

Committee: Borough Plan Advisory Committee

Date: 12 September 2019

Wards: all

Subject: Consultation on the Draft South London Waste Plan

Lead officer: Director for Environment and Regeneration Chris Lee

Lead member: Cabinet Member for Regeneration, Environment and Housing,
Councillor Martin Whelton.

Contact officers: Eben van der Westhuizen, planning policy, Future Merton
Tara Butler, Deputy Future Merton manager

Recommendations:

- A. That the Borough Plan Advisory Committee advise on the draft South London Waste Plan, including the proposed sites for safeguarding and to resolve to recommend that Cabinet approve the six week consultation on the draft South London Waste Plan, to run for six weeks between October and December 2019.
 - B. That approval for the final consultation documents be delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Following advice from the Borough Plan Advisory Committee on 6th June 2019, Cabinet (15th July) recommended that Council (18th September) approve the high level project plan for creating planning policy documents, known as Merton's Local Development Scheme (LDS). The above referred BPAC and Cabinet reports, made reference to the planned public consultation on the South London Waste Plan in October 2019.
- 1.2. In 2012 the four boroughs of Merton, Kingston, Sutton and Croydon adopted the 10-year South London Waste Plan, for the plan period 2011-2021, which allocated sites, created planning policies and designated areas suitable for waste management development. This existing South London Waste Plan will finish in 2021.
- 1.3. The partner boroughs jointly appointed consultants, Anthesis, to review all the relevant waste data within the four partner boroughs, such as, the features of the existing waste transfer and management sites, the origin, destination and quantity of each type of waste that is imported and exported, the projected amounts of waste to be generated within the area and the capacity to manage the amount of waste apportioned to the partner boroughs in the draft London Plan.
- 1.4. The findings of the Anthesis study (see Appendix B), together with new national and London-wide policy and research, has informed the new draft South London Waste Plan, which is attached to this report as Appendix A.

Importantly, officers are now recommending that large industrial areas are no longer designated as areas suitable for waste facilities, as is currently the case with policy WP4 'Industrial Areas with Sites Suitable for Waste Facilities', in the adopted South London Waste Plan (2012). Instead, officers propose the safeguarding of the existing waste transfer and management sites that are set out in Appendix A to this report.

- 1.5. The purpose of this report is to seek councillor's advice on the draft South London Waste Plan and recommend that Cabinet resolve to approve the consultation of 6 weeks, to take place between October and December 2019.

2 DETAILS

- 2.1. Waste treatment is a strategic planning issue across London and a challenge for all successful urban areas. As Waste Planning Authorities, 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).
- 2.2. The National Planning Policy for Waste states that waste planning authorities should have regard to their apportionments set out in the London Plan when preparing their plans and work collaboratively in groups with other waste planning authorities to provide a suitable network of facilities to deliver sustainable waste management.
- 2.3. In 2012 the four boroughs of Merton, Kingston, Sutton and Croydon adopted the 10-year South London Waste Plan, for the plan period 2011-2021, which allocated sites, created planning policies and designated areas for waste management development. This existing South London Waste Plan will finish in 2021.
- 2.4. The four boroughs have agreed to work together again and produce a new South London Waste Plan in line with government policy and guidance. The new South London Waste Plan will again cover the geographical area of the London boroughs of Croydon, Kingston, Merton and Sutton.
- 2.5. The London Plan sets the boroughs the target of managing 100% of London's waste within Greater London by 2026 and having zero biodegradable and recyclable waste going to landfill by 2026. It also sets targets for local authority-collected waste, commercial and industrial waste and construction, demolition and excavation waste.
- 2.6. With significant need for new homes and consequent commercial activity planned across London, the need to provide essential infrastructure such as waste facilities to meet this growth is therefore a regional strategic priority.
- 2.7. The new South London Waste Plan will give the opportunity for the four south London boroughs to ensure that they conform to the waste-related policies in the London Plan, the National Planning Policy Framework and the National Planning Policy for Waste. It will also help the four boroughs to work together to review the long-term vision and objectives to consider waste as a resource in South London, supporting the circular economy.

- 2.8. Since the current South London Waste Plan was adopted in 2012, the four boroughs have been working closely together on:
- Monitoring the South London Waste Plan annually
 - Fulfilling the legal Duty to Co-operate with other councils on waste management issues, responding to other Local Development Plans for waste management.
 - Preparing and submitting a successful bid for government funding to support a new South London Waste Plan 2021-2036 on the basis of joint working.
- 2.9. In 2018 the four boroughs successfully bid for government funding (Planning Delivery Fund – Joint Working) for £136,594 to support the project.

Relationship with the South London Waste Partnership

- 2.10. Although the South London Boroughs already work together as the South London Waste Partnership and have a shared contract for the municipal collection and disposal of waste, the South London Waste Plan relates to the waste planning functions and responsibilities of the South London Boroughs as Waste Planning Authorities.
- 2.11. As a Local Development Plan document, at a strategic level, the South London Waste Plan considers the local authority collected waste and the other forms of waste collected by private contractors, and accordingly safeguards sufficient sites to treat both the South London Waste Partnership's waste needs and that of other commercial waste operators.
- 2.12. At a more detailed level, the policies in the South London Waste Plan will be used to assess the merits of any planning application submitted by the South London Waste Partnership's contractor or any other commercial waste operator.

What's new?

- 2.13. The revised South London Waste Plan will cover:
- Strategic planning policies that set out how applications for each type of waste, e.g. Local Authority Collected Waste, Construction, Demolition and Excavation Waste, Hazardous Waste, Agricultural Waste, Clinical Waste, Radioactive Waste, Waste Water will be treated.
 - Detailed planning policies that set out how applications will be assessed with regards to matters such as sustainable construction, amenity impacts, sustainable energy recovery and planning obligations.
 - Sites safeguarded for waste facilities, with relevant issues highlighted for each site, if proposals were developed for intensification of the existing waste operations.
 - Sites to be retired for waste facilities.

- 2.14. The draft South London Waste Plan is attached as Appendix A to this report.

3 ALTERNATIVE OPTIONS

- 3.1. The alternative is for each borough to produce a waste related Local Development Plan independently, which would be far more resource intensive for each borough. The production of a 'sound' Development Plan Document would in any case require neighbouring boroughs to collaborate in order to develop consistent policies and proposals in line with the legal requirement of "duty to co-operate". Furthermore, independent working may trigger a requirement to reimburse the government funding that has been awarded to this project, for 'joint working'.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Subject to Cabinet's approval, it is proposed that public consultation will take place from late October 2018 until early December 2018, not much beyond the second week, to try and avoid the clash with Christmas, although we will accept late responses.
- 4.2. Peer to peer promotion of the consultation is usually a more successful approach, as is focussing on the interests of particular neighbourhoods and groups. The consultation will be promoted by:
- Sending it to all +2,000 community groups, residents associations, nature conservation bodies, individuals, landowners, developers and others on Merton's Local Development Plan consultation database. We will be asking community groups and residents associations to help spread the word in their own newsletters, blogs and websites.
 - Promoting it on the Council's website, Twitter and Facebook.
 - Attending community meetings and encouraging people to respond.
- 4.3. Officers will also fulfil the legal Duty to Co-operate with other councils on waste management issues.

5 TIMETABLE

- 5.1. It is proposed that the consultation takes place for six weeks from around the end of October until early December 2018.
- 5.2. The next steps are:

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| Summer 2020 | Publication of Submission version |
| Autumn 2020 | Submission to Secretary of State |
| Early 2021 | Examination in Public Hearing |
| Summer 2021 | Adoption |

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Funding to support this work will mainly come from existing resources and officers will seek opportunities for funding bids and match funding wherever possible.
- 6.2. Officers have successfully bid for £136,594 from the Ministry of Housing Communities and Local Government Planning Delivery Fund for 'Joint Working'.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. As waste planning authorities (WPAs), 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).
- 7.2. With the aim of encouraging more local authorities to have a Local Development Plan in place, the Housing and Planning Act 2016, gives the Secretary of State greater powers to intervene in the Local Development Plan making process. Specifically it would allow the Secretary of State to intervene if a local authority was failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a Local Development Plan.
- 7.3. The Government's 'Implementation of planning changes: technical consultation' proposes to prioritise government intervention where:
 - there is under delivery of housing in areas of high housing pressure;
 - the least progress in plan-making has been made;
 - plans have not been kept up-to-date.
- 7.4. The proposals in this report and the process described to progress the South London Waste Plan, are in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the requirements set out in those regulations.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Local Development Plans contain planning policies to help improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments and Equalities Impact Assessments. These appraisals will be published alongside the draft plan for consultation.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. Local Development Plans contain planning policies to improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments which also consider matters of crime and disorder. These appraisals will be published alongside the draft plan for consultation.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. As set out in the body of this report.

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

- Appendix A - draft South London Waste Plan
- Appendix B - South London Waste Technical Paper by Anthesis, June 2019

12 BACKGROUND PAPERS

- 12.1. Planning and Compulsory Purchase Act 2004 as amended.
- 12.2. National Planning Policy Framework, National Planning Policy for Waste and National Planning Practice Guidance
- 12.3. Mayor's London Plan (published 2016, draft 2017) and associated guidance.
- 12.4. South London Waste Plan, adopted 2012