

MATTER 3 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?

Issue (ii) Whether the methodology used to identify waste arisings (other than those identified in the London Plan) over the plan period is justified on the basis of a robust analysis of the best available data and information¹⁶?

Questions:

- 1. Is the methodology used to identify construction, demolition and excavation (CDE) waste arisings justified and consistent with PPG; and does it provide a robust basis for the Plan's policies in this regard?**

No. The draft Plan proposes to adopt a forecast for C,D & E waste that projects an increase of arisings applying the GLA's employment figures in the construction sector, whereas national Planning Practice Guidance actually advises that:

"Waste planning authorities should start from the basis that net arisings of construction and demolition waste will remain constant over time as there is likely to be a reduced evidence base on which forward projections can be based for construction and demolition wastes." (Paragraph: 033 Reference ID: 28-033-2014 1016).

The assumed correlation between employment numbers and growth in waste arisings is not justified. Considering the ongoing drive to reduce waste management costs, conserve valuable and costly building materials and create more sustainable buildings, it is considered that a linear relationship between employment and waste growth should not be assumed. Rather a falling 'per unit arisings' factor should be considered.

The current approach means that the forecasts upon which projected need is based are not justified and not in conformity with national PPG. Therefore the management requirements planned to be provided for are over inflated.

- 2. Are the methodologies used to identify other arisings justified and consistent with PPG; and do they provide a robust basis for the Plan's policies in these regards?**

PPG states:

"Apportionments of waste to London boroughs set out in the [London Plan](#) provide a benchmark for the preparation of Local Plans and a basis for Annual Monitoring Reports. Waste planning authorities should have regard to the apportionments set out in the London Plan when developing their policies. The Local Waste Plan will need to be in general conformity with the London Plan." Paragraph: 042 Reference ID: 28-042-20141016

Given the London Plan was adopted recently, and the evidence base supporting the apportionments was published in March 2017, this may be considered the best available data. Hence, as PPG states, these ought to be used as benchmarks and there is no

requirement for individual boroughs to generate their own forecasts. The apportionments are based on assessment of the capability of each Borough to accommodate waste management capacity, which may result in some being expected to manage more waste than is predicted to be produced within them. If each Borough/Plan-making entity generates their own forecasts, there is a risk that some may under-provide against their apportionments.

3. Should the potential impact of the Coronavirus pandemic – particularly in terms of the implications of people working from home - be reflected in the Plan’s assumptions for management of waste over the plan period?

The London Plan apportionments are based on forecasts that are unlikely to materialise given the economic shock from lockdowns, and the shift towards home working that is expected to continue going forward.

Arising at places of work such as offices and retail space can be expected to fall, along with those from support sectors such as hospitality. While arisings of waste at homes can be expected to rise, this will be managed as household waste predominately outside of the Boroughs within the Plan area or even London itself (where employees live) – based on data for commuting in London that shows around three quarters of the working population of the Plan area Boroughs live outside the Boroughs in which they work¹.

The above supports the case for any C&I waste forecast to be revised down, to no more than the apportionments and even below them. There is no case to justify pre-Covid growth forecasts and to continue to do so would be ignoring a fundamental shift.

Issue (iii) Whether the assessment of site capacities is justified and based on a robust analysis of the best available data and information?

Questions:

- 1. Is the approach to identifying the qualifying throughput of sites justified – or should the maximum throughput of sites be used as the basis for establishing their capacities?**

The London Plan paragraph 9.9.2 states that: (underlining added)

“Waste sites should only be released to other land uses where waste processing capacity is re-provided elsewhere within London, based on the maximum achievable throughput of the site proposed to be lost. When assessing the throughput of a site, the maximum throughput achieved over the last five years should be used; where this is not available potential capacity of the site should be appropriately assessed.”

It is clear that the London Plan requires the peak throughput over the most recent 5 years be taken, not the average (mean) as suggested by the Councils. While this applies to capacity that may be released from safeguarding, and so requiring compensatory provision,

¹ Place of Residence by Place of Work, Local Authority [Office for National Statistics \(ONS\)](https://data.london.gov.uk/dataset/place-residence-place-work-local-authority)
<https://data.london.gov.uk/dataset/place-residence-place-work-local-authority>

it is logical for a consistent approach to be taken to assessing the qualifying throughput of all sites.

2. Is it clear how sites identified as having zero capacity could count towards the apportionment?

No. Thirteen sites in Appendix 2 of the Plan are assessed as having zero i.e. no 'qualifying' capacity. This underestimates existing capacity in the Plan area and inflates any capacity gap. An assessment involving review of the Waste Data Interrogator data for peak input over the most recent five year period as advocated in the London Plan shows that most of the omitted sites did accept significant quantities of waste totalling nearly 250,000 tonnes at peak annual input.

Issue (iv) Would the Plan's approach to meeting the London Plan's apportionments and other identified arisings be effective; and is it positively prepared in these respects?

Questions:

- 4. Is it clear how the potential for safeguarded sites to be intensified has been assessed and the additional capacity that could be realised as a result? Have the criteria in NPPW, paragraph 5 been taken into account in this assessment? Is the Plan based on a robust analysis of the best available data and information in these regards?**
- 5. Have capacities for throughput increases at sites as a result of intensification been adequately explored and quantified – and if so would this justify release of some of the safeguarded sites where this might lead to sustainable development for other uses of those sites?**

It is not clear how the potential (or not) for intensification has been assessed and this should be quantified in the site schedules and Appendix 2.

The potential would provide flexibility to release of some existing sites that would otherwise be safeguarded, where this would lead to sustainable development. By way of a recent example, when the West London Waste Plan was being produced it was established that over 600,000tpa of additional qualifying management capacity could be provided by reconfiguring seven existing sites alone.

The Technical Report applies an assumption that on average capacity of 60,000t per hectare can be delivered. This takes an 'average' (or mean) value which masks the potential of much greater intensification when land is in limited supply. Taking the average homogenises the outliers that demonstrate best achievable practice and should be used as the performance benchmark. When assessing the potential of existing sites to contribute additional qualifying capacity, especially where this may be available to provide compensatory capacity for release of other sites, this 'best practice' approach should be applied.

Notably, the North London Waste Plan (NLWP, Proposed Submission Amended March 2021²) initially applied a similar assumption about land requirements to that of the draft SLWP. However, following Examination, this was amended to reflect the fact that the amount of land required in any particular case will depend on the type of facility and technology. The NLWP now includes reference capacities for land take for new facilities as 128,000t/ha for HCI recycling, and 100,000t/ha for C&D recycling. Applying this approach, tempered by consideration of other factors that may influence acceptable throughput, would result in a substantial uplift in potential capacity that may be achieved through intensification of sites.

Such capacity should also be counted towards compensatory capacity to allow release of sites from safeguarding that are no longer viable or appropriate for waste management.

6. Is the methodology to assess the qualifying throughput of exempt sites robust and does it justify the assumptions of the Plan in this regard?

No. The technical report states that:

"Exempt sites – were included where capacity met the requirements of the London Plan. A list of exemptions assumed relevant to the London Plan apportionment, and assumed capacities per site, are given in section 5.2.3 of this report."

It goes on to state "

"5.2.3.7 A list of exemptions registered within each of the boroughs has been provided by the Environment Agency. Those exemptions relevant to this study are summarised in Table 16. Similarly to permits, exemptions are limited up to a tonnage which is not necessarily reflective of the operational capacity. Therefore, an assumed capacity (sourced from Defra guidance) for each exemption type has been used to estimate the operational capacity of each of the sites operating under exemptions. This is not a standard percentage assumption but instead is based on data gathered by the Defra study with regards to the likely size of these exempt operations."

Examination of the data presented for exemptions with the Environment Agency exemption register reveals that the capacity has been under reported by a significant margin. In particular:

- Comparison of the exemptions considered to be applicable to the SLWP capacity assessment exercise with those identified in the Defra methodology referenced shows that a very limited subset of exemptions have been chosen. The Defra methodology identified 21 of the 57 exemption types (paragraphs) as being applicable to the C&I waste estimation methodology. However, the SLWP only identifies 7 of the exemption types, 2 of which are not actually identified by the

² <https://www.nlwp.net/wp-content/uploads/2021/05/NLWP-Proposed-Submission-Jan-2019-with-track-change-modifications-March-2021.pdf> Para 6.8 and New Table 8

Defra methodology. Therefore 16 additional exemption types ought to be considered³.

- Comparison of the number of exemptions identified within the limited subset applied and the actual register shows that even for those the number of exemptions have been underestimated.
- Comparison of the assumed capacity reveals that for two of the five exemptions counted the capacity has been significantly reduced with no justification given.

A significant contributor to the under-reporting may be that the Councils have relied on sites identified as falling within one of the partner Boroughs. However, there are in fact a significant number of exemptions that have postcodes falling within the Boroughs but are not attributed to them.

The above flaws compound the substantial underestimation of capacity within the Plan area. If it were counted properly then the need to safeguard certain sites for the sake of contribution to the capacity numbers would reduce significantly. Table 1 & 2 below show the impact of this on the assumed capacity.

Table 1 Comparing the impact of corrections for under-counting and under-estimating tonnage for the limited number of exemptions selected in SLWP.

Exemption Paragraph	Exemption count		Assumed tonnes		Capacity Estimate (tonnes)	
	SLWP	Actual	SLWP	Actual (Defra)	SLWP	Actual
D6	0	9	5	0	0	450
T1	0	3	1,200	1,200	0	3,600
T4	3	21	5,000	3,000	15,000	63,000
T10	1	9	520	520	520	4,680
T11	7	9	500	1,000	3,500	9,000
T12	1	6	60	60	60	360
T23	0	8	400	400	0	3,200
T25	0	0	1,000	0	0	0
Total Capacity					19,080	83,885

This exercise reveals that the existing capacity may have been underestimated by at least 65,000 tpa (the difference between 84ktpa and 19ktpa). Note that the tonnage assumed managed at the T4 exemption has actually been taken to be lower than that used for the SLWP. This is on the basis that the maximum tonnages are material dependant ranging from 3,000 tpa for cans and foil to 15,000 tpa of paper and card. If the SLWP assumed

³ It is accepted that some, such as bonfires (D7) ought not to be considered as it does not meet the London Plan definition of qualifying capacity for apportionment purposes (however that raises another concern, that the London Plan definition of 'qualifying capacity' has been applied across the board to all capacity dealing with all waste streams, whereas it is in fact intended to only apply to capacity to be identified as dealing with waste subject to the apportionments).

tonnage of 5,000 tpa is applied, the underestimate increases by a further 36,000 tpa giving a total underestimate to c100,000tpa.

If the range of exemptions considered is extended to reflect the range applied in the Defra methodology (referenced by the SLWP Technical Paper) the under-estimate increases by a further 147,000 tpa, giving an overall total capacity underestimate of c210,000 tpa. Table 2 below sets out how this is derived.

Table 2. Additional existing capacity estimates accounting for all exempt sites

Exemption Para	Count	Brief Description	Assumed Tonnes pa managed	Total Tonnes Managed	London Plan Qualifying Capacity para
T2	3	Laundrying/cleaning waste clothes/textiles for reuse	2,000	6,000	c
T4	21	Baling/shredding of certain recyclable materials	3,000	63,000	b
T6	15	Wood chipping or shredding	2,000	30,000	b
T8	2	Small scale tyre treatment e.g. baling or shredding	60	120	b
T9	14	Scrap metal processing	2,500	35,000	b
T16	2	Treatment of waste toner cartridges and waste ink cartridges	50	100	c
U2	1	Use of baled end-of-life tyres in construction	50	50	c
U4	5	Use of waste as a fuel in a small appliance like a workshop heater	10	50	a
U8	7	To allow waste to be used, where it is suitable for use without treatment. Specific uses include horse ménages, animal bedding.	250	1,750	c
U9	1	Use of waste to manufacture finished goods such a panelboard from waste woodchip	2,500	2,500	c
U10	10	Spreading waste on agric land to confer benefit	200	2,000	c
U11	8	Spreading waste on non-agric land to confer benefit	200	1,600	c
U12	8	Use of mulch	600	4,800	c
Grand Total				146,970	

The Technical Paper also states a para 5.2.3.8

"... It should also be noted that these sites are unlikely to become available for other waste uses, should the existing waste activity cease, as often the main activity on these sites is not waste management which is often ancillary to the main activity."

There is no evidence provided to substantiate this statement. We are aware of at least one site operating as a qualifying exemption within the Plan area that has full planning

permission for a waste use⁴ that should and should therefore be counted as qualifying capacity regardless of whether it remains operational. It is not clear how many other sites providing capacity have been omitted without a thorough check on the basis of the above assumption.

The above assessment demonstrates that the amount of capacity available at existing sites in the Plan area is much greater than indicated in the Plan and its evidence base. There is therefore no need to safeguard all current waste sites. The preparation of an updated Plan is an opportunity to release sites with wider development potential, including Site S1. To continue to rigidly safeguard all waste sites, with a very high bar to their release (due to the difficulty and uncertainty over the mechanism and evidence required to demonstrate that compensatory capacity can be provided) will blight these sites and frustrate delivery of much-needed employment space.

The London Plan advises that the plan-led process is the mechanism by which the application of safeguarding should be reviewed and sites released as appropriate.

Issue (v) is the safeguarding of individual sites justified; are the throughput assumptions they contain soundly based; and would the stock of safeguarded sites provide sufficient opportunities to meet waste needs?

Questions:

- 2. The *Deliverability Report* states that there are eight exempt waste sites in the South London area – however, the Plan does not seek to safeguard these – is this approach consistent with Policy SI 9 of the London Plan?**

No. Not if these have planning permission for waste and offer ‘qualifying’ throughput. For example Land at Junction of Factory Lane (12, Enterprise Close, Croydon) was granted planning permission for reception, separation and storage of metal for recycling (19/01514/FUL) and currently operates under a T9 exemption. This would be classed as qualifying capacity under criterion b. of the London Plan policy.

- 3. Given the identified land constraints set out in the Plan would the safeguarding approach ensure that an adequate amount of land for other industrial uses would be available within the Boroughs over the plan period? In these regards is the Plan sufficiently flexible to adapt to rapid change, flexible enough to accommodate needs not anticipated in the plan, to allow for new working practices, and to enable a rapid response to changes in economic circumstances?**

No. The safeguarding applied to existing waste management sites, and the requirements to identify compensatory capacity, are very stringent, particularly if it must be found within the Borough in which the site to be released is located.

⁴ See representation on Issue (v) 2 below

The Plan preparation process should rationalise the safeguarded site, with the most viable sites offering the greatest potential being safeguarded for the future.

This process should recognise that some existing sites are no longer viable, due to falling throughput and competition for inputs, and change of use (from waste/*sui generis*) would deliver against other planning priorities particularly provision of much-needed employment space. This should apply to Site S1.

Throughput at Site S1 has declined dramatically over recent years and it is currently not financially viable (costs are exceeding income) to continue as a waste management facility. The operator is planning to cease waste management on the site. The draft SLWP and the Delivery Report identify the qualifying throughput of the site as 20,625tpa HCl plus 32,972 C&D waste (total 53,597tpa) and yet the peak throughput of the last 5 years (referring to the London Plan advice on assessing capacity) is only 28,040tpa (2016). Throughput has fallen to 16,705tpa in 2020. The vast majority (>90%) of throughput is CD&E waste, not apportioned HCl waste. The 5 year 'average' 2016-2020 (using the draft SLWP approach) is 24,049tpa. Evidence from operators of proximate waste facilities within have confirmed surplus capacity is available.

Release of this site from safeguarding would enable change of use to employment (B2/B8) use and so assist in delivery of broader planning objectives for the area as set out in the Sutton Local Plan (2018) particularly regarding economic development and employment land (Policy 14) and improvement of the industrial environment and use (Policy 15).

This also highlights the importance of using the best available data. Fixing assumed throughputs in the Plan based on out-of-date information, has serious consequences when seeking to change the use of sites and demonstrate that the amount, and availability of, compensatory capacity.

Issue (vi) Is the Plan's restrictive approach to the development of new waste sites justified; is the approach consistent with national and regional policy?

Questions:

- 8. Should Policies WP3 and WP4 reflect the London Plan insofar as compensatory provision for waste sites lost to other uses in the South London area could be provided elsewhere in the Greater London area?**

Yes. To avoid being overly restrictive, it should be clarified that that WP3 (d) does not restrict compensatory capacity to within the SLWP area, and that it can be provided through intensification of existing waste sites.

- 9. Should compensatory capacity be required if it could be demonstrated that sufficient capacity exists either on existing sites in the South London area itself, or within the wider Greater London area?**

No. The identification of sufficient capacity on sites within London should be acceptable as evidence of the lack of need for the capacity proposed to be released from waste use and safeguarding, and surplus capacity should qualify as evidence of 'compensatory capacity'.

Is it clear from the Plan that compensatory provision could be provided through the intensification of existing sites?

No, although in the Councils' comments on representations on the draft Plan (response to Rep 68, page 100) it is acknowledged that Policy WP3 (b) allows for intensification of existing sites. The Policy should be amended to make it clear that 'compensatory provision' includes intensification of existing waste sites. This should include consideration of the maximum achievable throughput of a site reflecting its size and context.

Evidence of compensatory capacity through intensification should include commitments from operators of existing facilities with additional capacity, following assessment of their potential for intensification based on:

- Current maximum throughput (based on the 5-year peak)
- The potential throughput based on the site area and the 'best in class' throughput that could be achieved (with reference to the benchmarks used in the North London Waste Plan rather than the 'average' applied in the draft SLWP)

The safeguarding of all the sites as currently proposed in the Plan, applies a severe and unnecessary constraint to use of land within the Plan area for non-waste commercial and industrial purposes, impeding the free operation of the land market and its ability to respond to evolving and ever changing needs.