

<b>REPORT TO:</b>	<b>CABINET</b> <b>21 OCTOBER 2019</b>
<b>SUBJECT:</b>	<b>Issues and Preferred Options Consultation on the Draft South London Waste Plan</b>
<b>LEAD OFFICER:</b>	<b>Director of Planning and Strategic Transport - Heather Cheesbrough</b> <b>Head of Spatial Planning – Steve Dennington</b>
<b>CABINET MEMBER:</b>	<b>Councillor Scott – Cabinet Member for Environment, Transport &amp; Regeneration (Job Share)</b> <b>Councillor King – Cabinet Member for Environment, Transport &amp; Regeneration (Job Share)</b>
<b>WARDS:</b>	<b>All</b>

#### **CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON**

##### [Corporate Plan for Croydon 2018-2022](#)

Through this consultation as the first stage of the review of the 2012 South London Waste Plan, the Council will ensure that Croydon meets the corporate plan priority to have a cleaner and more sustainable environment. The South London Waste Plan enables Croydon to plan for the management of waste and recycling, taking account of the growth in the population and the emerging London Plan's waste apportionments.

#### **FINANCIAL IMPACT**

In 2018, the four boroughs in the South London Waste Partnership 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. There are still current funds available and these are sufficient to take the South London Waste Plan through this round of consultation. This was the first tranche of the Planning Delivery Fund and a there is a planned second bidding round to cover the financial period 2019-20. Officers will be seeking funds from the second round of the fund to complete the project.

#### **FORWARD PLAN KEY DECISION REFERENCE NO.: 2019CAB**

This is a Key Decision as defined in the council's constitution. The decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee by the requisite number of councillors.

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

## **1. RECOMMENDATIONS**

The Cabinet is recommended to

- 1.1 That the Cabinet approve the Issues and Preferred Options Consultation South London Waste Plan (Appendix 1) for consultation to run for six weeks between October and December 2019 in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- 1.2 That Cabinet delegate minor and / or factual changes to the Issues and Preferred Options Consultation South London Waste Plan prior to consultation to the Director of the Director of Planning and Strategic Transport in consultation with the Cabinet Member for Environment, Transport and Regeneration (Job Share).

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to seek Cabinet approval to the Issues and Preferred Options Consultation South London Waste Plan for consultation for a period of a minimum of 6 weeks, to take place between October and December 2019.
- 2.2 This is a joint plan undertaken by the four boroughs of Merton, Kingston, Sutton and Croydon which updates the adopted South London Waste Plan 2012-22 which allocated sites, created planning policies and designated areas suitable for waste management development. This existing South London Waste Plan will finish in 2022. The Issues and Preferred Options Consultation South London Waste Plan sets out how the projected amounts of waste to be generated within the area and the amount of waste apportioned to the partner boroughs in the draft London Plan will be managed.

## **3. DETAIL**

- 3.1 Waste management 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).
- 3.2 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 waste plans and work collaboratively in groups with other waste planning authorities to provide a suitable network of facilities to deliver sustainable waste management.
- 3.3 In 2012 the four boroughs of Merton, Kingston, Sutton and Croydon adopted the 10-year South London Waste Plan which allocated sites, created planning

policies and designated areas for waste management development. This existing South London Waste Plan will finish in 2022. Therefore an updated Waste Plan needs to be produced for the time period beyond 2022. This new plan will need to take account of the waste produced by population growth and deal with a proportion of the waste in London as a target set out in the emerging London Plan.

- 3.4 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.
- 3.5 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.
- 3.6 With a 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.
- 3.7 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.
- 3.8 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.
- 3.9 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

- 3.10 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. This is not a plan about waste collection or disposal.
- 3.11 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.

3.12 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.

3.13 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, transport, 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.

3.14 The partner boroughs jointly appointed consultants, 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.

3.15 The findings of the Technical Report (see Appendix 2), together with new national and London-wide policy and research, has informed the Issues and Preferred Options South London Waste Plan, which is attached to this report as (see Appendix 1). 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.

3.14 The Issues and Preferred Options South London Waste Plan consultation document attached sets out the vision, strategy and proposed policies for consideration as issues and options. The document has questions throughout, asking respondents to comment on certain issues. The final version of the South London Waste Plan will be drafted as informed by the results of this round of consultation and a final Development Plan Document produced.

## **4. CONSULTATION**

4.1 Subject to Cabinet's approval, it is proposed that public consultation will take place from late October 2018 until early December 2018, for a period of 6 weeks. The consultation will be undertaken in accordance with the Council's Statement of Community Involvement and The Town and Country Planning (Local Planning) (England) Regulations 2012.

- 4.2 The consultation will be promoted by:
- Sending it to those groups, residents associations, nature conservation bodies, individuals, landowners, developers and others on the Council's Local Development Framework consultation database.
  - Promoting it on the Council's website and social media
  - Subject to Cabinet approval, associating this consultation with the Croydon Local Plan consultation to gain further coverage while ensuring that the two consultations complement each other.
- 4.3 Officers will also fulfil the legal Duty to Co-operate with other councils on waste management issues.

## 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

### 5.1 Revenue and Capital consequences of report recommendations

These are as set out below.

	Current year	Medium Term Financial Strategy – 3 year forecast			
	2019/20	2020/21	2021/22	2022/23	
	£'000	£'000	£'000	£'000	
<b>Revenue Budget available</b>					
Expenditure	90				
Income					
<b>Effect of decision from report</b>					
Expenditure	1				
Income					
<b>Remaining budget</b>	89				
<b>Capital Budget available</b>					
Expenditure					
<b>Effect of decision from report</b>					
Expenditure					
<b>Remaining budget</b>					

### 5.2 The effect of the decision

The decision will commit Croydon to undertake a consultation on the Issues and Preferred Options South London Waste Plan. Subject to Cabinet approval, this will be undertaken alongside the Issues and Options Local Plan Review consultation so expenses will be shared. Croydon, as will the other 3 partner waste authorities will have £500 towards consultation expenses.

### 5.3 Risks

There is a risk that the second round of government funding will not be available and the four local authorities will have to continue to produce the waste plan from

the Councils' budgets. The remaining funds available from the grant after the effect of the decision are £89,000. This budget will cover almost all of the remaining stages and work, but the project may need to be completed by additional in house staff resources.

#### **5.4 Options**

The alternative is for each borough to produce a waste related Local Development Plan independently, which would be far more resource intensive and expensive 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'.

#### **5.5 Future savings/efficiencies**

The project is being fully funded to this stage by a government grant. It is anticipated that the round two funding will cover the entire costs of completing the project.

Approved by Lisa Taylor, Director of Finance, Investment and Risk, S151 Officer.

### **6. LEGAL CONSIDERATIONS**

- 6.1 The Director of Law and Governance comments as waste planning authorities (WPAs), each of Croydon, Kingston, Sutton and Merton have a statutory duty to prepare a waste Local Development Plan in line with Article 28 of the Waste Framework Directive (2008). The recommendations set out in this report are in furtherance of that obligation.

Approved by Sean Murphy, the Director of Law and Governance & Deputy Monitoring Officer

### **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no Human Resource impact as the production 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.

Approved by Sue Moorman, Director of Human Resources.

### **8. EQUALITIES IMPACT**

- 8.1 As this is an Issues and Preferred Options document, no policies have yet been finalised so a full Equalities Impact Assessment cannot be undertaken but a screening has taken place to inform the next stage. This is consistent across all four partner authorities. A full Equalities Impact Assessment will be undertaken at the next stage of the plan's production.

Approved by: Yvonne Okiyo – Equalities Manager

## **9. ENVIRONMENTAL IMPACT**

- 9.1 The South London Waste Plan will enable the partner authorities effectively plan for waste in a sustainable way addressing environmental impacts. Furthermore, the Issues and Preferred Options South London Waste Plan is accompanied by a Sustainability Appraisal scoping report, which further assesses the impact of the Issues and Preferred Options South London Waste Plan.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There are no known direct crime and disorder impacts.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 The consultation document will be the first stage in producing an updated South London Waste Plan that plans at a strategic level for sufficient sites and policies to treat both the South London Waste Partnership's waste needs and that of other commercial waste operators.
- 11.2 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.
- 11.3 For this reason it is recommended to undertake this first round of consultation to enable an updated Development Plan Document for waste in Croydon, jointly across the South London Waste Planning area for a 10 year period and meet the statutory duty to have an up to date Development Plan.

## **12. OPTIONS CONSIDERED AND REJECTED**

- 12.1 The waste plan could have been produced to only cover the borough but it would not have the benefit of planning strategically and would be more costly to produce, so a joint plan has been undertaken. As a Waste Planning Authority, Croydon has a statutory duty to prepare a waste Local Development Plan in line with Article 28 of the Waste Framework Directive (2008). Therefore, it is not an option not to produce a waste plan.

## **13. DATA PROTECTION IMPLICATIONS**

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

**YES**

All consultation responses will be held in the Croydon Local Plan consultation database. This will include personal data. This data will need to be held until a date no earlier than 6 weeks after the date on which the South London Waste Plan is formally adopted by the Council; or at the conclusion of any application by an aggrieved party to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004; whichever is the later date. This is so the Council can document that the Local Plan Review has been prepared in compliance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning)(England) Regulations 2012.

**13.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

**YES**

The Director of Planning and Strategic Transport confirms that a DPIA has been completed and signed off and will be kept under review.

Approved by: Steve Dennington on behalf of the Director of Planning and Strategic Transport

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<b>CONTACT OFFICER:</b>	Steve Dennington Head of Spatial Planning, extension 64973 or Julia Dawe, Plan Making Officer, extension 64365
<b>APPENDICES TO THIS REPORT:</b>	Appendix 1 – draft South London Waste Plan Consultation Document Appendix 2 - South London Waste Technical Paper, June 2019 (Anthesis)
<b>BACKGROUND PAPERS:</b>	South London Waste Plan, adopted 2012 Emerging London Plan