

Report to the Councils of the London Borough of Croydon, the Royal Borough of Kingston upon Thames, the London Borough of Merton, and the London Borough of Sutton

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the South London Waste Plan

The Plan was submitted for examination on 18 January 2021

The examination hearings were held between 1 and 2 September 2021

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Abbreviations used in this Report

CD	Construction and Demolition Waste
DLUHC	Department for Levelling Up, Housing and Communities
DtC	Duty to Co-operate
GLA	Greater London Authority
HCI	Household, Commercial and Industrial waste
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
LACW	Local Authority Collected Waste
LDS	Local Development Scheme
LEZ	Low Emissions Zone
MM	Main Modification
MOL	Metropolitan Open Land
NPPW	National Planning Policy for Waste
PPG	Planning Practice Guidance
SCI	Statement of Community Involvement
tpa	tonnes per annum
WDI	Waste Data Interrogator
WPAs	Waste Planning Authorities

Non-Technical Summary

This Report concludes that the South London Waste Plan (the Plan) provides an appropriate basis for the waste planning within the London Boroughs of Croydon, Merton and Sutton and the Royal Borough of Kingston upon Thames (the Boroughs), provided that a number of main modifications (MMs) are made to it. The Boroughs have specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Boroughs prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal of them. The MMs were subject to public consultation over a seven-week period. In some cases we have amended their detailed wording where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amendments required to achieve general conformity with the London Plan: The Spatial Development Strategy for Greater London (published March 2021) (the London Plan);
- Adjustments to ensure that the Plan accords with national policy in terms of (amongst other things) heritage assets, amenity protection, design and waste management;
- Changes to ensure that robust monitoring arrangements are in place to secure the effectiveness of the Plan; and
- A number of other modifications to ensure that the Plan is legally compliant, positively prepared, justified, effective and consistent with national policy.

Introduction

1. This Report contains our assessment of the Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It first considers whether the Plan's preparation has complied with the Duty to Cooperate (DtC). It then considers whether the Plan is compliant with legal requirements and whether it is sound. The National Planning Policy Framework (the Framework) makes it clear¹ that in order to be sound, a plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the waste planning authorities have submitted what they consider to be a sound Plan. The Plan, submitted in January 2021 is the basis for our examination. It is the same document as was published for consultation in September 2020.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Boroughs requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. Our Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Boroughs prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal of them. The MM schedule was subject to public consultation for seven weeks. We have taken account of the consultation responses in coming to our conclusions in this Report and in this light we have made some amendments to the detailed wording of the MMs where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary we have highlighted these amendments in the Report.

Policies Maps

5. The Boroughs must maintain adopted policies maps, which illustrate geographically the application of the policies in the adopted Development Plan. The submitted Plan includes maps which illustrate the boundaries of safeguarded sites as part of their site descriptions.
6. The policies maps are not defined in statute as a development Plan document and so we do not have the power to recommend MMs to them. However, the

¹ At paragraph 35

policies of the Plan subject to the MMs we reference below, require changes to be made to the Boroughs' policies maps.

7. These changes to the policies maps were published for consultation alongside the MMs in the 'Proposed Changes to the Policies Map'.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Boroughs will need to update their adopted policies maps to include all the changes set out in the 'Proposed Changes to the Policies Map'.

Context of the Plan

9. The Plan covers four waste planning authority areas (Croydon, Kingston, Merton and Sutton). This joint document, when adopted, would form part of the Development Plans for the Boroughs, and would supersede the South London Waste Plan adopted in 2012. The Plan will be used in the determination of planning applications and seeks to safeguard sites for waste uses. Taken together, the four Boroughs constitute a considerable proportion of the South London area and include both urban neighbourhoods and centres as well as areas covered by Green Belt and Metropolitan Open Land (MOL) designations. The area has a rich historic environment including archaeological designations and a varied townscape, including denser Victorian and more modern development in centres and more recent suburban development in the Boroughs' peripheries.
10. One of the Plan's key tasks is to meet the apportionment set out in the London Plan (2021). This projects how much Household, Commercial and Industrial Waste (HCI) is likely to be generated in London up to 2041. It apportions a percentage share of these waste streams to be managed by each London Borough with an objective that the equivalent of 100 per cent of London's waste should be managed within London (i.e. net self-sufficiency) by 2026.
11. The role, content and purpose of the Plan, as described in LB Sutton's Local Development Scheme (LDS), is to analyse the current and future demand for and supply of waste treatment facilities across the four boroughs and provide policies against which the Councils will determine planning applications for waste treatment facilities. Each of the four South London Boroughs have pooled their apportionments and propose to meet this collectively through existing sites and land allocated in the Plan.

Public Sector Equality Duty

12. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including paying appropriate attention to the residential amenity and air quality implications of waste related development in respect of differing types of accommodation. These aspects of the examination are discussed in more detail, where necessary, in respect of the main issues set out below.

Assessment of Duty to Co-operate

13. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
14. The Plan covers the management of waste across four Boroughs, and its approach would also have cross-boundary implications for other waste planning authorities. These are the pertinent strategic matters relevant to the Duty to Co-operate (DtC).
15. Details of how the Boroughs have met this duty are set out in the 'Statement of Cooperation Part 1 and Part 2'². These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.
16. The evidence demonstrates that the Boroughs have worked closely with neighbouring waste planning authorities, as well as some further afield where a strategic relationship was identified, throughout the Plan-making process.
17. Also evident is the effective relationship the Boroughs have established and maintained with all of the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. It is clear that many of the proposed pre-submission changes to the Plan that were brought forward by the Boroughs were as a result of consultation with relevant parties to address their concerns in a constructive and active manner.
18. Moreover, in terms of cross-boundary collaboration in the wider Greater London area, the Boroughs are active members of the London Waste Planning Forum, involving other waste planning authorities (WPAs), waste operators and other representatives, and have been so throughout the preparation of the Plan.
19. The preparation of the Plan was informed by a Technical Paper³, which assessed imports and exports of waste to and from the Plan area. Based on these matters, the Boroughs engaged in correspondence with the relevant planning authorities and prescribed bodies, which in some cases has resulted in signed Statements of Common Ground⁴. Whilst in other instances positive engagement from other WPAs has not been forthcoming, any shortcomings in these regards are not due to the Boroughs' approach to engagement.

² Document references: E5 and E6

³ E10 and E11 *South London Waste Plan Technical Paper and Appendices*

⁴ Including those in Plan05 *Statement of Cooperation (Part 2)*; and E6 - *Statement of Common Ground with Central and East Berkshire*

20. On the basis of the above considerations, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Other Aspects of Legal Compliance

21. The Plan has been prepared in accordance with the Boroughs' LDSs.
22. Consultation on the Plan and the MMs was carried out in compliance with the Boroughs' Statements of Community Involvement (SCIs). The Regulation 19 consultation took place over a seven-week period, consultees, residents' groups, site owners and others were contacted via letter and e-mail. Specific webpages were set up for consultation on the Plan, and paper copies of documents were available at civic offices and libraries where these were open. The consultation was publicised via social media and press releases. Taken together, these considerations are indicative of a consultation process at the Regulation 19 stage which clearly accorded with the Boroughs' SCIs.
23. Whilst the period which MMs are consulted on is not defined in legislation, the Planning Inspectorate's *Procedure Guide for Local Plan Examinations*⁵ makes it clear that the nature and duration of the consultation should reflect that held at the Regulation 19 stage. In the current case, the Boroughs consulted on the MMs and related material for seven weeks. Taken together, these considerations also lead us to the conclusion that the Plan has been prepared in accordance with the Planning Practice Guidance (PPG)⁶, insofar as it advises that WPAs engage and collaborate with local communities in an early and meaningful way when identifying options for managing waste.
24. The Boroughs carried out sustainability appraisal⁷ (SA) of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The SA assessed the Plan against reasonable alternatives. The appraisal was updated⁸ to assess the MMs and found that the Plan, subject to the recommended MMs, would have stronger beneficial outcomes in terms of the majority of sustainability objectives it assesses, than the reasonable alternatives considered. It is clear to us from these considerations that the SA has been a genuinely iterative process that has worked in step with and informed the Plan-making process. We therefore conclude that the SA work carried out on the Plan and in the preparation of the MMs is adequate. We discuss the SA's approach to the air quality implications of the Plan in further detail in relation to Issue 3 below.
25. The *Habitats Regulations Assessment Report*⁹ sets out why full Habitats Regulation Assessment (HRA) of the Plan would be unnecessary as firstly, no

⁵ At paragraph 6.9

⁶ Waste Paragraph: 012 Reference ID: 28-012-20141016 Revision date: 16 10 2014

⁷ S2

⁸ Include reference of final document

⁹ September 2020, included as Appendix 2 to the SA (Document Reference:S2)

new waste management sites are proposed. Secondly, arisings and apportionment targets have reduced since the previous iteration of the Plan, which was also screened out from full HRA and it is likely that associated overall heavy goods vehicle (HGV) movements would also be lower than those occurring during the previous plan period. Thirdly, the two European protected sites to the south of the plan area are over 10km from its boundaries and emissions from transport movements are extremely unlikely to have significant effects. Finally, the Plan's strategy is focused on achieving net self-sufficiency and thus would have the potential to limit waste movements to within the plan area itself. It is also noteworthy in these terms that Natural England expressed the view that nothing "other than a brief HRA Screening is required"¹⁰; and that it "does not consider that the Plan poses any likely risk or opportunity in relation to our statutory purpose"¹¹. Taking these considerations together leads us to the conclusion that the approach to HRA is adequate.

26. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the areas covered by the Boroughs. The Plan includes policies relevant to the strategic management of waste across the Plan area.
27. In a similar vein, the Boroughs' Development Plans, taken as a whole, include policies designed to secure that the development and use of land in the Plan area contribute to the mitigation of, and adaptation to, climate change. The Plan (subject to the required MMs as outlined below) emphasises the importance of the proximity principle in terms of processing waste; includes policies to push management of waste up the waste hierarchy; and requires the use of sustainable construction techniques and the use of good quality materials in waste developments. In these respects, it is clear that the Plan accords with s19(1A) of the 2004 Act.
28. Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) sets out that where Plans contain policies that are intended to supersede other policies in the adopted development Plan, this fact should be stated, and superseded policies must be identified. As submitted the Plan does not clearly comply with this regulation. As a consequence, **MM124** is necessary, which introduces a table which unambiguously sets out which policies are superseded by the Plan, to achieve legal compliance in this regard.
29. The Plan complies with all other relevant legal requirements, including in the 2004 Act and the 2012 Regulations. We give our reasons for our conclusions on its general conformity with the adopted Spatial Development Strategy in our discussion of Issue 1, below. For these reasons, we conclude on this issue, that subject to the above-referenced MM, the Plan is legally compliant insofar as the aforementioned legislative requirements are concerned.

¹⁰ In the correspondence dated 31 January 2020 included as an appendix to the SA.

¹¹ Natural England's Hearing Statement on Matter 1

Assessment of Soundness

Main Issues

30. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 4 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or safeguarded site in the Plan.

Issue 1 – Is the Plan in general conformity with the London Plan?

31. The 2004 Act requires the Plan to be in general conformity with the London Plan. As submitted, aspects of the Plan relating to the provision of compensatory capacity are not in general conformity with the London Plan. Consequently, **MM5**, **MM20**, **MM22**, **MM24** and **MM25** are necessary which would ensure that any compensatory capacity provided would secure an equivalent amount of qualifying throughput to any existing waste facility that would be replaced; and to ensure that the Plan would implement the waste hierarchy set out in Policy SI9(C) of the London Plan. Subject to the aforementioned MMs, the Plan would achieve general conformity with the London Plan in these regards. The Mayor of London confirmed¹² that these MMs would address non-conformity issues previously identified at the Regulation 19 stage.
32. Policy WP7 and its supporting text set out a restrictive approach to the development of additional energy from waste facilities. Whilst the London Environment Strategy (May 2018)¹³ sets out¹⁴ that “no new energy from waste facilities in London will be needed”, Policy SI8 (D) of the London Plan encourages (amongst other things) proposals for materials and waste management sites where they contribute toward renewable energy generation, and/or are linked to combined cooling heat and power.
33. In light of these considerations, **MM41** is necessary. This would ensure that the Plan is in general conformity with the London Plan in terms of its approach to the development of new energy from waste sites. In addition, it would also reflect the Boroughs' generally restrictive overall approach to the development of new waste management uses, which is justified on the basis of the competing demands for a limited supply of land for employment use, matters which we consider further below. As drafted, the Plan does not explicitly reference how additional benefits from waste development would be assessed, and thus does not fully reflect Policy SI8(D) of the London Plan in these terms. However,

¹² In its “Statement of General Conformity” letter to the Boroughs dated 26 August 2021 included as OTH03 in the Examination Library

¹³ Document Reference: R2

¹⁴ In Objective 7.4

MM40 would ensure that the Plan clearly reflects the London Plan in these terms and would thus secure general conformity on this issue.

34. The Chessington Railhead site is being used for the treatment and recycling of construction waste pursuant to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. We are aware of no impediments in planning terms which would prevent the Railhead site from being in continued waste use at or around the time of the adoption of the Plan. However, as submitted the Railhead has not been identified as a safeguarded waste site in the Plan.
35. The consequences of the Chessington Railhead not being allocated as a safeguarded site are firstly, that any material development which would need express planning consent would be restricted by the policies of the Plan. This could inhibit the site moving up the waste hierarchy. Secondly, that the site itself would not benefit from the restrictions on adjacent development affecting waste sites which are set out in Policy WP8. Moreover, the approach would be clearly contrary to Policy SI8 of the London Plan insofar as it expects existing waste management sites to be safeguarded, and that their capacity should be optimised. Accordingly, **MM71** is necessary, which identifies the Railhead as a safeguarded site. The MM would achieve both general conformity in these regards and secure the effectiveness of the Plan in terms of ensuring that the use of the site could contribute to its objectives insofar as the waste hierarchy is concerned.
36. Policy SI9 of the London Plan sets out that waste sites should only be released to other land uses where compensatory processing capacity is re-provided elsewhere in London. However, the Plan is not clear that compensatory provision provided outside of its boundaries but elsewhere in London would be an acceptable way of facilitating the release of any of its safeguarded sites. Consequently, **MM19** is necessary, which would clarify the position on this matter and thus achieve general conformity with the London Plan in these terms.

Conclusion on Issue 1

37. Taken together, the above considerations lead us to the conclusion on this issue that the Plan, subject to the aforementioned MMs, is in general conformity with the London Plan, and thus complies with s24 of the 2004 Act. In arriving at this view, we have taken particular note of the Mayor of London's response to the MM consultation, which sets out his view that general conformity would be achieved subject to the MMs outlined in this report.

Issue 2 – Does the Plan make adequate provision for the waste management apportionments required by the London Plan and any other arisings, and is it positively prepared in this regard?

Waste Management Apportionments

38. In terms of the management of HCI waste, the National Planning Policy for Waste (NPPW) sets out¹⁵ that WPAs in London should have regard to the apportionments as set out in the London Plan. We have seen no evidence sufficient to indicate that deviation from the clear steer given by the NPPW in these terms would be justified, and neither has it been demonstrated that the evidence from which the apportionments are derived is not based on a robust analysis of the best available data and information¹⁶, or that any other methodology would yield materially different results in these terms.
39. Policies WP1 and WP2 of the Plan are identified as strategic policies. According to the Framework such policies should look ahead a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities. As submitted, the plan period runs to 2036 and thus would not cover the full fifteen-year period from adoption. Consequently, to achieve consistency with national policy in these terms, **MM1.1**, **MM2**, **MM10**, and **MM16** are necessary, which would extend the Plan-period to 2037. In consequence of this change the apportionment requirements, and forecasts of other waste arisings over the plan period need to be adjusted to take into account the longer timeframe. **MM5.1**, **MM7.1**, **MM8**, **MM10.1**, **MM11** and **MM14.1** provide for this and are necessary for the Plan to be effective.
40. The revised plan period (2022 to 2037) is shorter than that of the London Plan's timeframe for waste apportionments (2021 to 2041). Nevertheless, in dividing the apportionment requirements across five-year tranches in accordance with the approach set out in the Technical Paper¹⁷, the Plan includes a robust and reasonable approach to estimating the apportionment target it would have to meet by 2037. In any event, subject to the MMs outlined below, the Plan identifies sufficient throughput capacity to meet the apportionment requirements set out in the London Plan for 2041.
41. The Technical Paper includes an assessment of the amount of waste managed per annum applicable to achieving the London Plan's apportionment requirements. These are operations which: use waste in energy recovery; sort or bulk waste for reuse, reprocessing or recycling; reuse, reprocess or recycle material; or produce as a solid recovered fuel or high-quality refuse-derived fuel. Of sites involved in these operations, the Technical Paper assesses both waste sites subject to the relevant Environment Agency permits, and those with

¹⁵ At paragraph 3

¹⁶ Per paragraph 2 of the of the NPPW

¹⁷ E10 at 3.5

exemptions, which nevertheless are involved in the treatment of waste. Taken together, the range of operations considered across the Plan area provides a reasonable basis for assessment. Although other exemption categories have been suggested by some as having the potential to contribute to the area's capacity, we are not persuaded that their inclusion would yield materially different figures to those presented in the Plan.

42. In line with the London Plan¹⁸, the maximum throughput of a site over the last five years is used to assess its capacity, and the proportion of the maximum figure that is managed on site is used to assess its contribution to achieving apportionment requirements. As drafted however, the Plan indicates that the assessment of qualifying throughput would be based on the period of 2013-2017, which would neither allow for effective development management responses to sites, nor provide a basis for robust monitoring of the Plan.
43. Consequently, in order to assist with the monitoring of the Plan, and to accord with its objectives in terms of securing an adequate amount of capacity to meet apportionments and construction, demolition (CD) and excavation arisings, balanced against the objective to ensure the availability of sufficient land for other industrial uses in the area **MM19** and **MM49** are required. These MMs would make it clear that an assessment of throughput would be based on the latest five-year period for which data is available, and would achieve effectiveness and general conformity in these terms.
44. A consequential modification (implemented by means of **MM50**) is necessary which updates the figures in the Plan to take into account the latest available data from the Waste Data Interrogator (WDI), in the interests of effectiveness. This data indicates a healthy surplus in terms of the apportionment requirement over the Plan period, and would also meet the South London requirement for 2041, as set out in the London Plan. On this basis, it is clear that the Plan does not need to identify any additional sites or areas for new or enhanced waste management facilities to accommodate the London Plan apportionments.

Construction and Demolition Waste

45. The Government's Planning Practice Guidance¹⁹ (PPG) advises that, in Planning for construction and demolition waste, WPAs should start from the basis that net arisings will remain constant over time as there is likely to be a reduced evidence base on which forward projections can be based. PPG sets out that other issues may be relevant including existing returns from waste management facilities; data from site management plans; the provision made for unseen capacity through on-site re-use or management at exempt sites; and any significant planned regeneration or major infrastructure projects.

¹⁸ At paragraph 9.9.2

¹⁹ Waste at Paragraph: 033 Reference ID: 28-033-20141016 Revision date: 16 10 2014

46. The evidence on which the Plan's CD arisings is based further develops the methodology outlined in the London Plan Topic Paper²⁰ on this matter. The Topic Paper explains discrepancies in the WDI data relating to CD waste, particularly in terms of the throughput of waste handled by exempt sites and operations. Consequently, in order to refine forecasts for this waste stream, and in addition to analysis of planned regeneration or major infrastructure projects, the Topic Paper uses projections of employment growth in the construction sector, which informed the London Plan more widely, to assess future CD arisings.
47. It is acknowledged that the PPG does not explicitly reference employment growth in the construction sector as an issue that may be relevant in the assessment of CD arisings. However, the PPG does not explicitly rule out the use of such information in developing forecasts for this waste stream, and also indicates that a "qualitative" assessment may also be acceptable²¹. Accordingly, in this instance, and against the background of the London Plan's evidence in these regards, we consider that the use of projected employment growth in the construction sector to inform the Plan's CD forecasts is reasonable. In arriving at this view, it is noteworthy that capacity identified in the Plan comfortably exceeds forecast arisings, as discussed further below.
48. Over the Plan period as revised by **MM1.1**, **MM2**, **MM6.1**, **MM10**, and **MM16**, and based on the methodology outlined above, CD arisings would equate to 415,019 tpa. Taken together, safeguarded sites in the Plan provide capacity for 568,189 tpa of qualifying throughput based on the most up-to-date information available. It therefore follows that the Plan makes adequate provision for arisings related to this waste stream.
49. The Plan is not in general conformity with the London Plan in terms of the beneficial use of CD waste. Neither would it be clear to a decision-taker what would constitute 'beneficial use' for the purposes of the Plan. Consequently, **MM3**, **MM6**, **MM38** and **MM39** are necessary which provide examples of beneficial use and identify that the London Plan sets a target of 95% of excavation material going to beneficial use and 95% of CD waste being reused, recycled or recovered. These MMs are necessary to ensure conformity with the London Plan and to provide clarity in these terms²².

Other Arisings

50. No specific sites are allocated or safeguarded to deal with excavation waste. Nevertheless, the approach to excavation waste does not conflict with the London Plan in this respect, which does not expect Boroughs to demonstrate net self-sufficiency in terms of such arisings. The Plan expects that excavation waste will continue to be put into beneficial use outside London, and no

²⁰ Plan11 *London Plan Topic Paper: Waste*

²¹ At Paragraph: 035 Reference ID: 28-035-20141016 Revision date: 16 10 2014

²² In line with paragraph 16(d) of the Framework

comments have been made via engagement on the Plan, including through the DtC process, to cast doubt on this assumption. Moreover, Policy WP2 supports the provision of temporary sites for the deposit of excavation waste. It follows from these considerations that the Plan is effective, justified and therefore soundly based in terms of its approach to excavation waste.

51. Forecasts for other arisings in the area are based on the relevant WDI information as a starting point. Arisings in the Plan area of agricultural and radioactive waste are minimal. Consequently, this does not give rise to any demonstrable need for specific facilities to be allocated in the Plan to deal with these waste streams.
52. In terms of hazardous waste, the WDI information is supplemented by growth rates applied to London Plan commercial and industrial waste arisings to produce forecasts. The evidence indicates that hazardous waste generation in the Plan area is small and the quantity identified is already managed by identified specialist facilities. Moreover, these facilities would comfortably accommodate the small increase in arisings projected over the Plan period. Consequently, there is no justifiable requirement for the Plan to make provision for any hazardous waste treatment facilities. However, the Plan as drafted is unclear as to how applications for such facilities would be assessed, and consequently **MM14** is necessary, which would ensure an effective approach to such matters.
53. For wastewater, Thames Water has supplied information on volumes treated and amount of sludge produced, and confirmed that sufficient capacity exists currently to address these arisings over the revised Plan period. Moreover, Policy WP2 is supportive of development for improvements to the operation of sewage treatment works within the Plan area.
54. In all of these other waste arisings, the information used to inform the Plan accords with the PPG insofar as it identifies potential sources of waste data that could be used²³. Consequently, the Plan is based on reasonable and robust assessments of arisings of these waste streams and is therefore justified in these terms.
55. Due to the minimal arisings of radioactive and agricultural wastes, the existing permits and processes to deal with the former, and ability of sites handling CD and other waste streams to deal with the latter, we agree that the Plan does not need to identify specific facilities to manage these arisings.
56. However, the Plan is unclear as to how applications for the management of agricultural waste would be assessed. In order to ensure effectiveness in these regards **MM13** is necessary which identifies that proposals for agricultural waste facilities would only be considered in exceptional circumstances having regard to Policy WP2. We have made a minor post-consultation change to **MM13** to

²³ At Paragraph: 035 Reference ID: 28-035-20141016 Revision date: 16 10 2014

ensure that the correct policy criterion is referred to, a matter that was fully covered in responses to the MMs.

57. Accordingly, on the basis of these considerations, the Plan's approach to these waste streams is clearly justified.

Intensification

58. As set out above, the throughput of safeguarded sites would comfortably meet the London Plan apportionments for the Plan period and beyond, nevertheless Policy SI8 of the London Plan stipulates that the waste management capacity of existing sites should be optimised. The Plan has identified sites capable of being intensified based on discussions with their operators relating to future intentions. Of those where potential for intensification has been identified, a figure of 60,000²⁴ tonnes of throughput per hectare has been assumed as a basis for the additional capacity that could be realised.
59. We have taken into account views that other methodologies, including more nuanced site-specific analyses of intensification capacity may have resulted in higher throughput estimates than those on which the Plan is based. However, it is important to emphasise that the Plan does not rely on the intensification of sites to meet its apportionments or other arisings. Neither is there any certainty at this stage that intensification would occur at identified sites within the Plan period. For these reasons, it would not be necessary for a more nuanced assessment of potential capacity increases on sites identified as being capable of intensification.
60. Appendix 2 of the Plan contains discrepancies in terms of its identification of sites considered suitable for intensification when compared with the individual site descriptions. Consequently, **MM52**, **MM70**, **MM80** and **MM121** are necessary, which would rectify this position in the interests of clarity, and to achieve consistency with national policy²⁵ in this regard.

Safeguarded Sites

61. Although Policy SI9 of the London Plan anticipates that existing waste sites should be safeguarded and retained in waste management use, its supporting text²⁶ indicates that release of current waste sites should be part of a Plan-led process, rather than done on an ad hoc basis.
62. Whilst site S11²⁷ has an extant planning permission for waste uses this has not been implemented. Moreover, the current occupier of the site has no intention of implementing that permission. Accordingly, the site does not constitute an existing site for the purposes of the London Plan. Moreover, the healthy

²⁴ As set out in section 3 of E11: *South London Waste Technical Paper Appendices*

²⁵ In particular paragraph 16(d) of the Framework

²⁶ At paragraph 9.9.2

²⁷ TGM Environmental, Beddington Lane, Sutton CR0 4TD

capacity of the Plan area's other safeguarded sites, as evidenced by Appendix 2 of the Plan (subject to **MM121**) means that no adverse effects would occur to the Boroughs' demonstrated ability to meet their apportionment requirements or the needs related to other arisings if site S11 were to be removed as a safeguarded site. Consequently, **MM116** is necessary which would remove safeguarding from the site, in the interests of the Plan's justification and effectiveness.

63. Similarly, whilst site C11²⁸ benefits from planning permission for waste uses, it is currently not in use for that purpose and is unlikely to come forward for such a use in the Plan period. Consequently, due to the competition for industrial land in the Boroughs, taken together with their healthy waste management capacity, and the position of the London Plan on safeguarding, **MM64** is necessary. This would remove safeguarding from site C11 and thus ensure effectiveness and general conformity with the London Plan.
64. Monitoring of the WDI has shown declining throughput on site S1²⁹ over recent years. The site operator indicates that this trend is likely to continue. Taking this together with the acknowledged shortage of land in the area (particularly for employment uses), the healthy throughput capacity of safeguarded treatment sites dealing with CD waste, and the safeguarding of the Chessington Railhead site for waste purposes arising as a result of **MM71**, the safeguarding of the S1 site is no longer justified. Consequently, **MM103** and **MM122** are necessary, which would remove safeguarding from site S1. These MMs ensure that the Plan is effective and justified in these terms.

Conclusion on Issue 2

65. For the reasons set out above, and subject to the referenced MMs, the Plan makes adequate provision for the waste management apportionments required by the London Plan and other arisings and is positively prepared in this regard.

Issue 3 – Does the Plan set out an effective suite of policies for the management of waste in the area; and are they justified and consistent with national policy?

Strategic Objectives and the development Plan

66. The Plan is unclear as to how its vision has informed the strategic objectives, and how these considerations are to be delivered by the Plan's policies. Consequently, to ensure that the Plan is soundly based in these terms, **MM7** is necessary which unambiguously identifies the policies that will deliver the objectives of the Plan. This MM is necessary for the Plan to be effective.

²⁸ C11 SafetyKleen, Unit 6b, Redlands, Coulsdon, Croydon CR5 2HT

²⁹ 777 Recycling Centre, 154a Beddington Lane, Sutton CR0 4TE

67. As drafted, supporting text in paragraph 5.24 of the Plan relating to increase of waste management throughput on transfer sites is inconsistent with s38(6) of the 2004 Act in requiring a proposal to be in compliance with all policies of a Development Plan. Consequently, **MM18** is necessary which ensures that all relevant policies of the Development Plan would be taken into account in an assessment of such proposals, and thus ensures the Plan's effectiveness in these regards.

Air Quality and Transport

68. Whilst representations have been made in regard to the air quality implications of transport movements associated with existing waste operations in the Plan area, the imposition of further planning controls on extant and consented uses regarding air quality and transport matters is outside of the scope of the Plan.
69. We note that the likely effects of the Plan on the prevalence of NO₂ and particulates in Air Quality Focus Areas (AQFAs) and Air Quality Management Areas (AQMAs) were a focus for SA's assessment in these regards. Nevertheless, the use of the phrase "particularly within AQMAs and AQFAs", makes clear that these areas were not the only focus of the SA, and wider considerations were taken into account in its assessment including the effects of air quality on sensitive receptors more generally throughout the Plan area. We consider the approach of the SA to be adequate in these regards.
70. On this basis, the SA found that the Plan's strategy, insofar as it seeks to restrict new waste related development to existing safeguarded sites, would be preferable in terms of its air quality and transport implications when assessed against reasonable alternatives. Moreover, the Plan's policies encourage the co-location and intensification of existing facilities, which could have positive impacts on the transport implications of development. Furthermore, locational criteria for compensatory provision directs such uses to land where the presence of sensitive receptors in terms of any highway or air quality impacts would be less likely. It is noteworthy too that the use of fully enclosed facilities for any new waste operations is also encouraged by the Plan, which again would help to mitigate air quality effects of further waste development.
71. Critically, the Plan's policies relating to site intensification and compensatory provision include clear criteria relating to air quality and the transport effects of any new waste development, including requirements for planning obligations directed to these matters. The list of documents required to support any applications for new waste development include items that would allow for a meaningful assessment of the air quality implications of proposals. Of relevance to our considerations on these matters also is the implementation of the Greater London Low Emission Zone (LEZ), which may also help to mitigate the air quality implications of HGV movements associated with any additional waste developments coming forward in accordance with the Plan's policies.

72. Whilst in these broad terms the Plan's strategy is clearly justified and effective it is not abundantly clear as to how the highway and air quality implications of waste developments would be monitored to ensure the effectiveness of any mitigation measures. Consequently, in the interests of the effectiveness of the Plan in these regards, **MM45** and **MM47** are necessary which would introduce supporting text to Policy WP10, and clarifies the type and scope of planning obligations that may be required to address air quality and transport matters – including provisions for monitoring their effectiveness, and sets out the interaction of the planning system with other regulatory regimes in these terms. **MM32** is also necessary which would give more guidance on the information that is to be included in support of a planning application to enable consideration of air quality and transport matters. This MM is necessary for the Plan to be effective.
73. The implications of monitoring of the air quality of safeguarded sites, and what actions this may trigger (in combination with other monitoring aspects) is discussed in respect of Matter 4 below.
74. Given the location of the S10 site in relation to the strategic highway network, and Transport for London's views on the site, it is necessary to include a site-specific requirement for any planning applications for further waste development to be supported by a transport assessment which considers the cumulative impact on the highway network. This is provided by **MM114** which is necessary for the Plan to be effective and justified.
75. To ensure that the Plan would be in general conformity with the London Plan on these air quality and transport matters, particularly the achievement of air quality neutrality and in respect of other potential pollutants, **MM28**, **MM31** and **MM32** would introduce additional wording to Policy WP5, and its supporting text. These MMs add further detail in terms of the effects to be taken into account in the assessment of any compensatory or intensification proposals, and information requirements which need to be supplied with applications. Critically, the MMs would ensure that the totality of air quality effects of a proposal, including the implications of associated transport movements would be assessed. The MMs also ensure consistency with national policy³⁰ insofar as it expects planning policies to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
76. As drafted, the safeguarding policy for the S2 site fails to reflect air quality implications, and as a consequence **MM105** is necessary in the interests of effectiveness.
77. As national policy makes clear³¹, WPAs should not concern themselves with the control of processes which are a matter for the pollution control authorities,

³⁰ Particularly paragraph 185 of the Framework

³¹ At paragraph 188 of the Framework and paragraph 7 of NPPW

and should work on the assumption that the relevant pollution control regime will be properly applied and enforced. On this basis, it is clear that, insofar as the scope of the Plan under examination is concerned, subject to the MMs set out above, it sets out a positively prepared, justified and effective approach to air quality issues insofar as they are relevant to planning, and that it is consistent with national policy in these terms. In terms of matters outside of planning control, we note the Environment Agency's keenness to continue partnership work with the Boroughs to ensure waste management sites across the Plan area do not cause environmental issues, as expressed in its response to the MM consultation.

Design

78. NPPW expects³² waste management facilities to be well-designed and contribute positively to the character and quality of the area in which they are located. However, Policy WP5 of the Plan only requires a design that ensures significant adverse effects would be avoided and does not consider the appearance of new waste management development. The Plan is therefore inconsistent with national policy in these regards. **MM26** and **MM31** are therefore necessary, which would ensure that Policy WP5 reflects NPPW's requirement for waste development to contribute positively to character and quality of its surroundings.
79. The Plan³³ indicates that the operational areas of sites for compensatory waste provision or intensified sites "should be within a fully enclosed building". The use of the word "should" is indicative that this is not an absolute constraint on the layout of sites, and other factors such as considerations of a proposal's effect on the wider environment and residential amenity would also be relevant in assessing site layouts. Consequently, the Plan would achieve general conformity with the London Plan³⁴ insofar as it expects that sites should be fully enclosed where they would be likely to produce significant air quality, noise or dust impacts; and that regard is had to operational yard space requirements when considering intensification proposals.
80. For these reasons, and subject to the aforementioned MMs, the Plan sets out a clear design vision and expectations, and thus achieves conformity with the Framework³⁵ in this respect. Although the Framework emphasises the role of design guides and codes³⁶ these wider matters are clearly more relevant to the constituent Boroughs' other Development Plan documents, and no further

³² At paragraph 7

³³ In Policy WP5 and in the issues to consider if there is a further application in relation to safeguarded site descriptions

³⁴ Particularly Policies E7 and SI 8

³⁵ At paragraph 127

³⁶ At paragraph 127 ff

adjustments would be necessary to ensure the soundness of the Plan in this regard.

81. Some safeguarded sites are located close to open spaces, such as Metropolitan Open Land (MOL). However, as drafted the site safeguarding policies do not adequately identify the wider visual and landscape effects on adjacent open land and countryside as relevant considerations should intensification proposals come forward. Consequently, **MM56, MM60, MM76, MM82, MM85, MM88, MM91, MM94, MM99, MM109, MM112** and **MM119** are necessary, which ensure that the Plan would provide effective policies on these matters.

Amenity Considerations

82. The NPPW expects³⁷ that the likely impact of waste development on the local environment and amenity should be considered at the planning application stage. Whilst Policy WP5 of the Plan seeks to protect and enhance amenity, aspects of its wording are neither clear nor unambiguous, and thus **MM27** is needed to ensure that residential and other amenity implications (including those relating to the Wandle Valley Regional Park) of any development are adequately reflected, and to secure consistency with national policy in this regard. Similarly, amendments to achieve clarity, and thus consistency with the Framework³⁸ are required to the relevant safeguarded site considerations, and as a result **MM51, MM53, MM54, MM55, MM59, MM62, MM65, MM66, MM67, MM68, MM69, MM72, MM73, MM74, MM75, MM77, MM78, MM79, MM81, MM83, MM84, MM86, MM87, MM89, MM90, MM92, MM95, MM96, MM98, MM100, MM101, MM102, MM104, MM106, MM107, MM108, MM110, MM111, MM113, MM117** and **MM118** are all required.
83. Two of the safeguarded sites³⁹ are adjacent not only to 'bricks and mortar' dwellings, but also to existing and proposed gypsy and traveller accommodation. As drafted, the issues to consider in relation to any further waste applications pertaining to those sites do not reflect this mix of dwellings. As a result, the Plan does not accord with the Government's Planning Policy for Traveller Sites⁴⁰, or the Framework⁴¹, insofar as they expect a high standard of amenity for existing and future users of places, and that planning policies should provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and wellbeing of any Travellers as a result of new development. Accordingly, **MM63** and **MM86** would introduce appropriate references to existing and Planned Gypsy and Traveller accommodation in relation to the C10 and M12 sites, which would ensure that the Plan is consistent with national policy in this regard.

³⁷ At paragraph 7

³⁸ At paragraph 16(d)

³⁹ C10 and M12

⁴⁰ At paragraph 13 (e)

⁴¹ At paragraph 130 (f)

84. The Framework recognises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important to the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. The aforementioned MMs would ensure that the Plan is in conformity with the Framework in these regards and particularly insofar as the Wandle Valley Regional Park is concerned. Although other items have been suggested as 'issues to consider' in relation to sites adjacent to the Wandle, their inclusion would go beyond either what could reasonably be controlled by condition or secured by planning obligation. These considerations, taken together with our findings on soundness in this specific regard, subject to the aforementioned MMs, indicate that no further adjustment is needed to the Plan insofar as is relevant to the Wandle Valley Regional Park.

Community Engagement

85. The PPG⁴², sets out that engagement with local communities affected by previous waste disposal decisions would help with considerations of whether existing waste facilities should be expanded/extended. As drafted, it is not sufficiently clear from the Plan as to how and when communities would be engaged in proposals relating to compensatory provision, or to the intensification of existing sites. Consequently, **MM1** is required which would set out how this could be achieved with appropriate references to the constituent Boroughs' SCIs. This modification would ensure consistency with the NPPW insofar as it identifies planning's pivotal role in providing a framework in which communities and businesses are engaged with waste management issues.

Policy WP4 Sites for Compensatory Provision

86. Policy WP4 sets out locational criteria relating to sites for compensatory provision. However, as drafted it is unclear whether the term "strategic open land" encompasses only Green Belt and MOL, or whether it might include other designations. Accordingly, in the interests of the effectiveness of the policy, and to achieve consistency with the Framework⁴³, **MM23** and **MM25** are required which would delete the term "strategic open land" and make it clear that Green Belt and MOL are the relevant planning designations to consider as part of site assessment. Moreover, those MMs are required in order to achieve consistency with the Framework in terms of inappropriate development in the Green Belt, the NPPW insofar as it emphasises the sequential preferability of non-Green Belt sites for waste uses⁴⁴; and to ensure general conformity with the London Plan in these terms in respect of MOL.
87. It is not clear from the submitted Plan whether the intensification of existing sites could contribute to compensatory provision. Taken together with the healthy

⁴² Waste Paragraph: 047 Reference ID: 28-047-20141016

Revision date: 16 10 2014

⁴³ In particular paragraph 16 (d)

⁴⁴ At paragraph 6

waste management capacity of safeguarded sites, the pressure on land in the Boroughs to meet other industrial uses merits a more directive approach in this regard, in the interests of the effectiveness of the Plan. Consequently, **MM17**, **MM24** and **MM25** are needed in order to achieve soundness in these terms.

88. As submitted the Plan is not in conformity with the London Plan in terms of how the throughput of sites would be assessed when proposals for compensatory provision are considered, and neither is it clear how compensatory provision would be secured in order to release waste sites for other uses. **MM19** is therefore necessary to ensure the Plan's general conformity and effectiveness in these terms.

New Waste Uses

89. Whilst the healthy position on waste management capacity for the Boroughs over the Plan period justifies the generally restrictive approach to the development of waste uses outside of safeguarded sites, the Plan is nevertheless unclear as to how applications for such uses would be considered. This is particularly relevant when such uses could contribute to the objectives of both the Plan and London Plan more generally. Consequently, **MM9**, **MM12**, **MM14**, **MM16** and **MM21** are necessary which explain the restrictive approach to new waste uses, and outline factors that would be taken into account in the assessment of proposals relating to sites which are not safeguarded by the Plan. These MMs are necessary to ensure that the Plan is both justified and effective in these terms, and to achieve general conformity with the London Plan. In consequence of these MMs, **MM15** is also necessary to ensure that any new waste uses would benefit from safeguarding to achieve general conformity with the London Plan in this respect. We have made a minor post-consultation change to **MM12** to ensure that the correct policy criterion is referred to, a matter that was covered in representations, and no prejudice therefore arises to the interests of any parties as a result.
90. Some consider the approach to new waste uses is onerous, and that this may discourage innovation and that the Plan is insufficiently flexible in terms of accommodating needs not anticipated. Nevertheless, the healthy capacity of the existing supply of safeguarded sites, taken together with the demand for non-waste uses, which also have to be accommodated in the Plan area, serve to justify the restrictive approach. Furthermore, the Plan's effective monitoring arrangements secured by MMs, and set out more fully in respect of Issue 4 below, would highlight if any needs not anticipated in the Plan would have to be accommodated. In terms of innovative approaches which do not accord with the policies, it is always open for a planning applicant to demonstrate that other material considerations justify a decision otherwise than in accordance with the Plan at the development management stage. These considerations clearly add further weight in favour of the Plan's restrictive approach.

Policy WP6 Sustainable Construction and the Design of Waste Facilities

91. Policy WP6 of the Plan requires waste developments to achieve an excellent rating under bespoke BREEAM and/or CEEQUAL schemes. It states that a lower CEEQUAL/BREEAM rating may be acceptable where achievement of the excellent rating would make a proposal unviable. However, it is not clear what information may be needed to justify a variation from the excellent rating. Accordingly, to ensure effectiveness in this regard, **MM34**, **MM35**, **MM36** and **MM37** are necessary, which further explain the terminology and expectations of the Plan and outline the type of evidence required, and emphasises the role of pre-application engagement, in order to achieve consistency with the Framework⁴⁵.
92. The supporting text to Policy WP6 includes reference to planning guidance and other documents that are no longer extant. Consequently, to ensure that the Plan is justified in these regards, and provides an effective basis for planning decisions **MM37** is necessary which would delete references to those documents.

Policy WP9 Planning Obligations

93. As drafted, the scope of items that could be captured by planning obligations does not accord with the Framework⁴⁶, or the legislative tests set out in the Community Infrastructure Levy Regulations 2010⁴⁷. Consequently, **MM43** and **MM44** are necessary, which amend the wording of Policy WP9 and includes supporting text to ensure conformity with national policy.

Information Requirements

94. The schedule to Policy WP5 of the Plan includes a large number of documents that might be needed to support applications for waste development. Some of the suggested documents, particularly those relating to the transport implications of a proposal, would seem to cover substantially similar ground to others in the schedule. Consequently, to ensure effectiveness in these terms and avoid repetition, **MM33** is required. This MM would clarify the sorts of information that would be required and how it might be captured.
95. During the course of the examination the Boroughs clarified that the schedule is a non-prescriptive list, and that the precise documents required would be likely to vary on a case-by-case basis. Consequently, **MM30** and **MM31** are required, which would amend Policy WP5 to emphasise the importance of pre-application engagement on these matters. These MMs would ensure the effectiveness of the Plan. Moreover, through the encouragement of good quality pre-application discussion⁴⁸, and by their ensuring that only supporting information that is

⁴⁵ At paragraphs 39ff

⁴⁶ At paragraph 57

⁴⁷ In Regulation 122

⁴⁸ At paragraph 39ff

relevant, necessary and material to an application in question would be requested⁴⁹, the MMs would also secure consistency with the Framework in these terms.

Agent of Change Principle

96. Policy WP8 of the Plan includes the relevant considerations relating to non-waste developments in the vicinity of safeguarded sites, which is consistent with the Framework in terms of the "Agent of Change" principle⁵⁰, and in general conformity with the London Plan Policy D13 insofar as it requires new proposals for noise sensitive development to mitigate any adverse effects of existing nuisance-generating uses. However, the Framework sets out⁵¹ that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Consequently, to achieve consistency with national policy in this regard, and to ensure the effectiveness of the Plan, **MM42** is necessary which adds an additional criterion to Policy WP8 to ensure that the criticality of pre-application engagement on the part of those proposing non-waste uses in the proximity of a waste site is reflected.
97. As drafted, the wording of Policy WP8 is unclear in terms of the sort of waste sites that it would relate to and in particular whether the policy relates to consented or safeguarded sites. Consequently, **MM42** is necessary, which would add clarity in these regards and thus ensure effectiveness and consistency with the Framework⁵².

Waste Miles

98. To ensure that the proximity principle is appropriately referenced **MM29** and **MM31** are necessary, which make reference to the concept of waste miles in terms of the issues to consider in the assessment of planning applications. The MMs also emphasise the requirement for the potential of using sustainable modes of transport for incoming and outgoing materials to be explored. In these ways, the MMs ensure that the Plan is in accordance with national policy, in general conformity with the London Plan, and secures the effectiveness of Policy WP5 in this regard.

Historic Environment

99. As worded the Plan's policies relating to the historic environment are not consistent with national policy⁵³, or the relevant statutory duties arising from the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently **MM27**, **MM31**, **MM57**, **MM58**, **MM93** and **MM97**, are necessary which would

⁴⁹ At paragraph 44

⁵⁰ At paragraph 187

⁵¹ At paragraph 39

⁵² In terms of paragraph 16 (d)

⁵³ Contained in section 16 of the Framework

amend relevant policy criteria to achieve conformity with national policy and ensure the effectiveness of the Plan in this regard. We have made a slight amendment to the historic environment elements of **MM31**, from the wording that was originally consulted on, to ensure that it accords with the analogous wording set out in **MM27**. This aspect of the MMs was adequately reflected in consultation responses, and no prejudice would occur to the interests of any parties as a result of this change.

100. The description of the S10⁵⁴ site indicates that it is located within an Archaeological Priority Area. However, the desirability of conserving the significance of the site in archaeological terms is not reflected in the list of issues to consider if there is a further application. As drafted, the Plan would be inconsistent with the Framework's expectation that heritage assets should be conserved in a manner appropriate to their significance. Accordingly, **MM115** is necessary, which would introduce a criterion relating to the area's archaeological significance.

101. The Plan sets out⁵⁵ that development for waste uses would only be allowed in accordance with the Plan and other documents and Plans which constitute a borough's Development Plan, unless material considerations indicate otherwise. The Framework makes clear⁵⁶ that Plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the Framework). Consequently, further modifications, which sought to introduce the relevant "balances"⁵⁷ set out in national policy, or the text of any of the Boroughs' other adopted Development Plans, would be both unnecessary and inconsistent with the Framework. Moreover, strategic policies relevant to the conservation of the built and historic environment⁵⁸, and positive strategies for the conservation and enjoyment of the historic environment⁵⁹ are items clearly more relevant to the Boroughs' other Development Plan documents.

Site C9 Pear Tree Farm, Featherbed Lane, Croydon CR0 9AA

102. As submitted, the extent of the C9 site is not accurately depicted on the illustrative map included in the Site Description. Accordingly, in the interests of the effectiveness of the Plan and to ensure its policies are justified in respect of the C9 site, **MM61** is therefore necessary which would insert amended mapping which depicts the accurate site boundary.

⁵⁴ Raven Recycling, Unit 8-9, Endeavour Way, Beddington Farm Road, Sutton CR0 4TR

⁵⁵ At paragraph 1.1

⁵⁶ At paragraph 16(f)

⁵⁷ Contained in paragraphs 199ff of the Framework

⁵⁸ Per paragraph 20 of the Framework

⁵⁹ Per paragraph 190 of the Framework

Conclusion on Issue 3

103. The above matters, taken together, lead us to the conclusion on this issue, that subject to the MMs mentioned, the Plan sets out an effective suite of policies for the management of waste in the area, which are justified and consistent with national policy.

Issue 4 – Does the Plan set out effective mechanisms for its implementation and monitoring?

104. Policy WP10 and the associated monitoring and contingencies table lack detail in terms of relevant management actions, are light on how the Plan's policies would be monitored, and are insufficiently clear as to how partners would be engaged in any activities that might be triggered as a result of monitoring.

105. Furthermore, the Plan identifies the scarcity of land within the Plan area as a key issue. This consideration, taken together with the London Plan's expectation⁶⁰ that any release of current waste sites should be part of a Plan-led process are indicative that the monitoring framework should be used to help to guide activity in these regards. This is of particular relevance given the Plan area's healthy position in terms of available throughput capacity. However, the monitoring framework as submitted is lacking in these regards.

106. Moreover, as worded the monitoring table is unclear (and thus contrary to the Framework⁶¹) in terms of how it would be applied to Conservation Areas – or how the air quality implications of existing sites could be taken into account as part of a wider environmental consideration of the Plan's policies. Furthermore, as submitted, it is unclear how and whether conditions compliance and Planning obligations would be monitored – issues that go to the heart of the controls that the Plan seeks to impose on new waste development, particularly in terms of its air quality and transport effects. At the hearings, we heard how new air quality monitoring technology is due to be deployed in one of the South London WPAs, and it is clear that advances in these regards could assist with monitoring the Plan.

107. Accordingly, **MM48** and **MM120** are necessary which would clarify these matters both in Policy WP10 and the Monitoring Table in the interests of the Plan's effectiveness.

108. The Plan, as submitted, does not set out a robust monitoring framework for situations where safeguarded sites that are not currently in operational use do not come onstream as anticipated. Consequently, **MM120** is necessary which would set out measures to address this in the Monitoring Table, and would ensure the effectiveness of the Plan in this regard.

⁶⁰ Set out in paragraph 9.9.2

⁶¹ At paragraph 16(d) and (f)

109. As submitted, the Plan does not provide sufficient clarity on the way that DtC partners, in particular, would participate in activities of review or updates to the Plan, or instances in which such action might be triggered. Moreover, it is unclear to what extent ongoing collaboration in these regards would assist with monitoring of cross-boundary movements over the plan period. Consequently, **MM4** and **MM120** are required which would explain the overall approach to these matters, and set out clear measures related to this in the Monitoring Table. For similar reasons, **MM46** and **MM48** are also required which would introduce appropriate reference to this matter in Policy WP10 and its supporting text. Taken together, the MMs would ensure that the Plan would be effective in these terms.
110. In order to provide an effective basis in terms of monitoring the delivery of compensatory provision **MM120** introduces additional actions focused on the availability and viability of alternative sites.
111. **MM120** would also make consequential changes to the monitoring table to address the above-referenced MMs in respect of Issues 1 to 3 to ensure the effectiveness of the Plan in these terms.
112. We have made some minor changes to **MM120**, when compared to the wording that was consulted upon to reflect recent changes to Building Regulations, and in terms of the Department of Environment, Food and Rural Affairs's biodiversity metric. As these minor changes do not introduce more onerous requirements, but merely clarify the legislative and London Plan positions on these matters, we consider that no parties' interests would be prejudiced by their inclusion at this stage. Moreover, the points were covered adequately in responses to the MM consultation.
113. Although initial analysis indicates that there were short-term changes to waste arisings⁶² occurring across the country as a result of social distancing measures pursuant to the COVID-19 pandemic, any longer-term effects of this, particularly in terms of increased working from, and deliveries to, homes, and wider economic implications are as yet uncertain. However, the monitoring framework, subject to the above-referenced MMs which we have recommended, taken together with the legislative provision⁶³ which requires planning authorities to review Plans to assess whether they need updating at least once every five years, would ensure an effective and timely response to any material changes in circumstances in these regards.

⁶² Set out particularly in Plan13 *The UK Waste Sector Covid19 Response and Resilience Report* (Chartered Institute of Wastes Management - December 2020)

⁶³ Arising from Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

Conclusion on Issue 4

114. For these reasons, and subject to the referenced MMs, we conclude on this issue that the Plan sets out effective mechanisms for its implementation and monitoring.

Overall Conclusion and Recommendation

115. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

116. The Boroughs have requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the DtC has been met and that with the recommended MMs set out in the Appendix the South London Waste Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Stephen Normington

INSPECTOR

G J Fort

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.