

REPORT TO:	Cabinet 16th November 2022 Council 14th December 2022
SUBJECT:	South London Waste Plan Development Plan Document - Adoption
LEAD OFFICER:	Nick Hibberd, Corporate Director of Sustainable Communities, Regeneration & Economic Recovery Heather Cheesbrough, Director of Planning & Sustainable Regeneration
CABINET MEMBER:	Cllr Jeet Bains, Cabinet Member for Planning & Regeneration
WARDS:	All

SUMMARY OF REPORT:

In order to have an up-to-date planning framework to make decisions on proposals on sites which process waste, in addition to the Local Plan there is a separate Waste Plan. This report represents the final stage in the progression of the preparation of the joint South London Waste Plan Development Plan Document to adoption. It will then form part of the Council's Planning Policy Framework to spatially manage waste and be used to determine related planning applications.

The South London Waste Plan (SLW Plan) has been funded from a successful bid to the Department for Levelling Up, Housing & Communities, Planning Delivery Fund.

This is the final stage of the joint production of the South London Waste Plan following two stages of consultation in October- December 2019 (Regulation 18 Issues and Options) and September – October 2020 (Regulation 19 Submission) and the Examination in Public in September 2021.

FINANCIAL IMPACT:

In 2018, the four boroughs (Merton, Kingston, Sutton and Croydon) successfully bid for government funding for £136,594 for joint working to produce a new South London Waste Plan Development Plan Document. Not all this funding has been spent and the South London Waste Plan continues to be funded from this grant award. The adoption of the South London Waste Plan Development Plan Document can be funded by the remaining funds from this grant.

KEY DECISION REFERENCE NO.: 6022EM

RECOMMENDATIONS:

The Executive Mayor in Cabinet is recommended to;

- i. Note this report on the progress made to date towards the development of a National Planning Policy Framework compliant development plan document, the South London Waste Plan 2022 to 2037 (Appendix 1) and that as a result a favourable Inspector's Report is expected shortly finding the SLW Plan to be sound.
- ii. The Cabinet is to further note that the final Inspectors Report is delayed and still awaited.
- iii. Recommend Council to adopt the South London Waste Plan 2022 to 2037, subject to the recommendations in the Inspector's Report as a Development Plan Document in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

1. EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to report on the progression of the development of a National Planning Policy Framework compliant Development Plan Document, the South London Waste Plan. This is a joint plan undertaken by the four boroughs of Merton, Kingston, Sutton and Croydon that allocates sites, has specific planning policies and designated areas suitable for waste management development. This report is anticipating approval to adopt the revised South London Waste Plan 2022-2037 (SLW Plan) following the receipt of a report from the Secretary of State's appointed panel of Inspectors' who undertook the examination of the plan finding it sound subject to modifications being made. *The final Inspector's Report will be available at the full Council meeting but it is still awaiting Ministerial sign off.*
- 1.2 The existing SLW Plan will finish in 2022 so this revision is needed. The revised SLW Plan sets out how the projected amounts of waste to be generated within the four boroughs and the amount of waste apportioned to the boroughs in the adopted London Plan 2021 will be managed. The SLW Plan is not about waste collection and disposal services or the waste contracts. It is a statutory requirement as outlined in the National Planning Policy Framework 2021 to have an up-to-date waste plan for the borough.
- 1.3 A report from the Planning Inspectors' about the SLW Plan 2022 is anticipated and this should be available before it is adopted by all the Councils. It can then be brought into use to determine planning applications as a Development Plan Document (DPD) that forms part of the Council's Local Development Framework. It should be noted that during the SLW Plan Examination in Public the government adopted a new National Planning Policy Framework (NPPF), which now requires that a Development Plan Document (such as the SLW Plan) has a lifespan of 15 years from adoption. The SLW Plan is supported by evidence that

gives it a lifespan of 2022 to 2037, which means it has to be adopted this year to meet the NPPF requirement. The SLW Plan needs to be reported to Council in December 2022 for formal adoption.

2. PREPARATION OF THE SOUTH LONDON WASTE PLAN 2022-2037

2.2 In 2012, the London boroughs of Croydon, Sutton, Kingston and Merton, working jointly produced and adopted the South London Waste Plan (Development Plan Document) 2012-2022. This had the aim of providing policies for making decisions on planning applications for waste use and safeguarding a range of existing waste sites for waste management purposes with designated sites appearing on the boroughs' Planning Policies Maps. The plan also safeguarded existing waste sites and identified areas which may be suitable for waste use. The South London Waste Plan 2022-2037 now updates (although through an almost entirely re-written document) the 2012 waste plan that seeks to provide continuous policy coverage to determine waste planning applications.

2.3 The draft SLW Plan for 2022-2037 was consulted upon twice between October and December 2019 (regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 generally known as 'Issues and Options') and between September and October 2020 (regulation 19 generally known as 'Submission'). It was submitted to the Planning Inspectorate in January 2021 and an Examination in Public (EiP) was held in front of the Secretary of State's appointed panel of two Inspectors' in September 2021 with subsequent correspondence since then to identify the Main Modifications required to make the plan sound, including;

- Written response to the Inspectors' [preliminary matters and initial questions](#) in March 2021 on targets, the new London Plan and queries about sites,
- Written responses to the Inspectors' detailed "[Matters, Issues and Questions](#)" in July 2021 that formed to subject areas for the Examination in Public,
- Evidence and arguments presented in person to the Inspectors' over two days of hearings in September 2021. This gives the Inspectors' the opportunity to ask further detailed questions regarding the written responses and an opportunity for us to respond to the hearing statements submitted by the other participants.

2.3. The Inspectors' role is to determine whether the draft SLW Plan is: (a) legally compliant; and (b) sound. After considering all the evidence and arguments that had been presented, at the end of the hearing sessions the Inspectors' provided a summary of 'where we are' and gave an indication of the next steps that the Councils need to take. As with all EiPs, the Inspectors' required some modifications to the Plan in order for them to be able to conclude that the SLW Plan was sound. The majority of these changes were not fundamental and were so minor and thus did not result in additional clarity/improvements to the Plan.

- 2.4. A further round of consultation was undertaken on [the main modifications and associated evidence](#), the “Main Modifications” between 14 July and 2 September 2022 as this consultation was undertaken after the submission of the SLW Plan the consultation responses were sent to the Inspectors’ to take into account when writing their report. The final Examination report once received is expected to state that they were satisfied that the Main Modifications addressed the issues raised during the course of the Examination and that the SLW Plan has been found sound.

3. Risks

- 3.1. There is now requirement to make timely progress with the next step towards adoption of the SLW Plan. During the SLW Plan EiP the government adopted a new National Planning Policy Framework (NPPF), which now requires that a Development Plan Document has a lifespan of 15 years *from adoption*. The SLW Plan has a lifespan of 2022 to 2037, which means it has to be adopted by all four authorities in 2022 to meet the NPPF requirement. If adoption is delayed to 2023 the boroughs would need to produce new additional supporting evidence and changes to the SLW Plan such as to analyse the latest Environment Agency waste data, recalculate all the waste figures in the SLW Plan, and make any other consequential alterations, resubmit this to the Inspectors’ and undertake an additional round of consultation which will be time consuming and costly. To avoid this, the boroughs need to all accept the recommendations in the Inspector’s’ Report, when received and allow the final SLW Plan to be adopted by all the partner Councils by the end of December 2022.

4. CONSULTATION

- 4.1 There have been two rounds of consultation undertaken as required by the regulations¹⁸ and 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. These rounds of consultation were used to develop the policies in the SLW Plan before it was submitted for Examination. A further Main Modifications consultation on the instruction of the Inspectors’ took place this summer to address issues raised during the Examination. The Inspectors’ will have taken into account the responses to the Main Modifications in their report and make a recommendation on soundness. As required by the Regulations a full report of the consultations undertaken was part of the bundle submitted with the SLW Plan.

5. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 5.1 Waste planning is something that lends itself to joint working as it uses an apportioned approach across borough boundaries with the amounts that need to be met as set out in targets in the London Plan March 2021. A joint waste plan enables the four boroughs to plan for this waste apportionment with a strategic approach. It is a statutory requirement and as outlined in the National Planning Policy Framework to have an up-to-date waste plan for the borough.

6. OPTIONS CONSIDERED AND REJECTED

- 6.1 **Adopt SLWP** – this will provide the boroughs with an up-to-date Development Plan based on local evidence and local knowledge to use to spatially manage waste and determine planning applications.
- 6.2 **Do not adopt the SLW Plan** – the adopted South London Waste Plan 2012 expires at the end of 2022 so should the new plan not be adopted there would not be a Development Plan in 2023. The fall -back position would be to use the guidance in the National Planning Policy Framework to determine planning applications. The NPPF being the national guidance is a one size fits all approach so local issues may not be able to be adequately addressed.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

- 7.1 In 2018, the four boroughs successfully bid for £136,594 from the government Planning Delivery Fund for joint working to produce a new SLW Plan. Not all of this funding has been spent and finalising the South London Waste Plan towards adoption will continue to be funded from this grant award. The London Borough of Sutton manage the project budget, with support from the existing resource of the Croydon Plan Making Team – Spatial Planning, Growth Zone and Regeneration, and this stage of the Plan’s production and adoption does not create any budget pressure for Croydon Council. There are sufficient budget monies available to complete the project as the large expense of the examination which has been held is now known and has been paid for.

	Current Year	Medium Term Financial Strategy – 3-year forecast		
	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26
Revenue Budget Available				
Expenditure Income				
Effect of decision from report				
Expenditure Income				
Remaining Budget				

Cabinet & Executive Template

Capital Budget available	£35,725 (of a budget since 2019 £136,594)			
Expenditure	£35,725			
Effect of decision from report				
Expenditure Income				
Remaining Budget	£0	£0		

2 The effect of the decision

7.2 This is a joint plan undertaken by the four boroughs of Merton, Kingston, Sutton and Croydon as a statutory function, that updates the adopted South London Waste Plan 2012-22 which allocated sites, created planning policies and designated areas suitable for waste management development. The existing South London Waste Plan will expire in 2022. The South London Waste Plan 2022 – 2037 sets out how the projected amounts of waste to be generated within the four boroughs and the amount of waste apportioned to the boroughs in the London Plan 2021 will be managed. These are planning policy matters and not connected to waste collection or the waste collection contract.

3 Risks

7.3 There is now necessary to undertake the final step towards adoption of the SLW Plan as the new National Planning Policy Framework (NPPF) 2021, now requires that a DPD has a lifespan of 15 years from adoption. The draft Plan has a lifespan of 2022 to 2037, which means it has to be adopted in 2022 to meet the NPPF requirement. Should the SLW Plan not be adopted the implications and consequences as set out in paragraph 6.2 above will be engaged. This additional work would require extensive additional budget monies beyond the existing project budget.

4 Options

- **Abandon the Waste Plan** - This would leave all the Councils with no planning scope to refuse inappropriate waste treatment planning applications or negotiate amendments to inappropriate waste treatment planning applications and pre-applications

- **Accept all the Inspector's Report findings and adopt** - This gives the Councils the necessary statutory planning scope to approve appropriate waste treatment planning applications and refuse those that are inappropriate.

5 Future savings/efficiencies

- 7.4 The project is being fully funded by a government grant and supported by the existing resource in Spatial Planning, Plan Making Team and can be delivered with the current establishment staff level. Post adoption the SLW Plan will provide a planning framework to determine waste proposals, so should reduce the likelihood and costs associated with planning appeals.

Approved by: Darrel Jones, Interim Head of Finance for Sustainable Communities Dated 30.9.22. (checked by Kay Oshin)

8. Pre-Decision Scrutiny

- 1.1. This report on the South London Waste Plan, will be presented to Scrutiny on 8th November 2022, before it is put forward for decision by the Cabinet and Council.

9. LEGAL CONSIDERATIONS

- 9.1 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) (as amended).
- 9.2 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.
- 9.3 The SLW 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 as set out in the report.

Approved by: Samra Yunus Corporate Solicitor on behalf of Stephen Lawrence – Orumwense, the Director of Legal Services and Monitoring Officer Date approved: on 3rd November 2022

10. HUMAN RESOURCES IMPACT

- 10.1 There are no Human Resource impacts as the production and adoption of the South London Waste Plan is set out in the Spatial Plan Service Plan and can be delivered with the current establishment staff level. If any issues arise these will be managed under the Council's policies and procedures.

Approved by: Jennifer Sankar, Head of HR Housing Directorate & Sustainable Communities, Regeneration and Economic Recovery, for and on behalf of Dean Shoemith, Chief People Officer. Date approved: 24 October 2022

11. EQUALITIES IMPACT

- 11.1 The Sustainability Appraisal, accompanying the Draft South London Waste Plan, includes a comprehensive Equalities Impact Assessment covering all four boroughs involved see background documents.
- 11.2 The Equality Analysis concluded that the proposed policies are expected to have a positive impact on groups that share a protected characteristic, by increasing employment and healthier environment. Further details can be found in on pages 27-28 of Appendix 3 (Equality Impact Assessment)

Approved by: Denise McCausland – Equality Programme Manager Dated 27 September 2022.

12. ENVIRONMENTAL IMPACT

- 12.1 A full Sustainability Appraisal (incorporating a Strategic Environmental Assessment) of the draft South London Waste Plan has been prepared and the findings incorporated into the Proposed Submission report. This can be found in Appendix 3 of this report. Under regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004, the Sustainability Appraisal must also be consulted upon alongside the draft South London Waste Plan.

13. CRIME AND DISORDER REDUCTION IMPACT

- 13.1 There are no crime and disorder reduction impacts arising from the recommendations of this report.

14. DATA PROTECTION IMPLICATIONS

- 14.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

CONTACT OFFICER: Steve Dennington, Head of Spatial Planning & Interim Head of Growth Zone and Regeneration

APPENDICES TO THIS REPORT:

Appendix 1: [Draft South London Waste Plan \(Proposed Submission\)](#)

BACKGROUND DOCUMENTS – LOCAL GOVERNMENT ACT 1972

<https://www.croydon.gov.uk/planning-and-regeneration/planning-policy/croydons-development-plan/south-london-waste-plan>