

South London Waste Plan Boroughs Response to Matter 4

CROYDON



Matter 4:

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?

Issue (i):

Does the Plan set out a clear design vision and expectations; would the policies ensure that waste-management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; are the policies relating to these matters justified; and are they clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

M4 (i) 1

Are the criteria (In Policy WP5 (b) and the "issues to consider" element of the site descriptions) and the target in Monitoring Indicator 5 relating to the development of new sites in fully enclosed covered buildings justified, particularly as Policy SI 8 (E)(4) of the London Plan is less directive in this respect? Would the requirements restrict the type of waste operations that could be carried out on a site and thus inhibit the management of waste further up the waste hierarchy?

1.1 London Plan SI 8 (E)(4) states: '*Developments proposals for new waste sites or to increase the capacity of existing sites should be evaluated against the following criteria:*

...

4) the impact on amenity in surrounding areas (including but not limited to noise, odours, air quality and visual impact) – where a site is likely to produce significant air quality, dust or noise impacts, it should be fully enclosed'

1.2 The Policy WP5(b) also seeks to protect and enhance amenity and states that "*The parts of a waste facility site where unloading, loading, storage and processing takes place should be within a fully enclosed covered building.*" and in paragraph 5.34 points to additional design considerations that may also have positive impacts on amenities, such as, "*...setting, hard and soft landscaping, height, bulk and massing, detailing, materials, lighting and boundary treatments.*"

1.3 The adopted South London Waste Plan (2012) (Ref: B1) states in Policy WP7 'Protecting and Enhancing Amenity' that '*A waste facility should be within a fully enclosed covered building.*' Very few approved applications, if any, involved fully enclosing the whole site within a building but in practice, the word 'should' provided a useful starting point for design considerations.

1.4 All the proposed safeguarded sites include the following criteria in the 'Issues to consider if there is a further application' section: *'Designing the site so that operations are carried out within a fully enclosed building'*

1.5 While draft Policy WP5(b) refers to site activities that should be enclosed, London Plan Policy SI 8 (E)(4) refers to locations where potential amenity impacts may occur. Both policies are seeking to achieve the same aim and in combination will provide a clear presumption which parts of the site 'should' be enclosed. From local experience of the implementation of the wording in adopted Policy WP7 (Ref: B1) the boroughs believe that the draft Policy WP5(b) is appropriate, is in general conformity with the London Plan (as discussed in M3 (v) 2 the boroughs do not consider the Plan has to be in absolute conformity with the London Plan) and is sufficiently flexible to not restrict waste operations that will allow the management of waste further up the waste hierarchy.

1.6 As set out in response to M5(i)8, the Boroughs consider that the monitoring indicators could be improved and that includes modifications to Monitoring Indicator 5.

M4 (i) 2

Are WP4(b) and (d) written clearly? Should these be re-worded to separate locational criteria (e.g direct access to the strategic road network); from aspects that are more relevant to the design of facilities (e.g avoiding visually detrimental development conspicuous from strategic open land)?

1.7 The separation of the locational criteria in part (b) and the matters to have particular regard to, in part (d) of draft Policy WP4, are very similar to the location criteria in part (d) and 'particular regard' matters set out in Policy WP5 'Windfall Sites and Non MSW and C&I Waste Location Criteria' of the adopted South London Waste Plan (2012) (Ref: B1). There are no examples of applications where the clarity of the separation of these matters have been a concern, during the lifetime of the adopted plan.

1.8 The Boroughs therefore consider the separation of the locational criteria and the matters to have regard to, respectively parts (b) and (d) in Policy WP4, to be sufficiently clear.

M4 (i) 3

Is it clear what types of land that the term "strategic open land" encompasses?

1.9 The wording in part (d)(i) of draft Policy WP4, is the exact same as that in the second bullet point of the list of matters to which "Particular regard will be given..." in Policy WP5 'Windfall Sites and Non MSW and C&I Waste Location Criteria' of the adopted South London Waste Plan (2012) (Ref: B1). The policy does provide two examples, i.e. "Green Belt or Metropolitan Open Land" and there are no examples of applications where the clarity of the term "strategic open land" has been a concern, during the lifetime of the adopted plan.

1.10 However, the Boroughs do consider that part (d)(i) of Policy WP4 can be improved with regards to clarity and propose the following changes:

Proposed Modifications

Policy WP4, Part d (i)

- (i) do not result in visually detrimental development conspicuous from ~~strategic open land~~ (eg-Green Belt or Metropolitan Open Land);

M4 (i) 4**What is the justification for compensatory sites to be located "more than 100 metres from open space" ?**

1.11 The 100 metres distance stems from the site scoring criteria within the 2009 technical report for the adopted South London Waste Plan (2012). The wording in part (d)(ii) of draft Policy WP4, is the exact same as that in the third bullet point of the list of matters to which "*Particular regard will be given...*" in Policy WP5 'Windfall Sites and Non MSW and C&I Waste Location Criteria' of the adopted South London Waste Plan (2012) (Ref: B1). There are no examples of applications where this criteria has been a concern, during the lifetime of the adopted plan.

1.12 It is evident from Appendix 4 'Site Profiles' of the 2019 Technical Report (Ref: E11) that proximity to open space has been considered and that this technical report did not use a scoring matrix to assess the sites.

1.13 However, the use of the phrase "Have particular regard to sites which:" at the start of part (d) of draft Policy WP4, clarifies with the use of the words 'particular' and 'regards' that the list is not exhaustive but includes important positive features that may count in favour of the site's suitability, without the need of the site meeting all the listed features.

1.14 Part (d)(ii) of draft Policy WP4 reflects the Boroughs desire to also protect the amenities of open spaces that are not designated as Green Belt or Metropolitan Open Land and therefore needs to be retained.

M4 (i) 5**Are the Plan's requirements relating to the conservation of heritage assets consistent with the relevant statutory duties and the Framework?**

1.15 All the Boroughs have Local Plan policies that ensure that the historic environment is conserved and enhanced, as required by the NPPF, and the draft Plan clarifies in paragraph 1.3 that the boroughs' local plans (along with the London Plan and any SPDs) also form part of the Development Plan and will be used in the decision making process for waste development applications.

1.16 In part e. of appendix B 'Location Criteria' of the NPPW requires that "Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting."

1.17 Policy WP4 'Sites for Compensatory Provision' requires in part (b)(iii) that proposals are located on sites "*not containing features or have an adverse effect on features identified as being of international or national historic importance;*" and in part (d)(vii) the policy requires that particular regard needs to be had to sites which "do not adversely affect regional and local nature conservation areas, conservation areas and locally designated areas of special character, archaeological sites and strategic views;"

1.18 Policy WP5 'Protecting and Enhancing Amenity' requires in part (c)(iii) that particular regard be paid to the impact of the development in terms of "*archaeological sites, the historic environment and sensitive receptors, such as schools, hospitals and residential areas;*"

1.19 Furthermore, the wording in the 'Issues to consider' list of the safeguarded sites descriptions include, where appropriate, reference to relevant heritage assets such as the updated to the archaeological features to all the Croydon sites as set out in the Schedule of Additional Modifications (Ref. SLWP03a) and the modified references conservation areas for sites M15 and M16 in the Schedule of Main Modifications (Ref. SLWP02b).

1.20 The Boroughs consider that with the following amendments, the Plan is consistent with its statutory and national policy requirements.

Proposed Modifications

Policy WP5:

(c)

~~(iii) Archaeological sites, the historic environment and sensitive receptors, such as schools, hospitals, and residential areas.~~ **Heritage Assets and the need to conserve, and where practicable, enhance those elements which contribute to their significance, including their setting;**

(iv) sensitive receptors, such as schools, hospitals and residential areas;

[Renumber other clauses accordingly]

Glossary:

Heritage Asset

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

M4 (i) 6

Is Policy WP5 (a) insofar as its requirement for compensatory and intensified waste facilities to be designed and managed to achieve levels that “will not significantly adversely affect people and the environment” consistent with NPPW insofar as it expects developments to “contribute positively to the character and quality of the area in which they are located”; and the Framework insofar as it expects policies and decisions to “create places... with a high standard of amenity for existing and future users”? Is the wording of the criterion relating to the “protection” of residential amenity in the “issues to consider” of the Safeguarded Site Descriptions consistent with the wording of Policy WP5 and national policies?

1.21 As described in paragraphs 5.31-5.34 of the Plan, waste facilities can have an impact on a large number of amenity issues and that it is important to address these issues through design and mitigations measures. The Boroughs consider that both part (a) of Policy WP5 and the wording in ‘Issues to consider’ list of the safeguarded sites descriptions can be improved with regards to clarity and conformity with the national guidance, and propose the following changes:

Proposed Modifications

Policy WP5:

(a) Developments for compensatory or intensified waste facilities should **contribute positively to the character and quality of the area and** ensure that any **potential**

~~adverse~~ impacts of the development ~~are designed and managed to mitigate any achieve levels that will not significantly adversely affect~~ **are appropriately mitigated.**

Safeguarded Sites:

Residential amenity bullet point in 'Issues to consider' list of safeguarded sites
Contribute positively to ~~Protecting~~ the residential amenity of those properties in the vicinity of the site, especially with regard to air emissions and noise impacts

M4 (i) 7

Are the requirements in relation to Green Belt (GB) and Metropolitan Open Land (MOL) clear and consistent with national and London Plan policies in these regards?

1.22 All the Boroughs have Local Plan policies that ensure that the Green Belt (GB) and Metropolitan Open Land (MOL) is protected, as required by the NPPF, and the draft Plan clarifies in paragraph 1.3 that the boroughs' local plans (along with the London Plan and any SPDs) also form part of the Development Plan and will be used in the decision making process for waste development applications. London Plan Policy G3 'Metropolitan Open Land' states in part A that MOL is afforded the same status and level of protection as GB.

1.23 In paragraph 6 of the NPPW (Ref. N2), under the subheading 'Identifying suitable sites and areas', it is clarified that waste management facilities within GB would be inappropriate development, which according to NPPF paragraph 143 (Ref N1) "*is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*"

1.24 Policy WP4 'Sites for Compensatory Provision' does not explicitly steer development away from GB and MOL in part (b) and the Boroughs therefore propose the modification below to add an additional site location criteria.

1.25 With the amendment proposed in M4(i)3, part (d) of draft Policy WP4, states: "*Have particular regard to sites which: (i) do not result in visually detrimental development conspicuous from strategic open land (eg Green Belt or Metropolitan Open Land);*" and Policy WP 5 'Protecting and Enhancing Amenity', requires in part (c)(i) that particular regard be paid to the impact of the development in terms of "*The Green Belt, Metropolitan Open Land, recreation land or similar;*". Both policies therefore address the potential impacts of development on sites outside but within proximity of GB and MOL.

1.26 Furthermore, appropriate references to the GB are included for site C9 in the 'Issues to consider' list of the safeguarded sites descriptions and the wider countryside for Site C6 (as discussed in M4 (vi) 2j).

1.27 The Boroughs consider that with the following amendment, the Plan is clear and consistent with regards to its statutory and national policy requirements in relation to GB and MOL.

Proposed Modifications

Policy WP4, Part b:

(b) (v) not within the Green Belt or Metropolitan Open Land

M4 (i) 8 **Is Policy WP5 (c) clearly written – is it evident to a decision-taker how particular regard will be paid to the list of considerations in the assessment of planning applications?**

1.28 The matters listed in part (c) of draft Policy WP5 are not unique to waste related planning applications and these matters are also addressed in each of the partner borough's Local Plans. This list identifies and thereby clarifies to all parties the matters that are typically relevant for the consideration of waste management planning applications but due the large variety of types in waste management related applications and the unique setting of each site, the use of the word 'regard' in this context is considered to provide the appropriate amount of flexibility for decision makers.

1.29 There is a very similar list of amenity matters in Policy WP7 'Protecting and Enhancing Amenity' in the adopted South London Waste Plan (2012) (Ref B1), which also uses the exact same phrase as proposed in draft Policy WP5, at the start of the list: '*Particular regard will be paid to the impact of the development in terms of:...*'. During the lifetime of the adopted South London Waste Plan, the use of this wording has not proven to be problematic for decision makers.

1.30 Decision makers will continue to use the common sense interpretation of 'particular regard', which in this instance directs them to a list typically relevant planning matters but not to the exclusion of other relevant planning matters.

1.31 The Boroughs therefore consider that this aspect of Policy WP5 (c) is sufficiently clear and does not require further amendments.

M4 (i) 9 **Are the requirements of Policy WP5 (c)(x) clearly written and unambiguous? Moreover, is it clear that an assessment of whether a proposal involves the use of "good quality materials" would encompass the visual effects of such materials, as well as other qualities (e.g durability, fire resistance, thermal efficiency etc.)?**

1.32 The Boroughs have detailed design policies that will also be used in the decision making process for waste development applications. This list identifies the typical design matters that need 'particular regard' with the consideration of waste management planning applications.

1.33 There is a similar list of design matters in part (i) of Policy WP7 'Protecting and Enhancing Amenity' in the adopted South London Waste Plan (2012) (Ref B1), which uses the exact same wording as proposed in draft Policy WP5. During the lifetime of the adopted South London Waste Plan, the use of this wording has not proven to be problematic for decision makers.

1.34 The terms used in Policy WP5 (c)(x) are familiar and common to most development proposals. The details of the matters listed, such as, the character of the area, visual impact, materials, are usually specific to the site location and are addressed as part the development management process and with reference to the more detailed design policies in the relevant local plan.

1.35 The Boroughs therefore consider that the wording of Policy WP5 (c)(x) is sufficiently clear and does not require further amendments.

M4 (i) 10

Is the schedule of documents that may be required to support a planning application justified?

1.36 The wording within the draft Policy WP5 'Protecting and Enhancing Amenity' that refers to the schedule: "*The information in the schedule below will provide the basis for the assessment of the impact of a development.*" and the clarification in the schedule heading: "*Information which may be required for a planning application*", is very similar to the same sentence and exactly the same as the schedule heading in Policy WP7 'Protecting and Enhancing Amenity' of the adopted South London Waste Plan (2012) (Ref: B1). There are no examples of applications where this sentence or the schedule heading had been unclear, during the lifetime of the adopted plan.

1.37 The last sentence in the Policy WP5 functions as a link to the schedule and with the use of the word 'may' in the heading of the schedule and the final reference to "*Any other requirements from the relevant borough's Validation List*", it is clear that this is not a prescriptive nor exhaustive. The similar list in Policy WP7 of the adopted South London Waste Plan (2012) (Ref: B1) has proven to be a very useful checklist to inform pre-application discussions for waste related applications.

1.38 The Boroughs therefore consider the inclusion of the schedule and the collection of documents within it to be justified.

M4 (i) 11

Would some of the same aspects be covered separately in several supporting documents (e.g items 31 to 36 of the Schedule) leading to unnecessary duplication?

1.39 As clarified in M4(i)10, the list essentially functions as a checklist to inform pre-application discussions for waste related applications and due to the large variety of types waste related applications and unique settings it is seeking to address, some of the document may appear to have the potential for unnecessary duplication. Any potential duplication could be addressed as part of the validation discussions but the Boroughs propose the following modification to improve clarity:

Proposed Modifications

Schedule: Information which may be required for a planning application

- ~~30 Measures for protecting Public Rights of Way~~
- ~~31 Transport Assessment, which may address measures such as highway safety measures, protecting Public Rights of Way and an access strategy~~
- ~~32 Travel Plan-Transport Management Strategies such as a Delivery Servicing Plan/Freight Plan, a Route Management Strategy, a Construction Logistics Plan and a Travel Plan.~~
- ~~32 Route Management Strategy~~
- ~~33 Access Strategy~~
- ~~34 Delivery Servicing Plan/Freight Plan~~
- ~~35 Construction Logistics Plan~~
- ~~36 Highway safety measures~~

M4 (i) 12 Is it sufficiently clear which of the documents listed in the schedule would be required in which circumstances?

1.40 As clarified in the M4(i)10, with the use of the word 'may' in the heading of the schedule ("*Information which may be required for a planning application*") and the final reference to "*Any other requirements from the relevant borough's Validation List*", it is clear that this list is not prescriptive nor exhaustive.

1.41 This schedule is very similar to the schedule in Policy WP7 'Protecting and Enhancing Amenity' of the adopted South London Waste Plan (2012) (Ref: B1) and has proven to be a very useful checklist to inform pre-application discussions for waste related applications. There are no examples of applications where validation matters have not been agreed in a reasonable matter, during the lifetime of the adopted plan.

1.42 The list identifies to all parties the matters that are typically relevant for the consideration of waste management planning applications but due the large variety of types of waste management related applications, the Boroughs consider that the list, in its current form, including the modification proposed in other responses, provides the appropriate amount of flexibility needed to select only the necessary documents for each application.

M4 (i) 13 In the interests of effectiveness, should the role of pre-application engagement be emphasised to assist with the identification of relevant supporting documents listed in the schedule?

1.43 The Boroughs consider that the following amendments will assist with the identification of relevant supporting documents listed in the schedule to Policy WP5, as part of the pre-application engagement process.

Proposed Modifications

Final Sentence of Policy WP5:

The information in the schedule below will provide the basis for the assessment of the impact of a development **and should therefore be considered as part of any pre-application engagement.**

M4 (i) 14 How would the schedule of documents in the supporting text of Policy WP5 relate to the Boroughs' validation processes?

1.44 As explained in paragraphs 1.2 of the Plan, the South London Waste Plan is a joint Development Plan Document (DPD) that will form part of the Development Plans for the four partner boroughs. Although the four boroughs decided to plan for waste collaboratively and produce a joint DPD, they remain separate local planning authorities that have published their own local validation checklists in accordance with Section 62 of the Town and Country Planning Act 1990 and Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.45 The final item in the schedule to Policy WP5 refers to “*Any other requirements from the relevant borough’s Validation List*”, which will typically also refer to many of the documents in the schedule, and therefore, along with the modification proposed in M4 (i) 13, it is clear that the schedule function is to assist with the identification of the relevant supporting documents and does not form part of or replace any part of the relevant borough’s statutory local validation checklist.

M4 (i) 15

What is the justification for the Policy WP6(a) requirement that waste development “must achieve a sustainability rating of ‘Excellent’ under a bespoke BREEAM scheme and/or CEEQUAL scheme” unless such a rating would render a proposal unviable?

1.46 London Plan Policy SI 2 requires all major developments to be net zero carbon and include a minimum on-site reduction of at least 35% beyond building regulations (2013) and in paragraph 9.2.7 of the London Plan states (with our emphasis): “*Developments are expected to achieve carbon reductions beyond Part L from energy efficiency measures alone to reduce energy demand as far as possible. Residential development should achieve 10 per cent and non-residential development should achieve 15 per cent over Part L. Achieving energy credits as part of a Building Research Establishment Environmental Assessment Method (BREEAM) rating can help demonstrate that energy efficiency targets have been met. Boroughs are encouraged to include BREEAM targets in their Local Plans where appropriate. London*”

1.47 There is a similar requirement in Policy WP6 in the adopted South London Waste Plan (2012) (Ref B1), which states: “*All proposals must achieve a sustainability rating of ‘Excellent’ under a bespoke BREEAM scheme. A lower rating may be acceptable where the developers can demonstrate that achieving the ‘Excellent’ rating would make the proposal unviable.*”

1.48 The Building Research Establishment’s (BRE) Civil Engineering Environmental Quality Assessment and Awards Scheme (CEEQUAL) was added to draft Policy WP6 (Ref. S1) following their representations on the Issues and Preferred Options on the South London Waste Plan (Ref. P4). It is evident from the Statement of Consultation (Ref. E3) and the Schedule of Representations (Ref. E1) that the Environment Agency supports the requirement in draft Policy WP6 for a BREEAM and/or CEEQUAL “Excellent” rating and that no objections to this matter was received in response to the Regulation 19 publication of the draft Plan.

1.49 Objective 5 of the Plan, with the modifications proposed at M3(i)9, seeks to “*Ensure waste facilities use sustainable design and construction methods and also protect and, where possible, enhance amenity. To be delivered through Policies WP4, WP5, WP6, WP7, WP8 and WP9.*” The ‘excellent’ rating will help the Plan to meet its objective and to apply a high standard of sustainable design and construction and to improve the environmental performance of new waste related development and as stated at Furthermore, as stated at M5(i)2, the use of the BREEAM and/or CEEQUAL rating will enable the effective monitoring of the carbon performance of waste developments and the implementation of climate change adaptation measures to be monitored since much of the relevant information will be readily available from the submitted BREEAM/CEEQUAL ‘design stage’ and ‘post construction’ reports.

1.50 The Boroughs consider that the use of the ‘Excellent’ rating under a bespoke BREEAM scheme and/or CEEQUAL scheme is justified because it is a recognised, well-established scheme that the boroughs are encouraged to use and allows for effective monitoring. The policy also has some flexibility, allowing a lower rating where the developers can demonstrate an ‘Excellent’ rating would make the proposal unviable.

M4 (i) 16**Is it clear how an applicant could demonstrate the viability implications of an 'excellent' rating?**

1.51 The relevant features of the large variety of types of waste related schemes are much more diverse than, for example, housing schemes and therefore, in instances where developers would want to demonstrate that the attainment of an 'Excellent' rating would make the proposal unviable, they would have to submit a bespoke assessment that justifies the particular costs for that scheme. The details of such assessments should ideally be agreed with the relevant local authority as part of pre-application engagement.

1.52 The boroughs therefore consider that the following modification will improve clarity on this matter:

Proposed Modification:**New paragraph after 5.38**

Developers will have to provide justified costs for their proposals to demonstrate why the 'Excellent' rating would make their proposal unviable. The details of the costs to be provided should ideally be agreed with the relevant local authority as part of pre-application engagement.

M4 (i) 17**Is Policy WP6 consistent with the London Plan (in particular Good Growth Objective GG6 and Policy SI 2) – and does it accord with national policy and guidance ?**

1.53 The design guide 'Designing Waste Facilities - A Guide to Modern Design in Waste' (DEFRA, 2008) (Ref. N5) that is referred to in paragraphs 5.36 and 5.39 of the supporting text to Policy WP6, is still the only UK design guide specifically for waste facilities and although some of the fundamental good design matters within it remain sound, almost all the legislative, policy and other guidance that is referred to within it, is now out of date. The Boroughs therefore propose the removal of the references to this design guide and to the revoked Mayor of London's Sustainable Design and Construction SPG (2014) (Ref. R5), as shown in the modification below, to avoid of any inconsistencies with up to date guidance and thereby improve clarity. As stated at M4 (i) 18, the Boroughs will continue to engage with the Environment Agency on the development of an up to date guidance document.

Proposed Modification:**Paragraph 5.36:**

A well-designed and managed waste facility should be designed to be sustainable both in construction and future operation. ~~"Designing Waste Facilities—A Guide to Modern Design in Waste" (DEFRA, 2008) states: "There are two aspects of climate change that need to be considered by prospective developers of new waste facilities. First, how will the proposals impact upon the process of climate change through carbon emissions? Second, how will the development be affected as a consequence of the effects of climate change? In addition, Policy~~

SI2 of the 2019 ~~IP21~~ London Plan provides guidance on how to minimise greenhouse gas emissions and Policy GG6 seeks to ensure that sites are adapted to be resilient against the effects of climate change.

Paragraph 5.39 (now 5.40):

~~5.39~~ **5.40** Developers should also consider climate change adaptation measures in schemes. “~~Designing Waste Facilities – A Guide to Modern Design in Waste~~” also highlights a number of climate change impacts on waste facilities which should also be considered. These comprise:

...

Paragraph 5.41 (now 5.42):

~~5.41~~ **5.42** Therefore in accordance with national and regional advice, the 2019~~21~~ ~~IP~~ London Plan (including the Mayor of London’s Sustainable Design and Construction SPG, 2014) and this plan’s objectives:

1.54 The Plan makes explicit references London Plan Policy SI 2 in the supporting text to Policy WP6 at paragraph 5.37 and within the policy text, at (b)(i), it requires waste facilities to minimise on-site carbon dioxide emissions in line with Policy SI2.

1.55 As pointed out at M4 (i)15, the requirement within part (a) of Policy WP6 for waste development to achieve a sustainability rating of ‘Excellent’ under a bespoke BREEAM scheme and/or CEEQUAL, is encouraged in paragraph 9.2.7 of the supporting text to London Plan Policy SI 2.

1.56 The Plan also makes explicit references London Plan Policy GG6 in the supporting text to Policy WP6 at paragraph 5.37 and within the policy text, at (b)(ii), it requires waste facilities to be fully adapted and resilient to the future impacts of climate change in accordance with London Plan Policy GG6, particularly with regard to increased flood risk, urban heat island/heatwaves, air pollution, drought conditions and impacts on biodiversity.

1.57 With the proposed modifications, the Boroughs consider that policy WP6 is consistent with the London Plan and accords with national policy and guidance.

M4 (i) 18	The Framework sets out that plans “should at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable”; and that plans or supplementary planning documents should use visual tools such as design guides or codes. In its consultation response⁴⁹, the Environment Agency suggests that it could assist with the development of a design guide for waste facilities in the South London Area. Should this be reflected in the Plan?
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1.1 The Boroughs welcome the Environment Agency’s suggestion and will continue to engage with them on the possibility of the development of such a guidance document but the Boroughs do not consider that it is necessary for this matter to be captured in the Plan.

Issue (ii):
Does the Plan set out a justified, clear and effective suite of policies in respect of air quality and highways implications of waste development, which are consistent with London Plan and national policies in these terms?

M4 (ii) 1

Are the local air quality and highways implications of waste development appropriately considered and reflected in the Plan?

Policies WP1 to WP10

1.58 Yes – Part A of the Appraisal Matrix set out in Section 12 of the SA Report considers that the majority of proposed policies will have ‘large beneficial impacts’ (+++) with respect to the following key appraisal objectives:

- **Objective (9) Sustainable Transport:** *To reduce trips, traffic congestion and pollution from waste –related HGV movements; and*
- **Objective (10) Air Quality:** *To minimise air pollution and impacts on sensitive land-uses arising from waste facilities.*

1.59 The outcome of the appraisal, reflected in both the scores and supporting commentary for each policy, also shows that the proposed strategic approach of not identifying any new sites in delivering the combined apportionment and self-sufficiency target, is likely to have greater beneficial impacts on these issues by comparison with each of the alternative options under consideration (consisting of Option 2A - exceed the apportionment by safeguarding existing sites and all industrial areas’; Option 2B - exceed the apportionment by safeguarding existing sites and identifying new sites; and Option 3 - Do-nothing’ scenario - allow the 2012 SLWP to expire’.

1.60 In terms of ensuring that the local air quality and highways implications of waste developments are appropriately considered and reflected in the Plan, the most relevant policies are WP5 ‘Protecting and Enhancing Amenity’ and Policy WP9 ‘Planning Obligations’ as described below.

Policy WP5 ‘Protecting and Enhancing Amenity’

1.61 In line with its stated aim of ensuring that any developments for compensatory/intensified waste facilities should ensure that “any impacts of the development are designed and managed to achieve levels that will not significantly adversely affect people and the environment”, Policy WP5 is expected to have beneficial impacts on minimising air pollution from proposed waste facilities by:

- ensuring that those parts of a proposed waste site where unloading, loading, storage and processing takes place must be in a fully enclosed covered building (Policy WP5, Part ([b]);
- paying “particular regard to the impact of the proposed development” on:
 - air emissions, including dust, arising from the on-site operations, plant and traffic generated (Policy WP5, Part (c[v]));
 - noise and vibration from the plant and traffic generated (Policy WP5, Part (c[vi])); and
 - traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the strategic road network and the possibility of using sustainable modes of transport for incoming and outgoing materials (Policy WP5, Part (c[vii])).
- requiring the submission of the following information in support of planning applications (Policy WP5, Schedule of ‘Information which may be required for a

planning application' on page 34);

- Hours of operation (item 8);
- Air Quality Impact Assessment, demonstrating the effects on air quality in the locality of a proposed site arising from the operation of the site and vehicles movements to and from it (item 22);
- An assessment identifying nuisances (e.g. odours, dust and fumes) likely to affect nearby receptors and which identifies the mitigation measures to be used to minimise the effects of those nuisances (item 23);
- Transport Assessment (item 31);
- Travel Plan (item 32);
- Route Management Strategy (item 22);
- Access Strategy (item 33);
- Construction Logistics Plan (item 35).

Policy WP9 'Planning Obligations'

1.62 Policy WP9 confirms that planning obligations (Section 106 agreements) will be negotiated where necessary to ensure that all new waste developments are acceptable in planning terms, and where the planning requirement in question cannot be met through the use of a condition. Paragraph 5.52 of the supporting text provides examples where a planning obligation may be considered, including the following requirements in relation to minimising air pollution and waste-related HGV movements:

- traffic management measures, including the routing of vehicles; supporting staff to travel sustainably; improving road safety; reducing freight traffic, particularly at peak times;
- access and highway improvements;
- off-site monitoring of emissions and the water environment; and
- provision and management of offsite or advance planting and screening

1.63 However, the following change is proposed to the list of possible planning obligations under Paragraph 5.52 to reflect the importance of post-implementation monitoring and reporting of air quality and polluting emissions in the vicinity of new or intensified waste sites.

Proposed Modifications

Paragraph 5.52:

Amend examples of where a planning obligation may be considered as follows:

- **Transport Management Strategies, that include a Delivery and Servicing Plan that incorporates measures to; manage traffic routes to the site** Traffic management measures, including the routing of vehicles; supporting staff to travel sustainably; ensure improving road safety; reducing ~~reduce~~ freight traffic, particularly at peak times, **facilitate a transition to low emission vehicles and a monitoring regime.**
- off-site ~~post implementation~~ monitoring of emissions **and reporting of impacts upon** the water environment, **particularly for new or intensified waste sites adjacent to main rivers or other watercourses**
- **post implementation monitoring and annual reporting of local air quality and polluting emissions from both on-site waste operations and associated HGV movements in the vicinity of new or intensified waste sites against national air quality objectives and any relevant emissions limits set as part of the planning permission and/or waste license;**

1.64 A number of other policies are also considered to have beneficial impacts in terms of both minimising air pollution and reducing the impacts of waste-related HGV movements. These impacts are mainly as a consequence of the strategic approach to managing waste across the plan area rather i.e. not identifying any new sites, promoting intensification of existing safeguarded sites and working with site operators to promote waste management practices higher up the waste hierarchy) rather than through specific measures to minimise air pollution or HGV movements. These include:

Policy WP1 'Strategic Approach to Household and Commercial and Industrial Waste'

1.65 Policy WP1 is expected to contribute to minimising waste-related HGV movements and associated impacts on local air quality, congestion and pollution by:

- safeguarding existing waste sites and encouraging their intensification (see Part c of Policy WP1 and Policy WP3) - the Boroughs believe that promoting the more efficient use of existing land and premises for waste operations creates opportunities for reducing overall HGV trips by enabling the co-location of complimentary uses within the same site and the accommodation of waste management practices further up the Mayor's waste hierarchy;
- not permitting any new sites to be developed for waste transfer or waste management purposes over the period of the plan, unless for compensatory provision (see Part d) – it is considered that any alternative strategic option which involved safeguarding additional waste sites or permitting the development of new sites elsewhere within the plan area (within SILs or LSILs) would inevitably create additional HGV movements and increased impacts on local air quality, congestion and pollution.

Policy WP2 'Strategic Approach to Other Forms of Waste'

1.66 For the same reasons given above for Policy WP1, Policy WP2 will help to minimise waste-related HGV movements and associated impacts on local air quality by safeguarding existing waste sites and encouraging their intensification (Part b) and by not permitting any new sites to be developed for other forms of waste, including for construction and demolition (unless for compensatory provision), radioactive, agricultural or hazardous waste (Part d).

Policy WP3 'Existing Waste Sites'

1.67 As for Policies Wand WP2 above, Policy WP3 is expected to contribute towards minimising overall HGV movements and associated impacts on local air quality, congestion and pollution by safeguarding existing waste sites and encouraging their intensification (Part b), as opposed to identifying or permitting new waste developments elsewhere within the plan area. This is likely to create opportunities for co-locating less polluting complementary uses on safeguarded sites, thereby minimising overall HGV movements.

1.68 However, Paragraph 5.24 of the supporting text acknowledges that allowing a greater throughput of waste on an intensified site would still need to be considered against the relevant Local Plan policies for the borough concerned and that this will not always be desirable in terms of the additional strain that may be placed on the local road network.

1.69 In seeking to ensure that any development on an existing safeguarded site will manage waste to at least the same level in the waste hierarchy as prior to the development, paragraph 5.24 of the supporting text confirms the intention of the Boroughs to work with waste operators to encourage a shift from waste transfer operations to waste management practices higher up the hierarchy – thereby reducing waste-related HGV movements and other sources of potential air pollution from waste operations.

Policy WP4 'Sites for Compensatory Provision'

1.70 Policy WP4 is considered to have some beneficial impacts in terms of minimising HGV movements, congestion and air pollution by requiring sites for compensatory provision to:

- be located on sites within SILs or LSILs. These are considered by Policy SI18 of the New London Plan 2021 as suitable for waste facilities since they are generally well connected to the strategic road network and usually located away from sensitive

- land-uses such as residential areas, schools and hospitals (see Policy WP4, part a);
- consider the advantages of the co-location of waste facilities with the negative cumulative effects of a concentration of waste uses in one area (see Policy WP4, part c);
- have 'particular regard to' sites which have direct access to the strategic road network (Policy WP4 part d[v]); have access to sustainable modes of transport for incoming and outgoing materials, particularly rail and water, and which provide easy access for staff to cycle or walk (Policy WP4 part d[iv]); and offer opportunities to accommodate various related activities on a single site (Policy WP4 part d[viii]);
- include appropriate mitigation measures (Policy WP4, part c) such as measures to minimise air pollution from waste operations and HGV movements throughout both the construction and operational phases (Policy WP4, part e); and
- meet the other policies of the relevant borough's development plan i.e. the policies of the Local Plan of the borough in question together with those of the London Plan.

1.71 Furthermore, Paragraph 5.29 of the supporting text refers to the government's locational criteria for waste treatment facilities set out in Appendix B of the National Planning Policy for Waste 2014. The relevant criteria in this case are as follows:

- (f) traffic and access: The suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.
- (g) air emissions, including dust. The proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

Proposed Sites

1.72 Yes – Part B of the appraisal matrix considers that each of the proposed waste sites may potential beneficial impacts with respect to minimising air pollution and waste-related HGV movements, but that these are dependent upon the full consideration of the following issues in line with the recommendation provided as part of the allocation:

- designing the site so that operations are carried out within a fully enclosed building;
- ensuring there is no potential for fugitive waste as a result of good on-site storage and effective wheel-washing on site;
- undertaking an assessment of the cumulative impacts on the highway network, which should be discussed with Transport for London, and limiting or mitigating traffic movements so as not to hinder traffic flow on the surrounding roads; and
- protecting the residential amenity of those properties in the vicinity of the site, especially with regard to air emissions and noise impacts.

M4 (ii) 2

Does the Plan reflect the proximity principle in terms of its approach to transport movements associated with waste developments?

1.73 Yes – Paragraph 2.9 of the draft Plan under Key Issue 2 'How much waste must the SLWP plan for?' recognises the fundamental importance of the proximity principle, together with the related principle of 'self-sufficiency', in delivering an effective and sustainable waste planning framework for south London.

1.74 Ideally, all waste should be managed as near as possible to its place of production in order to minimise the adverse impacts of HGV movements on air quality, noise, traffic congestion, local amenity and sensitive land-uses. However, it is not feasible for the plan to ensure that each local authority deals solely with waste generated within its boundaries, due

to the contractual nature of the waste management industry and the fact that responsibility for collecting and disposing of household, commercial and industrial (HCI) waste within the plan area lies with the South London Waste Partnership rather than with individual boroughs. Paragraph 2.9 therefore argues that striving for net self-sufficiency – and thereby also meeting the Mayor’s combined apportionment up to 2036 - across the plan area is the most realistic and effective approach to delivering the proximity principle at the sub-regional scale.

1.75 The overall distribution of safeguarded waste sites across the plan area reveals the existence of a number of ‘clusters’ of sites, for example along Beddington Lane in LB Sutton and in the vicinity of Weir Road in LB Merton, many of which already accommodate complementary and well-established waste management facilities. The plan’s approach in Policies WP1, WP2 and WP3 towards promoting the intensification of existing waste sites and working with operators to move waste management practices up the waste hierarchy rather than identifying new sites or ‘broad areas’, further supports this approach.

1.76 Greater London is a densely developed area by comparison with most waste planning authority (WPA) areas and, as a result, most waste is managed relatively close to where it is generated. According to the latest data available from the Environment Agency’s waste data interrogator (WDI), 82.4% (787,604 tonnes) of HCI waste managed at sites located within the SLWP area in 2019 originated within Greater London including 32.8% (313,593 tonnes) originating within the plan area. Only 17.6% (168,082 tonnes) of this waste originated outside London. A full analysis of waste origins is provided in the latest Waste AMR 2019-2020 (April 2021).

M4 (ii) 3

Are the air quality implications of transport movements associated with waste appropriately considered - both in terms of movements around the Boroughs, and in relation to movements to and from the plan area?

1.77 Yes – the air quality implications of waste-related HGV movements around the four boroughs are directly addressed in draft Policies WP5 on ‘Protecting and Enhancing Amenity’ and Policy WP9 on ‘Planning Obligations as described below (also see above under question 2).

Policy WP5 ‘Protecting and Enhancing Amenity’

1.78 Policy WP5 is assessed as having strongly beneficial impacts on minimising air pollution from proposed waste facilities by:

- ensuring that those parts of a proposed waste site where unloading, loading, storage and processing takes place must be in a fully enclosed covered building (
- paying “particular regard to the impact of the proposed development” such as
 - air emissions, including dust, arising from the on-site operations, plant and traffic generated
 - noise and vibration from the plant and traffic generated
 - traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the strategic road network and the possibility of using sustainable modes of transport for incoming and outgoing materials
- requiring the submission of the following information in support of planning applications (Policy WP5, Schedule of ‘Information which may be required for a planning application’ on page 34, as amended by proposed modifications);
 - Air Quality Assessment, demonstrating the effects on air quality in the locality of a proposed site arising from the operation of the site and vehicles movements to and from it
 - Transport Management Strategies such as a Delivery Servicing Plan/Freight Plan, a Route Management Strategy, a Construction Logistics Plan and a Travel Plan

Policy WP9 'Planning Obligations'

1.79 Policy WP9 confirms that planning obligations (Section 106 agreements) will be negotiated where necessary to ensure that all new waste developments are acceptable in planning terms, and where the planning requirement in question cannot be met through the use of a condition. Paragraph 5.52 of the supporting text provides examples where a planning obligation may be considered, including the following requirements in relation to minimising air pollution and waste-related HGV movements:

- traffic management measures, including the routing of vehicles; supporting staff to travel sustainably; improving road safety; reducing freight traffic, particularly at peak times;
- access and highway improvements;
- off-site monitoring of emissions and the water environment; and
- provision and management of offsite or advance planting and screening

1.80 However, as stated above under M4 (ii) 1, a change is proposed to the list of possible planning obligations under Paragraph 5.52 to reflect the importance of post-implementation monitoring and reporting of air quality and polluting emissions in the vicinity of new or intensified waste sites.

1.81 Furthermore, any proposals that may come forward over the plan period for the redevelopment or intensification of a safeguarded waste site will be required to give consideration to the following issues in meeting the policies of the Plan (in particular Policies WP5 and WP9), the policies of the relevant Local Plan and the policies of the London Plan 2021:

- designing the site so that operations are carried out within a fully enclosed building;
- ensuring there is no potential for fugitive waste as a result of good on-site storage and effective wheel-washing on site;
- undertaking an assessment of the cumulative impacts on the highway network, which should be discussed with Transport for London, and limiting or mitigating traffic movements so as not to hinder traffic flow on the surrounding roads; and
- protecting the residential amenity of those properties in the vicinity of the site, especially with regard to air emissions and noise impacts.

1.82 More generally it is considered that, in seeking to achieve 'self-sufficiency' and meeting the combined London Plan apportionment over the plan period, the proposed strategic approach underpinning the Plan of not identifying any new sites, promoting intensification of existing safeguarded sites and working with site operators to promote waste management practices higher up the waste hierarchy will contribute towards minimising the impact of waste-related HGV movements to and from the wider plan area. As discussed above under M4 (ii) 1, the proposed strategic approach to managing waste arisings within south London will mainly be delivered through Policies WP1, WP2 and WP3.

1.83 As argued above under M4 (ii) 2, the Boroughs acknowledge that all waste should ideally be managed as near as possible to its place of production in order to minimise the adverse impacts of HGV movements on air quality, noise, traffic congestion, local amenity and sensitive land-uses, recognising that some cross-boundary movements of waste will need to continue. However, it is not feasible for the plan to ensure that each local authority deals solely with waste generated within its boundaries, due to the contractual nature of the waste management industry and the fact that responsibility for collecting and disposing of household, commercial and industrial (HCI) waste within the plan area lies with the South London Waste Partnership rather than with individual boroughs. Paragraph 2.9 therefore argues that striving for net self-sufficiency – and thereby also meeting the Mayor's combined apportionment up to 2036 - across the plan area is the most realistic and effective approach to delivering the proximity principle at the sub-regional scale.

M4 (ii) 4**Do Air Focus Areas provide an appropriate basis for the assessment of the Plan's effects in air quality terms?**

1.84 Air Quality Focus Areas (AQFAs) are locations identified by the Mayor which not only exceed the EU annual mean limit value for NO₂ but which also have a high degree of human exposure. Therefore, in developing an appropriate range of criteria at the outset of the appraisal process for the purpose of evaluating the impacts of proposed waste policies and allocated sites on air quality, it was considered important to 'screen' the emerging plan to ensure that there were no adverse impacts affecting any of the AQFAs within the plan area. The appraisal framework for the Plan, which is included as Section 8 of the SA Report, was initially developed for public consultation at the 'scoping' stage of the SA process. The appraisal criteria and associated questions relating to air quality were therefore developed at the outset of the plan-making process and prior to the identification of any waste sites or proposed policies.

1.85 However, the Boroughs consider that the location of safeguarded waste sites and their proximity relative to the location of AQFAs have formed the (sole) basis for the assessment of the plan's effects on air quality. It can be seen from the wording of appraisal objective no. 10 and the associated 'question' included in the SA Framework, that the potential impacts of the plan on air quality objectives and sensitive receptors should not *only* be considered within AQFAs.

Objective 10: Air Quality: *To minimise air pollution and impacts on sensitive land-uses arising from waste facilities*

Appraisal Question: *Will the policy or proposal contribute towards meeting national air quality objectives for nitrogen dioxide (NO₂), particulates (PM₁₀) and ozone and avoid any further deterioration in air quality particularly within air quality management areas (AQMAs) and 'Air Quality Focus Areas'?*

1.86 While the overall positive outcome of the appraisal on air quality issues does to some extent reflect the fact that none of the safeguarded waste sites is located either within or in close proximity to any of the AQFAs within the plan area and also the fact that no new sites are being proposed (therefore guaranteeing a much lower level of human exposure), many other considerations – beyond simply noting the location of sites relative to AQFAs - were applied in carrying out the appraisal.

1.87 The many ways in which the potential air quality impacts and waste-related HGV movements have been addressed as part of the plan are discussed in detail in the response to M4 (ii) 1 above. None of these considerations relates to the location of AQFAs.

1.88 The answer to M4 (ii) 4 is therefore that while the Boroughs accept that AQFAs cannot on their own provide an appropriate basis for the assessment of the Plan's effects on air quality, this is not how the assessment was undertaken in practice. This is apparent from the detailed commentary in the Appraisal Matrix included in Section 12 of the SA Report which provides a full discussion of the impact of each policy and proposed waste site on air quality which goes well beyond a simple assessment of the likely impact on AQFAs.

1.89 To re-cap, key aspects of the Plan which are expected to have beneficial impacts in terms of meeting national air quality objectives are identified as follows: .

- no new waste management sites are being proposed by the plan;
- in line with Policy SI 1 of the New London Plan and the relevant local planning policies, and any future planning application for new or intensified waste management operations on any of the relevant safeguarded sites would need to be accompanied by an Air Quality Assessment demonstrating that the development is 'air quality neutral' and would not:

- lead to further deterioration of existing poor air quality;
- create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits; or
- create unacceptable risk of high levels of exposure to poor air quality

1.90 A fundamental purpose of the SA process was to develop and evaluate alternative strategies for the allocation of waste sites across the four boroughs, all of which must, as an absolute minimum, be capable of meeting the 2020 London Plan apportionment target (managing 929,750 tonnes of H&CI waste per annum to 2036). It can be seen from the appraisal outcome for Policy WP1 (see p135 of the SA Report) that each of the alternative strategic options would not only meet, but exceed the apportionment by either including industrial areas (Option 2A) or allocating new sites (Option 2B). These options were therefore considered to have significantly greater adverse impacts on air quality than proposed policy WP1 which safeguards existing sites only. Option 3, the 'Do-nothing' scenario, would also lead to greater adverse impacts on air quality by allowing Policy WP1 to expire in 2021. This would effectively open the door for new waste sites to be developed on industrial land across the plan area.

M4 (ii) 5

How would the Plan provide an effective basis to ensure that planning decisions would sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas?

1.91 As outlined above in the response to Issue (ii) Q1 above, part (c[v]) of Policy WP5 on 'Protecting and Enhancing Amenity' requires planning applications to pay particular regard to the impact of the proposed development on (as amended by proposed modifications):

- quality and polluting emissions, including dust, from approved construction works, on-site waste operations and associated vehicle movements in the locality of new or intensified waste sites, taking account of national air quality objectives and current exceedances
- traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the strategic road network and the possibility of using sustainable modes of transport for incoming and outgoing materials

1.92 In support of this aim, the associated Schedule to Policy WP5 requires the submission of the following specific information in support of planning applications (as amended by proposed modifications):

- Air Quality Assessment, setting out the effects on air quality in the locality of the proposed development arising from approved construction works, on-site waste operations and associated vehicle movements.
- Transport Assessment
- Transport Management Strategies such as a Delivery Servicing Plan/Freight Plan, a Route Management Strategy, a Construction Logistics Plan and a Travel Plan.

1.93 However, the following London Plan and Local Plan policies would also continue to apply as part of the local development plan for the borough in question.

London Plan 2021

1.94 Part B of London Plan Policy SI 1 on 'Improving air quality' states that:

(1) Development proposals should not:

- (a) lead to further deterioration of existing poor air quality;*
- (b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal*

limits;

(c) create unacceptable risk of high levels of exposure to poor air quality.

(2) In order to meet the requirements in Part 1, as a minimum

(a) development proposals must be at least Air Quality Neutral;

(b) development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures;

(c) major development proposals must be submitted with an Air Quality Assessment. Air quality assessments should show how the development will meet the requirements of B1, and

(d) development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure”.

LB Sutton Local Plan 2018

1.95 Amongst other things, parts (e) and (f) of Local Plan Policy 34 on 'Environmental Protection' require that:

- (e) All development proposals should seek to contribute towards the achievement of national air quality objectives as far as possible and support the objectives of the council's Air Quality Action Plan. Any proposal that would have significant adverse impacts on air quality or expose the public to existing sources of air pollution will not be permitted unless appropriate mitigation measures are put in place to reduce these impacts to acceptable levels. Where necessary, the council will negotiate Section 106 agreements with developers to offset any unacceptable air quality impacts, including through the implementation of measures in Sutton's Air Quality Action Plan.*
- (f) All development proposals should be at least 'air quality neutral' with respect to particulates (PM10s) and nitrogen oxides (NOx) based on the emissions benchmarks set out in Appendix 7 of the Mayor's Sustainable Design and Construction SPG as amended...*

LB Croydon Local Plan 2018

1.96 Local Plan Policy DM23 on 'Development and Construction' states that:

The Council will promote high standards of development and construction throughout the borough by

- (a) Ensuring that future development, that may be liable to cause or be affected by pollution through air, noise, dust, or vibration, will not be detrimental to the health, safety and amenity of users of the site or surrounding land; and*
- (b) Ensuring that developments are air quality neutral and do not lead to further deterioration of existing poor air quality”.*

LB Merton Local Plan 2018

1.97 Local Plan policy P.8.9 focuses on the requirements for assessing air quality at the planning application stage. Furthermore, the policy states that, where necessary the council will “set planning conditions to reduce local environmental impacts and protect amenity on adjacent land uses to acceptable levels. Where Air Quality Neutral benchmarks cannot be met planning consent will be refused”.

RB Kingston Core Strategy 2012

1.98 Part (b) of Policy CS 1 on 'Climate Change Mitigation' states that the Council will “ensure that all development (including extensions, refurbishments and conversions) is designed and built to make the most efficient use of resources, reduce its lifecycle impact on the environment and contribute to climate change mitigation and adaptation by.....reducing levels of pollution; air, water, noise and light”.

1.99 Policy DM1 on 'Sustainable Design and Construction Standards' requires that "new development should minimise air, noise and contaminated land impacts in line with industry best practice".

1.100 However, the following changes are proposed to the wording of Policy WP5 and the associated Schedule in order to provide greater clarity on the contents of Air Quality Statements.

Proposed Modifications

POLICY WP5

(c) Particular regard will be paid to the impact of the development in terms of:

.....
Air emissions, including dust, arising from the on-site operations, plant and traffic generated; Air quality and polluting emissions, including dust, from approved construction works, on-site waste operations and associated vehicle movements in the locality of new or intensified waste sites, taking account of national air quality objectives and current exceedances; potential impacts within Air Quality Focus Areas. Air Quality Management Areas and/or the Mayor's expanded Ultra Low Emission Zone (ULEZ); cumulative impacts with other waste sites; the London Plan requirement for development proposals to be at least 'Air Quality Neutral'; and the use of design solutions to prevent or minimise increased exposure of people particularly vulnerable to poor air quality, such as children, people in poor health or the elderly".

Schedule: Information which may be required for a planning application

22. Air Quality ~~Impact~~ Assessment, ~~demonstrating setting out~~ the effects on air quality in the locality of the **proposed development site arising from approved construction works, on-site waste operations and associated vehicle movements. the operation of the site and vehicles movements to and from it. In line with London Plan Policy SI 1 on 'Improving Air Quality' and the relevant Local Plan policies, Air Quality Assessments must demonstrate that proposed developments:**

- **are at least 'Air Quality Neutral' having regard to the latest available Mayoral guidance on neutral and air quality positive approaches; promote opportunities to deliver further improvements to air quality; and do not conflict with ongoing London-wide or borough level activities aimed at reducing air pollution;**
- **do not lead to further deterioration of existing poor air quality; create any new areas that exceed air quality limits; delay the date at which compliance will be achieved in areas that are currently in exceedance of national air quality objectives; or create an unacceptable risk of high levels of exposure to poor air quality;**
- **have assessed the cumulative impacts of multiple air pollution sources from the new development, for example, the on-site waste operations and associated vehicle movements, in combination with similar air pollution impacts from approved and proposed development, as advised by the council's Air Quality Officer.**
- **incorporate design solutions to prevent or minimise increased exposure of people particularly vulnerable to poor air quality, such as children, people in poor health or the elderly; and**
- **incorporate proposed arrangements for post implementation monitoring and annual reporting of local air quality and polluting emissions**

1.101 Along with the Environment Agency’s regulation of environmental impacts on individual waste sites, the Plan will provide an effective basis to ensure that planning decisions will sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.

M4 (ii) 6

Is the Plan consistent with Policy SI 1 of the London Plan insofar as it expects development plans, through relevant strategic site-specific and area-based policies to seek opportunities to identify and deliver further improvements to air quality and not to reduce air quality benefits that result from the Mayor’s or boroughs’ activities to improve air quality?

1.102 Yes - while the draft Plan by its nature does not contain any ‘area-based’ policies as such, Policy WP5 and the accompanying Schedule (incorporating proposed Modifications) addresses the requirements of London Plan Policy SI 1 directly by requiring Air Quality Assessments to demonstrate that proposed developments are “*are at least ‘Air Quality Neutral’ having regard to the latest available Mayoral guidance on neutral and air quality positive approaches; promote further opportunities to deliver improvements to air quality; and do not conflict with ongoing London-wide or borough level activities aimed at reducing air pollution*”.

M4 (ii) 7

Do What implications might the Greater London Low Emission Zone have on the air quality aspects of waste-related transport in the South London area over the plan period?

1.103 The Greater London Low Emission Zone (LEZ) covers most of the capital and therefore the whole of the Plan area. The Boroughs consider that it is highly likely that the introduction of tougher standards for large commercial vehicles (over 3.5 tonnes) from ‘Euro IV’ to Euro VI on 1 March 2021 - which all HGVs must now meet in order to avoid a penalty of £100 per day - will help to significantly reduce harmful particulates (PM10) emissions arising from waste-related HGV movements to and from safeguarded waste sites across south London. However the extent of any potential beneficial effect on air quality is difficult to quantify at this stage in the absence of data on compliance levels.

1.104 It should be noted that the Mayor’s Ultra Low Emission Zone (ULEZ) only covers central London at present and the proposed changes scheduled for October 2021 will only extend the ULEZ boundaries up to (but not including) the North and South Circulars. Unlike for the LEZ, the ULEZ is not expected to have a significant implications in terms of the Plan.

Issue (iii):

To what extent do the Plan's policies contribute to and enhance the local environment, and is the Plan effective and consistent with national policy in these terms?

M4 (iii) 1

Are the policies relating to biodiversity consistent with the Framework insofar as it expects planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing sites of biodiversity in a manner commensurate with their statutory status or identified quality in the development plan?

1.105 Yes – the appraisal matrix set out in Section 12 of the SA Report highlights a number of different ways in which the policies and proposals of the draft plan will contribute to and enhance the quality of the natural and local environment in line with the aims of the NPPF. The following aspects of the plan and specific policy requirements are particularly relevant to the protection and enhancement of biodiversity and habitats 'commensurate with their statutory status' or identified quality in the four respective development plans.

- both Policies WP1 'Strategic Approach to Household and Commercial and Industrial Waste' and WP2 'Strategic approach to other forms of waste' will help to protect biodiversity and habitats by eliminating the need to identify additional waste management sites within south London over the plan period. A key aspect of this approach is the stated intention of the four boroughs to will work with the waste management industry to develop efficient and more effective management thus eliminating the need for additional waste capacity;
- in addition, Policy WP2 sets out a commitment to deliver specific biodiversity enhancements which are already planned for the Hogsmill STW (Kingston) and at Beddington Farmlands (Sutton);
- Policy WP4 'Sites for compensatory provision' requires that any new waste facilities proposed for compensatory provision must be located on sites located within designated SILs or locally significant industrial locations (LSILs), and therefore certain to be outside of the boundaries of sites of interest for nature conservation (SINCs) or other protected nature conservation areas. There are also requirements for such proposals to demonstrate that they will not have an adverse effect on nature conservation areas and for developers to 'have particular regard' to potential waste management sites which do not have an adverse effect on nature conservation areas protected either by international or national regulations or which are designated in the respective Local Plans of the four partner boroughs.
- most significantly, the further 'catch-all' requirement under part (f) of Policy WP4 for proposed waste facilities to 'meet the policies of the relevant development plan' will help to ensure that the appropriate London Plan 2021 and local planning requirements relating to biodiversity accounting and securing enhancements;
- similarly, Policy WP5 'Protecting and enhancing amenity' requires proposals for compensatory/intensified waste facilities to have particular regard' to the potentially adverse impacts on biodiversity and nature conservation sites protected by international/ national regulations or local planning designations and by requiring a Biodiversity Assessment to be submitted in support of any planning application which is likely to affect nature conservation areas such as Local Nature Reserves, Sites of Metropolitan, Borough or Local Importance for Nature Conservation (SINCs), or green corridors (see item 16 of the Schedule under Policy WP5); and

- Policy WP6 'Sustainable Design and Construction of Waste Facilities' sets out a requirement for waste proposals for intensified or compensatory provision to achieve an 'Excellent' rating under the CEEQUAL assessment process and/or an appropriate 'be-spoke' BREEAM scheme. Both schemes contain mandatory requirements on biodiversity and habitats. Policy WP6 also contains a requirement for all waste developments to demonstrate that they 'protect, manage and enhance local habitats and biodiversity' for example by incorporating green roofs and other blue and green infrastructure measures as appropriate.

**Issue (iv):
Is the Plan clear on requirements for engagement with local communities in the
planning of expanded or extended waste facilities**

M4 (iv) 1

PPG establishes that engagement with local communities affected by previous waste disposal decisions will help in considerations of the impacts on environmental quality, social cohesion and inclusion and economic potential. Is the Plan sufficiently clear in terms of how and when local communities would be engaged in proposals relating to the development of compensatory provision or the intensification of existing sites?

1.106 Yes, the Plan has been prepared in compliance with the respective adopted Statements of Community Involvement (SCI) for each Borough (Ref: B10-B13). Proposals for intensification of existing sites or compensatory sites come forward as planning applications and the SCIs set out how local communities will be consulted as part of planning applications in each Borough.

1.107 The Regulation 19 Statement of Consultation (E3) sets out the details of how the Boroughs have consulted on the Plan in compliance with Regulations 18 and 19 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). The Statement of Consultation includes:

- the bodies that were invited to make representation;
- how they were invited to make representations;
- a summary of the representations made;
- how these representations were considered during preparation of the proposed; and
- submission of the Plan.

Issue (v):
Is the Plan consistent with national and London Plan policy insofar as the “Agent of Change Principle” is concerned; and would it ensure that the likely impact of non-waste development on existing waste management facilities, and on sites and areas allocated for waste management is acceptable ?

M4 (v) 1

What is the distinction between “an existing waste site”, “an extant scheme” and a “permission for additional capacity”?

1.108 An “existing waste site” refers to a waste site that is materially in operation as a waste site. An “extant scheme” refers to a planning permission where:

- all pre-commencement conditions have been adequately satisfied; and
- the time limits set by condition for starting the development and/or submitting reserved matters have not expired; or
- the material operations comprising the development or a change of use authorised by the permission have been initiated before those deadlines expire.

1.109 A “permission for additional capacity” refers to a planning permission where an increase in intensification of the site is permitted, for example where:

- longer operating times are permitted on the existing site; and/or
- additional storage, machinery, buildings, parking or access roads are permitted on the existing site; and/or
- the boundary of the site is extended to allow for either of the above.

Proposed Modifications

Additions to the Glossary:

Existing waste site: A waste site that is materially in operation as a waste site.

Extant scheme: A planning permission where:

- **all pre-commencement conditions have been adequately satisfied; and**
- **the time limits set by condition for starting the development and/or submitting reserved matters have not expired; or**
- **the material operations comprising the development or a change of use authorised by the permission have been initiated before those deadlines expire.**

Permission for additional capacity: A planning permission where an increase in intensification of the site is permitted, for example where:

- **longer operating times are permitted on the existing site; and/or**
- **additional storage, machinery, buildings, parking or access roads are permitted on the existing site; and/or**
- **the boundary of the site is extended to allow for either of the above.**

M4 (v) 2

The General Permitted Development Order 2015 (as amended) allows some changes of commercial buildings to residential use – to what extent could the Plan address any potential impacts of such changes in the vicinity of safeguarded or compensatory waste sites?

1.110 There are currently no permitted development rights to change use from Use Classes B2, B8 or Sui Generis (industrial uses) to residential (C3) use. The new Class MA permitted development rights for change of use from Use Class E (including light industrial units) will come into effect from 1st August 2021, but change of use will be subject to the following conditions, including:

- d) an assessment of the impacts of noise from commercial premises on the intended occupiers of the development
- e) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

1.111 Therefore, there will be a requirement to mitigate against potential impacts on residential amenity resulting from a change of use. It is not within the remit of the Plan to remove permitted development rights, however, the individual Boroughs could consider the potential for introducing an Article 4 Directions on sites adjacent to safeguarded waste sites in the Plan, where it is considered expedient to do so.

M4 (v) 3

Why would the proposed main modification 2 be necessary to achieve soundness in these regards and is its wording sufficiently clear?

1.112 The proposed additional requirement within Policy WP8 to engage early with the operator of the waste site to ensure a full understanding of the operation (including on-site activities and hours of operation) and to ensure baseline assessments are robust is necessary to ensure that applicants understand the site specific issues of adjacent sites, including the potential impact of noise if there are any proposals for noise-sensitive development, such as residential use.

1.113 Policy D13 of the London Plan 2021 (Ref: R1) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. The policy sets out that Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby. Therefore, the modification is necessary in order to conform with Policy D13.

1.114 Boroughs can update their validation checklists for planning applications to reflect this additional requirement.

**Issue (vi):
Are the development contributions sought by the Plan justified and consistent with national policy?**

M4 (vi) 1 Is Policy WP9 consistent with the Framework?

1.115 Policy WP9 is consistent with Framework, insofar as it makes it clear what a planning obligation is, the circumstances in which it would be sought (i.e. when a planning condition is not possible to make a scheme acceptable) and the some examples of planning obligations that may be sought when waste development comes forward, some of which reflects the requirements of individual borough policies.

1.116 However, The Framework requires that policies serve a clear purpose and avoid duplicating the Framework. Policy WP9 only sets out that contributions may be taken and no other locally specific details for doing this. Therefore the policy as written repeats legislation (Section 106 and the Framework). However, the supporting text and elsewhere in the plan it is set out the matters that are considered to make a planning application acceptable which would use a legal mechanism such as Section 106 to secure. For this reason the policy should be amended to make it more locally distinctive and relevant to the consideration of waste planning applications were a legal agreement may be required. The supporting text expands up on the policy.

1.117 The Plan is not just aimed at waste developers and development management officers, but will also be used other stakeholders, such as local residents, councillors. Therefore, whilst Policy WP9 does not go significantly beyond the requirements that are set out in the Framework, the Boroughs still consider that it is important to include a policy with the Plan to inform other users of the document.

Proposed Modifications

Policy WP9 Planning Obligations

~~Planning obligations will be used to ensure that all new Waste development or waste redevelopment~~ **must ensure that where these have off-site impacts, these are addressed to make the development acceptable** ~~provide that these are mitigated meets on and off site requirements that are made necessary by, and are directly related to, any proposed development and are reasonably related in scale and kind to the development.~~

M4 (vi) 2 Are the requirements of Policy WP9 informed by proportionate evidence of needs and have the viability of the requirements been assessed?

1.118 The Plan does not set specific requirements in terms of what obligations will be sought, and no specific infrastructure is identified. As such, the viability of the requirements has not been carried out. The preamble to the policy sets out some examples of where a planning

obligation may be considered (our emphasis), which would be assessed on a case-by-case basis when planning applications are submitted. As set out above, some of these reflect requirements that are set out in the Boroughs' local plans and supporting SPDs.

M4 (vi) 3

How would the elements of Policy WP7 (c) relating to job creation, training and apprenticeships be secured through the planning system?

1.119 Job creation, training and apprenticeships can be secured through Section 106 agreements and each of the boroughs have existing policy in Local Plans or SPDs to help secure this:

- Adopted Croydon Local Plan 2018, through policy SP3.14 and supporting guidance.
- Kingston's adopted Planning Obligations SPD 2017 (para 3.30) sets out that for all types of major development, the Council will seek to secure S106 planning obligations to ensure that employment and training/skills development opportunities are provided to local people, such as during the construction phase as well as for the end use of a development where appropriate
- Merton's Core Planning Strategy Policy CS12 'Economic Development' and Merton's Sites and Policies Plan (2014), Policy DME4 'Local Employment Opportunities seeks to increase employment opportunities in Merton', which are secured through S106 agreements.
- Sutton Planning Obligations SPD (para 5.5 to 5.9) includes a commitment to seek local jobs, training and apprenticeships through Section 106 agreements and

1.120 The same approach can be adopted for this policy as well as guidance adapted for waste employment where necessary.

Issue (vii):
Are the policies relating to the intensification of sites justified, and would they be effective?

M4 (vii) 1

Is the supporting text in paragraph 5.24 (“an increase in the waste management element of Waste Transfer Stations will have to comply with all the policies in a borough’s development plan” (with our emphasis)) consistent with s38(6) of the 2004 Act? Does it provide an effective basis for considerations of such proposals?

1.121 No, the intention of the supporting text was to direct proposals requiring planning permission towards relevant policies in a borough’s development, plan as oppose to all, which would be not be justified as some policies would have no relevance at all. The Boroughs have proposed a modification below to correct this.

Proposed Modification

Paragraph 5.24:

Similarly, the South London Waste Plan boroughs will be supportive of businesses which are attempting to increase the waste management element of Waste Transfer Stations but any development associated with an increase in the waste management element of Waste Transfer Stations will have to comply with all the relevant policies in a borough’s Development Plan.

**M4 (vii)
2a**

Does the use of bullet points rather than a numbered or alphabetized list provide a clearly written and unambiguous set of policies to guide any intensification?

1.122 Breaking the criteria down is helpful for expressing the policy but it would be clearer if these were referenced by numbers or letters rather than bullet points.

4.1 Add a change to the minor modifications table to show that policies with bullet points will be replaced, as appropriate with numbers or letters. Change to whole plan.

Proposed Modifications

Add a change to the additional modifications schedule to show that policies with bullet points will be replaced, as appropriate with numbers or letters. Change to whole plan.

**M4 (vii)
2b**

Are the criteria relating to archaeological matters consistent with the Framework insofar as it requires heritage assets to be conserved in a manner appropriate to their significance

1.123 Criteria C iii in policy WP5 relates to two different issues; heritage and sensitive receptors. For this reason the criteria is confusing and does not adequately reflect the approach that should be taken regarding the approach required to heritage in the Framework. To make this clearer it is proposed to divide the criteria and reword these so to emphasise that heritage assets should be conserved and enhanced in a manner appropriate to their heritage significance (both designated and non-designated heritage assets). This also includes modifications discussed under M4 (i) 5.

Proposed Modifications

Policy WP5 Protecting and Enhancing Amenity

(c) (iii) ~~Archaeological sites, the historic environment and sensitive receptors, such as schools, hospitals, and residential areas.~~ **Heritage Assets and the need to conserve, and where practicable, enhance those elements which contribute to their significance, including their setting;**
(iv) sensitive receptors, such as schools, hospitals and residential areas;

(Renumber clauses accordingly)

**M4 (vi)
2c**

Should a criterion relating to the conservation of heritage assets of archaeological significance be added to the issues to consider in relation to the S10 site?

1.124 As the site is in an area of archaeological significance it should have a criteria recognising this. The same wording as applied to other sites should be added as follows and is suggested amended wording.

Proposed Modifications

Site S10

Developers planning to intensify the safeguarded site should pay particular attention to:

Bullet 7

- **Evaluating and preserving any archaeological remains**

**M4 (vii)
2d**

Is the criterion relating to Airport House, a Grade II* Listed Building, consistent with the statutory duty and national policy relating to the preservation of listed buildings, their special interest and settings; and to the conservation of heritage assets? Are modifications needed to ensure that the criterion is consistent with the statutory and national policy considerations?

1.125 As the site is adjacent to a listed building the criterion seeks to identify this issue to ensure that development takes account of this. The wording is informed by the statutory requirements of (section 66 of the Listed buildings and Conservation Areas Act 2015) which is that it should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The wording in the NPPF (paras 185 and 192 is) "take into account the desirability of sustaining and enhancing the significance of heritage assets. The wording has been further reflected on and it could be better expressed as follows and is suggested amended wording;

Proposed Modifications

Site C8 New Era Metals

Developers planning to intensify the safeguarded site should pay particular attention to:

Bullet 8

- ~~Conserving, and where possible enhancing,~~ **Ensuring the preservation or enhancement of** the setting and significance of Airport House, a Grade II* Listed building opposite

**M4 (vii)
2e**

Is the criterion relating to the Wandle Valley Conservation Area (relating to sites M15 and M16) consistent with the Framework insofar as it states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance? Would suggested main modifications 10 and 12 address this and is their wording consistent with the Framework?

1.126 The NPPF 2019 para 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. An additional modification is proposed below to include reference to 'significance'

1.127 These proposed main modifications would address NPPF paragraph 200 and make their wording consistent with the NPPF. This is also consistent with modifications proposed to Policy WP5 "protecting and enhancing amenity" set out in response to M4 (vii) 2b.

Main modification 10, for site M15 (Riverside AD Facility, 43 Willow Lane, Merton CR4 4NA),

and

Main Modification 12 for site M16 (Riverside Bio Waste Treatment Centre, 43 Willow Lane, Merton CR4 4NA),

both propose that under

“Developers planning to intensify the safeguarded site should pay particular attention to:

Delete “~~Ensuring development does not adversely affect the adjacent Wandle Valley Conservation Area~~”

Replace with: Conserving, and where possible enhancing, the setting and significance of the Wandle Valley Conservation Area.

**M4 (vii)
2f**

Should the residential amenity criterion be added to the following sites: M1, M7, M13, M15, M16, M18, S1, S4, S9?

1.128 Yes, this criterion should be added to the relevant sites. The standard criteria that is referred to is (including proposed modifications under M4 (i) 6): “Contributing positively to the residential amenity of those properties in the vicinity of the site, especially with regard to air emissions and noise impacts”

1.129 M1, M7, M13, M15, M16, M18 are all sites located within Willow Lane Strategic Industrial Location in Merton; S1 and S4 are within the Beddington Lane Strategic Industrial Location in Sutton and S9 is within the Kimpton Strategic Industrial Location in Sutton.

1.130 Although these sites all lie within Strategic Industrial Locations, like many Strategic Industrial Locations in London there are residential properties relatively near to the sites. In addition, a former office in Willow Lane (Connect House) has been converted to residential in 2013 under prior approval before Merton’s Article 4 Direction was published which preventing such conversions from office to residential without planning permission.

1.131 Development proposed on all these sites, M1, M7, M13, M15, M16, M18, S1, S4 and S9 and all other sites within the plan, would be considered against policy WP5 “protecting and enhancing amenity”.

1.132 However, given the proximity of homes to these sites and reflecting the general concerns of representors on harm to residential amenity caused by waste sites, it is recommended that the residential amenity criterion could be added to sites M1, M7, M13, M15, M16, M18, S1, S4, and S9.

Proposed modification

For sites M1, M7, M13, M15, M16, M18, S1, S4, and S9

Developers planning to intensify the safeguarded site should pay particular attention to:

Add bullet point:

- **Contributing positively to the residential amenity of those properties in the vicinity of the site, especially with regard to air emissions and noise impacts**

**M4 (vii)
2g**

Should the potential implications of the Crossrail 2 programme be referred to in respect of sites M10, M12 and M14; and should there be a requirement for consultation with Transport for London (TfL) on any proposals for intensification for these sites?

1.133 No, the potential implications of the Crossrail2 programme should not be referred to in respect of sites M10, M12 and M14 and there should not be a requirement for consultation with TfL on any proposals for intensification for these sites.

1.134 Sites M10, M12 and M14 all lie outside Crossrail 2 Safeguarding Directions 2015 <https://crossrail2.co.uk/wp-content/uploads/2018/03/Crossrail-2-Safeguarding-Directions-March-2015-Rev-4.0-final-volume-1-corrected.pdf> and as such are not safeguarded for Crossrail2.

1.135 As referenced in Schedule of Representations (Ref: E1), representations referenced 2, 3, 95, 98 and 100, according to TfL’s Crossrail2 website, the Crossrail2 project is no longer funded. Extract from the “latest news” section of the Crossrail2 website (dated November 2020) <https://crossrail2.co.uk/news/crossrail2-update-november-2020/> which states “Given TfL’s current finances and the lack of a viable funding package for the scheme at the moment, we are not in a position to confirm when our work on seeking consent can restart. Crossrail 2 will still be needed in future to support London’s growth and we have clearly demonstrated the case for the scheme. The project has been put in good order, ready to be restarted when the time is right”.

1.136 If the next government were to fund it, post 2024, it is likely to be delivered beyond the lifetime of this Plan. Therefore there is no evidence at the current time that these waste and industrial sites will be required for Crossrail2 within this plan period.

1.137 Although Crossrail2 is currently not funded or being progressed, a substantial change in circumstances could mean that new Crossrail2 safeguarding would be introduced during the lifetime of this plan, which could affect these sites or other sites within the South London Waste Plan.

1.138 In these circumstances, the new Safeguarding Direction issued by the Department for Transport would require local planning authorities to consult TfL on planning applications within the boundaries shown on the safeguarding plans before granting planning approval. New or revised Safeguarding Directions would also appear on the Local Land Charges register

for properties within and up to 200 metres of the safeguarding boundary. Public consultation would also need to take place on new proposals for safeguarding.

1.139 Given the lack of funding and progress on Crossrail2 now and the circumstances in which new safeguarding would require the LPA to consult TfL on relevant sites anyway, it is not recommended that the potential implications of the 2015 Crossrail2 public consultation should be referred to in respect of sites M10, M12 and M14.

1.140 Policy WP5 “protecting and enhancing amenity” (c.) states that particular regard will be paid to the impact of the development in terms of (c.)(vii) traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the strategic road network.

1.141 Sites M10, M12 and M14 all lie on Weir Road. The only access to other roads from Weir Road is the exit via the A218 Durnsford Road on the strategic road network.

1.142 For most intensification proposals, the landowner and the Local Planning Authority will be consulting TfL as required by Policy WP5 (c)(vii) in order to assess the proposals against the impact of the development in terms of traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the strategic road network.

1.143 As there is no need to repeat the requirements of Policy WP5 for all sites adjacent or close to the strategic road network, nor is there a Crossrail2 safeguarding requirement for Sites M10, M12 and M14, there should not be a requirement for consultation with Transport for London on any proposal for intensification of these sites M10, M12 and M14.

M4 (vii) 2h

Should the issues to consider for sites adjacent to the River Wandle promote access to it and pay regard to the environmental improvement of it and its associated open space – and does the Plan accord with the Framework in these regards?

1.144 While it is accepted that the ‘issues to consider’ for the proposed waste sites do not contain additional requirements to ‘promote access to it and to pay regard to the environmental improvement of its associated open space’, it should be noted that only one of the proposed sites lies directly adjacent to the River Wandle (M17). Requirements are included however for relevant sites to ‘ensure that nearby watercourses are not harmed by the development’ and to ‘protect the amenity of those using the future Wandle Valley Regional Park.

**M4 (vii)
2i**

Should the residential amenity of the occupants of the allocated Gypsy and Traveller site adjacent to the C10 site be specifically mentioned as an issue to consider? And should it be clear in the criterion relating to M12 that residential amenity considerations include the occupants of both bricks and mortar housing and the adjacent Gypsy and Traveller site?

1.145 The criteria for sites C10 and M12 could be improved to ensure that developments consider the impact on existing or proposed gypsy and traveller sites. The criteria will be reworded.

Proposed Modifications

Site C10

Developers planning to intensify the safeguarded site should pay particular attention to:

Bullet 9

- The Purley Oaks Highway Depot is an allocated Gypsy and Traveller site in the Croydon Local Plan 2018 **and attention should be paid to ensure that the residential amenity of the occupiers of this allocation.**

Site M12

Developers planning to intensify the safeguarded site should pay particular attention to:

Bullet 5

- Protecting the residential amenity of those properties **(both bricks and mortar and the Gypsy and Traveller)** in the vicinity of the site, especially with regard to air emissions and noise impacts

**M4 (vii)
2j**

Is the protection of the openness of the GB or MOL a relevant consideration for sites that are not within either or those designations (e.g C6) – or should design criterion instead relate to the wider visual or landscape effects of any proposed developments?

1.146 The wording of the criteria could be clearer that development should consider the wider visual or landscape effects which is not the same as openness of the green belt or MOL which is a different consideration. Amended criteria will reflect this.

Proposed Modifications

Site C6 Fishers Farm

Developers planning to intensify the safeguarded site should pay particular attention to:

Bullet 8

Designing a facility that does not impact on the openness of Metropolitan Green Belt **takes into consideration the wider visual or landscape effect of the adjoining countryside.**

M4 (vii) 2L

In terms of transport implications of proposals why are some sites required to undertake an assessment of the cumulative impacts on the highway network in discussion with TfL, whilst others are only required to limit or mitigate traffic movements?

1.147 For the majority of safeguarded waste sites, the issues to consider require that developers pay attention to "limiting or mitigating traffic movements so as not to hinder traffic flow on the surrounding roads. However, for some sites it requires sites S1, S2, S3, S4, S5, S8, S12 in Sutton, these are all located within the Beddington Strategic Location (SIL) which is the largest concentration of waste sites and waste management capacity within the Plan area. Whilst there is a concentration of sites in Willow Lane, Merton, the waste management capacity from these sites is far lower than the sites in the Beddington SIL (the capacity from S2 and S12 is greater than the capacity for the whole of the Willow Lane area)

1.148 As such, the Borough considered it appropriate to consider the cumulative impact of traffic movements in this location. However, it has been noted that Site S10, in the Beddington SIL does not include the requirement for a cumulative assessment, so a modification is proposed below to ensure consistency.

Proposed Modification

Site S10, Issues to Consider

- ~~Limiting or mitigating traffic movements so as not to hinder traffic flow on the surrounding roads~~
- **Undertaking an assessment of the cumulative impacts on the highway network, which should be discussed with Transport for London, and limiting or mitigating traffic movements so as not to hinder traffic flow on the surrounding roads**

M4 (vii) 2m

What is the justification for the "8-metre buffer zone" mentioned in relation to sites adjacent to the River Wandle?

1.149 The Environment Agency consistently recommends that an 8 metre buffer zone is maintained between the top of the river bank and the edge of any development in order to improve the water environment, enhance wildlife habitats/ green corridors, promote green infrastructure networks and contribute to flood risk management and wider climate change adaptation objectives. Any waste proposal located adjacent to a main river (such as the Wandle) which did not incorporate an 8 metre buffer zone would be objected to by the EA and trigger an additional requirement for the development to obtain EA flood risk activity permit.

M4 (vii) 2n

Are the suggested main modifications 5,7,8,9 and 11 (which relate to the amenity of the users of Wandle Valley Regional Park) necessary to ensure the soundness of the Plan?

1.150 These were included at the suggestion of the Wandle Valley Forum at the Regulation 19 stage and subsequent the Boroughs agreed to be included in response to the representation

received. However, on reflection this should have been included in the schedule of minor modifications, as it was to address an inconsistency in the draft Plan where it was mentioned for some sites that were adjacent to the Wandle Valley Regional Park but not all.

1.151 The Boroughs have updated the Schedule of Main and Additional Modifications accordingly.

M4 (vii) 2o

Are the air quality and transport implications of any intensification of the S2 site appropriately reflected in the issues to consider? Should the policy be more restrictive of any further intensification of the existing use of this site?

1.152 The 'Issues to consider for the site' include specific references to undertake a transport assessment of cumulative impact on the highway network...and limiting and mitigating traffic movements..." and "protecting the residential amenity of those properties in the vicinity of the site, especially with regard to air emissions and noise impacts". In addition, Policy WP5 sets out the schedule of information that may be required for a planning application, which includes air quality assessments and transport assessments. This is discussed in Matter 4 (ii) 5 in more detail and includes some proposed modifications.

1.153 However, a modification is proposed to include specific references to these requirements for Site S2. Alongside the modifications set out in response to M4 (ii) 5, the Boroughs consider the air quality and transport implications of any intensification are appropriately covered.

Proposed Modification

Site S2, Issues to Consider

- **Undertaking an air quality assessments and transport assessments in accordance with the requirements of Policy WP5**

1.154 Whilst the Boroughs do not consider that there are opportunities to intensify the site at the current time, as stated on the site sheet under 'opportunities to increase waste managed', given the Plan covers a 15-year period, it is prudent to include 'issues to consider' in case a situation arises in the future.