatment planning applications or negotiate amendments to inappropriate waste treatment planning applications and pre-application.
- **Option 2 - Accept all representations and produce a draft plan accordingly:**  
This would mean that the councils would have very limited scope to refuse inappropriate waste treatment planning applications. It could also lead to a situation where unnecessary waste operations occupy industrial land required by non-waste industrial uses, which have an identified need
- **Option 3 - Accept the representations which enhance the councils' overall strategy and produce a draft plan accordingly (recommended option):**  
This gives the councils the necessary planning scope to approve appropriate waste treatment planning applications and refuse those that are inappropriate.

## Timescales

11. The publication on the Draft South London Waste Plan will take place when it is considered appropriate and the engagement process will be carried out in accordance with the council's Statement of Community Involvement 2020.
12. Following the publication, there are a number of procedural steps that must be followed before the plan can be adopted and these are set out in Table 2.

*Table 2: Steps to Adoption*

Steps	Timescale (approximate)
<b>Draft South London Waste Plan Published and Representations Sought</b>	0 weeks
<b>End of Representations Period</b>	+7 weeks
<b>Consideration of Representations</b>	+10 weeks
<b>Submission to the Secretary of State</b>	+10 weeks
<b>Appointment of Planning Inspector</b>	+12 weeks
<b>Start of Hearings for the Examination-in-Public</b>	+20 weeks
<b>End of Hearings for the Examination-in-Public</b>	+22 weeks
<b>Main Modifications (arising from the Examination-in-Public)</b> <i>Consultation Note: This stage may not be required</i>	+26 weeks
<b>Issuing of the Inspector's Report</b>	+34 weeks
<b>Recommendation for Adoption by the HEB Committee</b>	+40 weeks
<b>Adoption at Full Council</b>	+44 weeks

## **Financial Implications**

13. In 2018, the four boroughs successfully bid for £136,594 from the Ministry of Housing, Communities and Local Government's Planning Delivery Fund for joint working to produce a new South London Waste Plan. This was supposed to be the first tranche of the Planning Delivery Fund but the fund has since been discontinued. Officers will produce the plan within the existing grant award remaining of £102,788, which is held by the London Borough of Sutton and is shared across the four partner boroughs.

## **Legal Implications**

14. As waste planning authorities, all four of the boroughs have a statutory duty to prepare a waste Local Development Plan in line with Article 28 of the Waste Framework Directive (2008). The Draft South London Waste Plan has been produced according to the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations (SI 2012/767).
15. The requirement to send the Draft South London Waste Plan to Full Council for approval to submit to the Secretary of State arises from Regulation 3 of the Local Authorities (Committee System) (England) Regulations (SI 2012/1020).
16. The Secretary of State has the power under Section 21 of the Planning and Compulsory Purchase Act 2004 (as amended) to intervene and call in the draft plan for approval or modification.
17. As the South London Waste Plan is a Development Plan Document, the representations procedure is governed by statutory requirements and, for the final South London Waste Plan to be legally compliant, the publication and seeking of representations must conform with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (SI 2012/767). Any objections to the draft plan must be made with reference to the Test of Soundness for Development Plan Documents, set out in Paragraph 35 of the National Planning Policy Framework.

## **Risk Assessment**

### Conformity with the London Plan

18. Section 19 of the Planning and Compulsory Purchase Act (2004, as amended) requires Development Plan Documents to be in "general conformity" with the London Plan. The Mayor of London wrote to the councils stating that in some respects the plan is not in conformity. The councils consider that the plan is in general conformity. It will be for the Planning Inspector at the Examination-in-Public to make the judgement on whether the plan is in general conformity with the London Plan.

### Objections from councils in the South East

19. Section 33A of the Planning and Compulsory Act (2004, as amended) requires the councils to cooperate with other local authorities where there are significant strategic, cross-boundary issues. Waste is defined as a strategic issue and the movement of waste is a cross-boundary issue. Therefore, the councils need to

come to an understanding with the South East authorities over the movement of waste. The councils are currently attempting to conclude statements of common ground with relevant authorities.

#### Objection from NHS England

20. During the South London Waste Plan Issues and Preferred Options Document, the councils received a representation from NHS England requesting additional clinical waste treatment facilities in the plan area. Officers have been unable to contact NHS England to ascertain the nature and scale of the additional facilities requested and so have not included a reference in the plan. Should NHS England make a further representation at the Draft South London Waste Plan publication and representation stage, the councils will consider the representation, possibly make a proposed change and present it to the Planning Inspector at the Examination-in-Public to consider.

#### Equalities Analysis

21. The Sustainability Appraisal, accompanying the Draft South London Waste Plan, includes a Equalities Impact Assessment covering all four boroughs involved. Further to the consultation, the Equalities Impact Assessment will be updated to take into account any issues that may be identified.

#### Health Implications

22. Sustainable waste management will have a positive impact and improve the health and wellbeing of the borough's population and businesses.

#### Road Network Implications

23. There are not likely to be any additional implications to the road network because there are no new sites being proposed. However, any implication will be assessed at the draft plan stage and the appraisal published alongside the draft plan when placed on consultation at that stage.

#### Sustainability Implications

24. A Sustainability Appraisal will be produced as part of the preparation of the South London Waste Plan, which will include a consideration of environmental impacts and air quality. The appraisal will be published alongside the draft plan for consultation.

#### Useful Links (valid on date of publication of Agenda)

[South London Waste Plan Issues and Preferred Options Document \(2019\)](#)

[Waste Framework Directive \(2008\)](#)

[Planning and Compulsory Purchase Act \(2004, as amended\)](#)

[The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

[National Planning Policy Framework](#)

[National Planning Policy for Waste](#)

[London Plan Intend to Publish \(2019\)](#)

[Kingston Statement of Community Involvement \(2020\)](#)

[Kingston Local Development Scheme \(2019\)](#)

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