

South London Waste Plan Boroughs Response to Matter 2

CROYDON



Matter 2:

Is the Plan in general conformity with the London Plan?

**Issue (i):
Is the Plan in general conformity with the London Plan?**

M2 (i) 1

The plan period of the London Plan is different to that of the South London Waste Plan. Consequently, to what extent do the apportionments set out in the South London Waste Plan accord with apportionment requirements of the London Plan?

1.1 Firstly, the Boroughs consider that a plan period of 15 years is an appropriate period to plan for and is consistent with the National Planning Policy Framework (Examination Library Ref: N1) which states that strategic policies should look ahead for a minimum of 15 years.

1.2 The London Plan 2021 (Ref: R4) has a plan period up to 2041 compared to the South London Waste Plan ("the Plan") period of 2021 to 2036, so is 5 years shorter. However, the London Plan only gives apportionment figures for 2021 and 2041. As such it was necessary for the South London Waste Plan Technical Paper (Ref: E10 and E11) to calculate the apportionment targets for the intervening years.

1.3 The approach is set out Section 3.5 of the Technical Paper (Ref: E10), where the gap between the London Plan apportioned waste target of 2021 and 2041 (57,000 tonnes per annum) was divided evenly and aggregated into the 5-year bands. So at each of the intervening target years, an additional +14,250 tonnes are added. If this sequence is carried on beyond the plan period up to 2041, this equals the London Plan apportionment figure for that year (see Table 1 below). In short, the Boroughs consider that the apportionment figures set out in the Plan do accord with those in the London Plan 2021.

Table 1: Apportioned Waste by Forecast Year (tonnes per annum)

SLWP Total	2021	2026	2031	2036	2041
HCI Waste	887,000	901,250	915,500	929,750	944,000
Additional Capacity	-	(+14,250)	(+14,250)	(+14,250)	(+14,250)

1.4 However, as set out in response to M3 Issue iv, the Boroughs have analysed the latest Waste Data Interrogator (WDI) for 2018 and 2019 (Ref: N13), published in October 2020. Applying the same methodology that was in the Waste Technical Paper (Ref: E10), reveals that existing waste management capacity (along with planned development i.e. Site 12 Suez,

Beddington Lane) can exceed the 2041 apportionment figure within the plan period of 2021 to 2036 in any event.

M2 (i) 2	Do the Plan’s Vision and Objectives reflect the London Plan’s expectation that environmental, social and economic benefits should be created from waste and secondary materials management?
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1.5 The Boroughs consider that the Vision and Objectives are broadly supportive of the London Plan in these regards, however specific details about how this will be delivered are set in the Policies. As such it is important that the Plan is considered as a whole. In addition the Sustainability Appraisal (SA) assesses the Plan’s Vision and Objectives against the full SA Framework (See Table 11.1 of the SA, Examination Library Ref: S2).

1.6 Table 2 below summarises how the Boroughs consider the Vision and Objective support the London Plan requirements. In addition, in response to Matter 3 (i) Q 2-9, some changes to the Vision and Objectives have been proposed. These should be read alongside the response to this question.

Table 2: How the Vision and Objectives support the London Plan requirements

Benefits	Vision	Objectives	Policy
Environmental	Achieving net self-sufficiency will allow as much waste as possible to be managed in areas where it arises. This reduces the need to transport waste. The Vision also support existing waste sites, where environmental mitigation is already in place. Sites for compensatory provision or intensification will also need to mitigate the effects of operations, which will benefit the environment.	Objective 1 and 2: Meeting waste targets to achieve net self-sufficiency. Objective 3: Safeguard sites to allow net self-sufficiency to be achieved. Objective 5: Ensuring sustainable design and construction methods are used. Objective 6: Fully mitigating the effects of new development. New Objective 7: To support the movement of waste as far up the waste hierarchy as practicable. New Objective 8: Supports co-location which will help minimise waste movements.	Policy WP1 Policy WP2 Policy WP3 Policy WP4 Policy WP5 Policy WP6 Policy WP7 Policy WP8 Policy WP9
Social	The Vision aims to ensure that waste is managed efficiently and effectively and that the operational impacts are mitigated against. This approach will have social benefits by protecting and enhancing those communities who may live in closer proximity to waste sites. Achieving net self-sufficiency, and therefore minimising waste transport movements, will also have social benefits in terms of air quality.	Objective 1 and 2: Meeting waste targets to achieve net self-sufficiency. Objective 5: Ensuring sustainable design and construction methods are used and, where possible, enhanced amenity. Objective 6: Fully mitigating the effects of new development and, where possible, enhanced amenity. New Objective 7: To support the movement of waste as far up the waste hierarchy as practicable, which will involve reducing and preventing waste.	Policy WP1 Policy WP2 Policy WP3 Policy WP4 Policy WP5 Policy WP6 Policy WP7 Policy WP8 Policy WP9

Benefits	Vision	Objectives	Policy
Economic	The Vision aims to ensure there is sufficient industrial land by only safeguarding existing sites, supporting conditions where the sub-regional economy can flourish.	<p>Objective 1, 2 and 3 – Continue support for the economy by aiming for net self-sufficiency and protecting existing waste sites.</p> <p>Objective 4: supporting the need for industrial land by safeguarding existing sites (and not sterilising more land than is required to achieve the Vision).</p> <p>New Objective 7: To support the movement of waste as far up the waste hierarchy as practicable.</p> <p>New Objective 8: To deliver management capacity in line with the proximity principle and to support the co-location of facilities to minimise waste movements and support opportunities for the circular economy.</p>	Policy WP1 Policy WP2 Policy WP3 Policy WP4 Policy WP7 Policy WP8

1.7 However, the boroughs consider that the Plan could be strengthened by making these links in the Objectives clearer and, as such, propose the below changes. This should be read in conjunction with the modifications in Matter 3 (i) Q2-9.

Proposed Modifications

New Objective 9: To ensure the delivery of sustainable waste development within the Plan area through the integration of social, environmental and economic considerations.
To be delivered through Policies WP1 to WP9

M2 (i) 3

Is the restrictive approach set out in Policy WP3(d) consistent with the London Plan’s aspiration to achieve net self-sufficiency in waste management terms by 2026?

Should the Plan be modified to offer more support for the development of compensatory provision where sites outside of the South London boroughs are released for non-waste development in the specific circumstances outlined in the London Plan (i.e where “a waste site may be lost, compensatory capacity should first be explored within the borough. In cases where this can’t be provided, and suitable capacity is found in another borough, the receiving borough or joint waste planning group is encouraged to take on the apportionment and include it as part of their Development Plan”)?

1.8 The Boroughs consider that the Plan’s approach to new waste sites, is broadly consistent with London Plan’s aspiration to achieve net self-sufficiency by 2026 and that the Plan is already supportive of accommodating waste from outside the South London Waste Plan Area. The reasons for this are discussed below.

1.9 The Plan is committed to achieving net self-sufficiency in the South London Waste Plan area, and sets this out in its Vision and Objectives, incorporating changes that are proposed in Matter 2(i) Q2 and Matter 3 (i) Q2-9. This commitment to net self-sufficiency is supported by Policies WP1, WP2, WP3 and WP4 of the Plan. By achieving net self-sufficiency in South London, the Plan will be directly contributing towards the London Plan aspiration of achieving net self-sufficiency for London as a whole, whilst striking a balance between other strategic planning considerations. There are a number of reasons why the Boroughs consider this to be a justified approach.

1.10 Firstly, the London Plan waste apportionment model defines the proportion of London's total household, commercial and industrial waste that each borough should plan for. This results in some boroughs being allocated more waste than arises within their local authority area. The London Plan (Ref: R4) sets out the boroughs arisings and apportionment in Table 9.1 and 9.2, and is summarised below in Table 3. This shows that the South London Waste Plan Boroughs will be managing 13% more waste than it produces in 2036, so is already managing waste from outside the Plan area.

Table 3: Percentage of SLWP Apportionment above Arisings

Borough	2021			2036		
	Arisings	Apportionment	%	Arisings	Apportionment	%
Croydon	305,000	252,000	-17%	320,000	264,000	-18%
Kingston	152,000	187,000	+23%	157,000	196,000	+25%
Merton	173,000	238,000	+38%	180,000	249,250	+38%
Sutton	161,000	210,000	+30%	168,000	220,500	+31%
Total	792,000	888,000	+12%	825,000	929,750	+13%

1.11 The Plan is supportive of this strategic approach to the allocation of waste across London and, accordingly has planned to meet the apportionments in the Plan. The analysis of capacity across existing waste sites in South London, as set out in the Technical Paper (Ref: E10 and E11), alongside planned developments on Site S12, and updated analysis of the Waste Data Interrogator (Ref: N13), clearly demonstrate that waste management capacity in the Plan area can exceed the London Plan apportionments. This more than meets the London Plan requirement in paragraph 9.8.7, which states "*Boroughs should examine in detail how capacity can be delivered at the local level and demonstrate how this can be provided for through the allocation of sufficient sites and the identification of suitable areas in Development Plans to meet their apportionment, and should aim to meet their waste apportionment as a minimum.*"(Our emphasis). Given then how much waste management capacity that the Plan has identified, and safeguards through Policy WP3, not including any additional capacity that could be delivered through intensification, the Boroughs do not consider it unreasonable to restrict compensatory provision to South London Waste Plan Boroughs only. The Boroughs feel this is particularly warranted given the pressure for industrial land in the sub-region, which competes for the same type of land as waste uses, namely in Strategic and Local Industrial Locations.

1.12 The pressure facing industrial land supply in South London is discussed in Section 3 of the Plan "Key Issue 3: Scarcity of Land". This is underpinned by the Boroughs' evidence base on industrial/employment land (Ref: B18, B19, B20, B21a and B21b) and the evidence base supporting the economic policies of the London Plan (Ref: R3), which clearly demonstrates that South London has exceptional demand for business and industrial land from traditional industrial uses (i.e. non-waste uses).

1.13 For example, in Sutton, the Economic Development Assessment (Ref: B21a) concluded that: "*that there is a lack of available industrial stock in Sutton and that there is strong*

demand...vacancy rates are at an all-time low and there has been very little speculative development in recent years. There has been strong demand for larger units between 10,000 to 50,000 sq ft and there are very few of these coming on the market” (para 8.73) and goes on to say “there is very little land available for further industrial development” (para 8.97). The report concludes that “Sutton should not lose any significant amounts of industrial land in future and should take a strong line in resisting pressure on such land” (para 8.98). The 2018 Sutton Local Plan (Ref: B8), was not able to demonstrate that the need for 40,000 sqm of new industrial floorspace could be met through intensification of existing sites alone and had to release 4.4 ha Metropolitan Open Land, adjacent to the Beddington Strategic Industrial Area (SIL), in order to meet this need, when safeguarded waste sites sat as long-term vacancy within the same SIL.

1.14 More recently, the Croydon Employment Land Review Update 2020 (Ref: B18), reached similar conclusions. The report noted the exceptional low industrial space vacancy, stating: *“only 1.3% of industrial space is currently vacant, well below the GLA guidance frictional vacancy rate of 8% for effective market operation. This is one key marker that there is now a severe shortage of space across the borough. Occupancy levels have risen over the past decade, a further marker of strengthening demand, whilst rising industrial and logistics land values have risen significantly” (para 7.5). The report goes on to say “There is evidence that a shortage of industrial property supply has become more acute across both the South West Fringe Property Market Area and Croydon. In part, this is the result of the continued loss of industrial and warehousing space to other uses, without premises being replaced. The result has been a slow-down in leasing activity and high occupancy rates”.*

1.15 Finally, as set out in paragraph 5.25 of the Plan, the evidence based produced in support of the London Plan preparation, in respect of economic / employment policies, also recognised the exceptional demand for business and industrial land from non-waste uses and indicated that Croydon, Kingston and Merton should not release industrial land and that Sutton should provide more industrial capacity.

1.16 The London Industrial Land Demand Study (2017) (Ref: R3), which informed the preparation of the London Plan, stated that the Wandle Valley property market area had a positive net demand, which was strongest in Sutton (page 213) and recommended that each borough be categorised into one of three categories:

- **Limited Release** – *for those Boroughs where there is still a surplus of industrial land to release. These Boroughs are will be found predominantly in the Thames Gateway.*
- **Retain** – *this will apply to the majority of Boroughs and in such cases Boroughs should seek to retain their capacity to accommodate industrial activity.*
- **Provide Capacity** – *where Boroughs are experiencing positive net demand for industrial land and should seek some way to accommodate that demand.*

1.17 The Intend to Publish version of the London Plan, which was found sound by the Inspectors, had identified Croydon, Kingston and Merton as borough’s that should ‘retain’ industrial capacity, stating that *“Boroughs in the retain capacity should seek to intensify industrial floorspace capacity”.* Furthermore, Sutton was identified in the “provide” industrial capacity category, stating that *“Boroughs in the ‘Provide Capacity’ category are those where strategic demand for industrial, logistics and related uses is anticipated to be the strongest”.* Whilst these were removed from the final version of the London Plan as a result of intervention by the Secretary of State, their original inclusions was based on the Industrial land evidence base that supported the London Plan. This demonstrates the tight industrial land supply in South West London and why the Boroughs are anxious to ensure that waste is not over provided for, as this has potential to impact on other areas of plan making.

1.18 Given the huge demand for industrial land in South London, alongside low vacancy, pressures on supply and lack of vacant land, the Boroughs consider it justified to restrict compensatory provision from outside the Plan area to reduce the risk of further industrial land

being lost to waste uses, particularly when the Plan can demonstrate it can achieve net self-sufficiency and can also demonstrate that it can exceed the apportionments, a target which already includes managing waste from other London Boroughs in any event. This strikes a balance between meeting the apportionment, achieving net self-sufficiency, contributing significantly towards London achieving net self-sufficiency and ensuring the Boroughs have greater certainty over the amount of industrial land likely to be available when planning for employment need in local plans.

1.19 The Boroughs are not in favour of offering more support for the development of compensatory provision for sites outside the plan area because of the concerns over compromising the ability to meet industrial need. The Boroughs do note that the London Plan states in paragraph 9.8.10 that where compensatory capacity cannot be accommodated within a borough that other boroughs are encouraged to take on the waste capacity and include this apportionment in their development plan. However, the boroughs do not consider this to be an absolute requirement as the wording of paragraph 9.8.14 only “encourages” and does not ‘require’. Furthermore, the Boroughs also note that this does not actually form part of Policy SI 8, it is merely part of the supporting text. In the case of Cherkley Campaign Limited V Mole Valley District Council (Ref: N8) it was concluded that *“the policy is what is contained in the box. The supporting text is an aid to the interpretation of the policy but is not itself a policy”*. As such the Boroughs consider that the approach is consistent with Policy SI 8 in this regard and modification would not be required to support the actual policy wording.

1.20 In conclusion, the Boroughs consider that:

- The aspiration to achieve net self-sufficiency, as evidenced by the capacity in the plan area to exceed apportionment, will significantly contribute towards London achieving net self-sufficiency overall.
- The London Plan apportionment is 13% higher than the arisings of the four boroughs, so the South London Waste Plan area will already be managing waste from the rest of London. The Plan’s ability to exceed this apportionment, and the potential for additional capacity from intensification, demonstrates the Boroughs commitment to managing more waste than arisings and this in turn contributes towards London achieving net self-sufficiency.
- The demand for industrial land, and the challenges is meeting this demand with supply, and the fact the Plan will already be managing some of London’s waste, means balancing the need to meet apportionment and the need to plan for industrial land, is a reasonable approach.
- Policy SI 8 of the London Plan only encourages borough to consider compensatory capacity from other boroughs, it does not ‘require’ and, in any event, the Boroughs do not consider this to be part of the actual policy itself.

M2 (i) 4

Do the requirements of Policy WP3 and WP4 in terms of any compensatory sites accord with Policy SI 9(C) of the London Plan insofar as it requires compensatory sites to “be at or above the same level of the waste hierarchy and at least meet, and should exceed, the maximum achievable throughput of the site proposed to be lost”?

The Waste Hierarchy

1.21 Part (e) of Policy WP3 makes it clear that where existing waste sites are being developed, they will be required to manage waste to at least (our emphasis) the same level in waste hierarchy as prior to the development. The Boroughs consider this consistent with the requirements of Policy SI 9(c) of the London Plan, whilst also recognising that there are some cases where it would not be practicable for an operator to move up the waste hierarchy. However, the Boroughs consider it could be made clearer that this policy also applies to

existing sites that are being development to provide compensatory provision, and as such have proposed a modification to the wording below.

1.22 Policy WP4 of the Plan sets out the Borough position with regards to compensatory provision. Whilst it could be argued that Policy SI 9(c) forms part of the development plan for the four boroughs, and it is not necessary to repeat its provisions, the Plan could benefit from clarification that sites for compensatory provision will be expected to manage waste to at least the same level in the waste hierarchy as the site it is compensating. As such, modifications to Policy WP4 are proposed below.

Proposed Modifications

Policy WP3 Existing Wastes

(e) Any development on an existing safeguarded waste site, **including for compensatory provision**, will be required to result in waste being managed at least to the same level in the waste hierarchy as prior to the development.

Proposed Modifications

Policy WP4 Sites for Compensatory Provision

(f) result in waste being managed at least to the same level in the waste hierarchy as the site being lost.

~~(f)~~ **(h)** Meet the other policies of the relevant boroughs Development Plan.

Achievable Throughput

1.23 Boroughs do support the principle of compensatory capacity exceeding the maximum achievable throughput of the site but also consider, based on experience, that the equivalent of existing throughput of the site being compensated is far more deliverable than London Plan Policy SI 9(c), which requires that development proposals for compensatory provision “should exceed” the maximum capacity of the site being lost, as it is may not be realistic or achievable on an alternative site, particularly for small operators such as small waste transfer stations or ‘skip sorting’ facilities. However, following further discussions with the GLA, a modification is proposed below to make clear that the Boroughs expect compensatory provision to be provided at a level that at least meets the equivalent of the throughput of the site being lost. The Boroughs are working with the GLA to sign a Statement of Common Ground.

Proposed Changes

WP3 Existing Waste Sites

(c) Compensatory provision for the loss of an existing safeguarded waste site will be required with the level of compensatory provision ~~necessary to be considered on a case-by-case basis~~ **at least meeting the equivalent of maximum achievable throughput of the site being lost.** The list of safeguarded sites will be updated with any compensatory sites in the Sutton Authority Monitoring Report and the compensatory sites will be safeguarded for waste uses only.

M2 (i) 5**Are the criteria related to the location of compensatory sites consistent with those set out in Policy SI 8 (B) (4) of the London Plan?**

1.24 London Plan Policy SI 8 (B) (4) requires that Boroughs identify the following as suitable locations to manage borough waste apportionments:

- a) *existing waste and secondary material sites/land, particularly waste transfer facilities, with a view to maximising their capacity*
- b) *Strategic Industrial Locations and Locally Significant Industrial Sites*
- c) *safeguarded wharves with an existing or future potential for waste and secondary material management.*

1.25 Firstly, when compared to the Draft Policy WP4 of the Plan, specifically part (b), it states that sites for compensatory provision be located on sites "(i) *within Strategic Industrial Locations or Locally Significant Industrial Locations*", so is consistent with Part B.

1.26 Secondly, the Plan does not include locational criteria related to Safeguarded Wharves as there are none within the Plan area. Finally, with regards to SI 8 (B)(4)(a), the Boroughs consider that the Plan is clear that existing waste sites, including waste transfer stations, would be suitable locations, in principle, for compensatory provision. However, the introduction of a specific reference to existing/safeguarded waste sites would make this clearer and make explicit it is consistent with London Plan Policy SI 8. As such, the below modification is proposed.

Proposed Modification

Policy WP4 Sites for Compensatory Provision

Proposals for new waste sites **or development of existing safeguarded sites** to provide compensatory provision should:

(b) Be Located on sites:

- (i) **Safeguarded for waste, including waste transfer stations, or** within Strategic Industrial Locations or Locally Significant Industrial Locations;

Conclusion

1.27 The Boroughs consider that, overall, and including proposed modifications, the Plan is broadly in conformity with the London Plan. As discussed in (M3 (v) 2) the Boroughs consider this meets the requirements of 'general' conformity and is not a requirement for 'absolute' conformity. The Boroughs have continued to discuss proposed modifications with the GLA, who have indicated that the modifications address the outstanding issues on conformity that were set out in the updated Opinion on Conformity (Ref: OTH01). The Boroughs hope to conclude a Statement of Common Ground to formalise this very soon.

1.28 However, notwithstanding the Boroughs view in this Matters Statement, that the Plan's restrictive approach to new development for waste facilities is justified, if the Inspectors were to conclude otherwise, the Boroughs consider that further main modifications to address any inconsistencies with national or regional policy could still result in the Plan being sound.