Committee: Cabinet
Date: 12 December 2011
Agenda item: 4
Wards:

Subject: Adoption of the South London Waste Plan
Lead officer: Director for Environment and Regeneration, Chris Lee
Lead member: Cabinet Member for Environmental Sustainability and Regeneration, Councillor Andrew Judge
Forward Plan reference number: 1070 (Cabinet); 1024 (Council)
Contact officer: Strategic Policy and Research Manager, Tara Butler

Recommendations:
A. Cabinet: That, having regard to any comments/ recommendations arising from consideration by the Joint Waste Members Working Party, that Cabinet consider and recommend to Council the adoption of the South London Waste Plan as part of Merton’s Local Development Framework. That the Director of Environment and Regeneration be authorised to deal with all the necessary adoption documentation and other consequential matters in accordance with the Planning Inspector’s final report and the appropriate Regulations.

B. Council: That, having regard to any comments/ recommendations arising from consideration by Cabinet, Council resolve to formally adopt the South London Waste Plan as part of Merton’s Local Development Framework. That the Director of Environment and Regeneration be authorised to deal with all the necessary adoption documentation and other consequential matters in accordance with the Planning Inspector’s final report and the appropriate Regulations.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY
1.1. The South London Waste Plan sets out the sites and planning policies to assess planning applications for waste facilities in south London for the next ten years.
1.2. Following a successful examination, this report recommends the adoption of the South London Waste Plan to Merton Council.

2 DETAILS
2.1. The South London Waste Plan is a joint Development Plan Document covering the London Borough of Croydon, the Royal Borough of Kingston upon Thames, the London Borough of Merton and the London Borough of Sutton.
2.2. The South London Waste Plan contains policies to guide the determination of planning applications for waste facilities. It also identifies existing waste sites to be safeguarded and areas where waste facility development may be suitable.
2.3. In autumn 2010 the four borough’s councils resolved to submit the South London Waste Plan to the Secretary of State for Communities and Local Government. The project was developed as follows:

- January-February 2010 - Six weeks of public consultation on the final South London Waste Plan
- 21 April 2011 - South London Waste Plan was submitted to the Secretary of State.
- 12-19 July 2011 – public hearings held to examine the Plan
- August-September 2011 – six-week consultation on changes made in the light of representations received at examination
- 26 October 2011 – Planning Inspector issued his report, endorsing all but one of the boroughs’ proposed changes and stated that the document was sound and legally compliant.

2.4. The only proposed minor change that the Inspector did not endorse involved inserting an additional paragraph stating that a waste transfer site would not necessarily gain planning permission if it changed to a waste management use. The Inspector argued that this stipulation was already the statutory position and so it was unnecessary repetition of other guidance.

PRINCIPAL CHANGES FOLLOWING THE EXAMINATION

2.5. The principal changes to the South London Waste Plan following the examination are as follows:

- Revision of targets to reflect the lower waste arisings forecasted in the London Plan, adopted on 22 July 2011. Originally, the land required for new waste management facilities was approximately 6.7 hectares across the four boroughs. The latest waste arisings forecast suggest that the land required for new waste facilities has fallen to 4.3 hectares across the four boroughs;
- Amendments to clarify which waste streams are covered by the South London Waste Plan;
- Amendments to allow small existing waste sites to be safeguarded for future waste use if they are within industrial areas but not to safeguard small existing waste sites if they are outside industrial areas.
- Alterations to the South London Waste Plan policy relating to windfall (unidentified) sites to bring the policy into line with national policy and make it less restrictive;
- The removal of the Plough Lane Industrial Area (southern side) in Merton as a site suitable for waste facilities due to the proximity of residential areas; and
- The introduction of a new monitoring framework which includes improved indicators of performance and management actions to ensure targets are met and not exceeded to the detriment of other employment uses across the four boroughs.
2.6. Should the South London Waste Plan be adopted, an adoption statement must be prepared. The plan, the adoption statement and the sustainability report must be available at public places and on the borough website. A local advertisement giving notice of adoption must be published. Any person requesting notification of adoption should be notified and the South London Waste Plan and the adoption statement should be sent to the Secretary of State for Communities and Local Government, as per the 2008 Regulations (as amended) SI2008/1371.

2.7. There is also a six-week legal challenge period following adoption, which in this case would start on 5 March 2012, should the London Borough of Sutton’s Full Council adopt the plan, as Sutton is the final of the four councils to consider its adoption.

3 ALTERNATIVE OPTIONS

3.1 It is considered that there are no reasonable options, as most of the processes being undertaken are specified by statutory requirements emanating from the EU Waste Framework Directive or by government policies.

3.2 The option to develop waste planning policies and allocate sites within Merton alone is not considered reasonable due to the cost implications – both in producing the plan and the uncertainty caused at this stage of the South London Waste Partnership (procurement).

3.3 Without an adopted Waste Plan, many more sites in Merton and across the three partner boroughs, would continue to be considered suitable for waste management facilities via the planning system. There would also be fewer and out-of-date planning policies specific to the determination of planning applications for waste management facilities.

3.4 Currently, any planning application for waste management purposes in Merton will be determined against the policies set out in Merton’s UDP 2003, the London Plan 2008 and national guidance. Under these policies, all of Merton’s 16 designated industrial areas (approx 165ha in total) - can be considered for locating waste management facilities. This situation would continue were the Waste Plan not to be adopted.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Individuals and organisations have had five main opportunities to comment in relation to the development of the Plan. These were:

- Stage 1: Consultation on ‘Issues and Options’ (July to September 2008)
- Stage 2: Consultation on ‘Potential Sites and Policies’ (July to October 2009)
- Stage 2a: Consultation on ‘Additional Sites.’ (February to March 2010)
- Pre-submission publication (January-February 2011)
- Post-examination publication: required by the Planning Inspector (July-September 2011)
5 TIMETABLE

5.1. On 10 November 2011, the Joint Waste Members Working Party recommended approval of the South London Waste Plan to their respective Cabinets’ for adoption.

5.2. Should members resolve to recommend that the South London Waste Plan be adopted; the plan will be considered at the following meetings:

- 24 January 2012 – London Borough of Croydon and Royal Borough of Kingston’s full Councils
- 01 February 2012 – London Borough of Merton’s full Council

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1 Across the four boroughs since 2007/08, production of the South London Waste Plan came in at approximately £100,000 under budget. The underspend results from (a) not using consultants; (b) preparing a plan that has not needed legal counsel; and, (c) negotiating statements of Common Ground with representors to reduce Examination costs.

6.2 It should also be noted that, as a result of the boroughs retaining work in-house, a large proportion of the 2011/12 spending will stay within the four boroughs. The only outside costs have been for newspaper notices, which were statutory requirements, and the Inspector’s fees (£35,597).

6.3 The total 2011/12 budget for the Waste Plan was projected at £230,000 with Merton Council’s contribution projected to be £57,500. However, the total cost of the Waste Plan for 2011/12 is now expected to be approximately £137,000, with the cost to each borough approximately £34,250.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. Following the final full Council meeting (at Sutton on 05 March 2012), there will be a six week period for people to challenge the process through Judicial Review.

7.2. It is a European Union and national statutory requirement to produce and adopt a waste plan. Under current legislation, the Planning Inspector’s endorsements are binding.

7.3. The proposals in this report and the process described to progress the Waste Plan are in accordance with the Town and Country Planning (Local Government)(England) Regulations 2004 (as amended) and the requirements set out in those regulations.
8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 An Equalities Impact Assessment has been prepared at all stages of the plan’s development and has been updated for the adopted version of the South London Waste Plan.

9 CRIME AND DISORDER IMPLICATIONS

9.1 None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

9.1 There are risks associated with not adopting the South London Waste Plan.

9.2 At present there are very few specific planning policies against which waste-related proposals can be assessed. The South London Waste Plan contains nine new policies and it would be beneficial that these are progressed in a timely fashion.

9.3 The South London Waste Plan indicates specific areas across the four boroughs may be suitable for waste management developments. In the absence of the South London Waste Plan, all of the borough’s designated industrial areas are considered suitable for waste management developments.

9.4 The emerging Localism Bill allows European Union fines to be passed on by central government to local planning authorities for non-compliance with EU Directives, including the EU Waste Framework Directive.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1 South London Waste Plan proposed for adoption – available online, in the Members Resource Room, in the Group offices and on request via 020 8545 3837 or ldf@merton.gov.uk:
http://www.merton.gov.uk/environment/planning/planningpolicy/ldf/wasteplan.htm

12 BACKGROUND PAPERS

12.1 PPS10: Planning for Waste Management

12.2 The London Plan 2011