

GREATER LONDON AUTHORITY

Duncan Clarke
Strategic Planning Manager
London Borough of Sutton
24 Denmark Road
Carshalton
Surrey
SM5 2JG

Department: Planning
Our reference: LDF36/SLWP02/HA02
Date: 22 October 2020

By email: planningpolicy@sutton.gov.uk

Dear Duncan

**Planning and Compulsory Purchase Act 2004 (as amended);
Greater London Authority Acts 1999 and 2007; Town and Country Planning (Local
Development) (England) Regulations 2012**

Re: Publication Stage of the Draft South London Waste Plan

Thank you for consulting the Mayor of London on the Publication Stage of the draft South London Waste Plan (SLWP). As you are aware, all Development Plan Documents in London must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor has afforded me delegated authority to make detailed comments which are set out below.

The Mayor provided comments on the earlier Issues and Options consultation document on 18 December 2019 (Ref: LDF36/SLWP02/HA01). This letter follows on from that earlier advice and sets out where you should make further amendments to be more in line with the current London Plan and the Intend to Publish (ItP) London Plan.

The draft new London Plan

The Mayor first published his draft new London Plan for consultation on 1st December 2017. Following examination, the Panel's report, including recommendations, was issued to the Mayor on 8 October 2019 and the Intend to Publish (ItP) version of the London Plan was published on the 17 December 2019. The Mayor received directions from the Secretary of State on 13 March 2020 in the Annex to his response and this letter takes these into consideration, particularly direction DR4 in relation to policies E4 and E7 of the ItP London Plan. The ItP London Plan and its evidence base are now material considerations and have significant weight, except specifically where affected by the tracked changes set out in the SoS's Annex. Publication of the final version of the new London Plan is anticipated later in the year, at which point it will form part of the Development Plans for the South London Waste Plan authorities and contain the most up-to-date policies.

GREATER LONDON AUTHORITY

The SLWP is required to be in general conformity with the London Plan and the Mayor's comments below address how the draft Plan should be amended to address outstanding issues of non-conformity with the ItP London Plan.

General

The Mayor welcomes many of the commitments to changes and clarifications made in light of his response to the Issues and Preferred Options (I&PO) consultation document. In particular, addressing capacity for the previously identified shortfall in construction and demolition waste and clarifying that intensification will provide additional capacity and not be relied upon to meet London Plan apportionment targets.

The opportunity to provide feedback on a pre-consultation draft Submission version of the SLWP was welcomed but the Mayor was disappointed that no additional changes were made to the draft plan following his officer's advice and guidance as set out in a letter dated 3rd July 2020.

As currently drafted the Publication Stage version of the SLWP is not in conformity with the Intend to Publish London Plan for two reasons. Firstly, it fails to secure compensatory capacity of at least equivalent throughput to that which would be lost as a result of draft Policy WP3(c) and secondly, for a failure to appropriately implement the waste hierarchy in accordance with Policy SI9 C of the ItP London Plan. The letter below addresses these and other matters in more detail, setting out the necessary amendments that would ensure that the final version of the SLWP is consistent with the ItP London Plan.

Compensatory provision for the loss of existing waste sites (throughput)

Draft Policy WP3 (c) proposes that the level of compensatory provision replacing the loss of an existing safeguarded waste site will be considered on a case-by-case basis. This is contrary to London Plan Policy SI9 C, which requires that the provision of compensatory capacity for lost waste sites should '*...at least meet, and should exceed, the maximum achievable throughput of the site proposed to be lost.*' This is therefore a point of non-conformity with the ItP London Plan.

While it is noted that draft Policy WP4 (a) requires that sites for compensatory provision must be able to demonstrate that they '*...are capable of providing sufficient compensatory capacity*', the term '*sufficient*' is not adequately defined. This could result in the provision of compensatory capacity at a lower throughput than the waste site proposed to be lost, and that would therefore put the Mayor's waste net self-sufficiency target at risk.

The Mayor acknowledges the difficulties expressed by SLWP officers relating to achieving maximum throughputs and the potential trade-offs that may be beneficial to consider (for example, weighing up any potential amenity benefits that could be achieved at the expense of site throughput). However, ItP London Plan Policies SI8 and SI9 take a clear approach to compensatory provision for the loss of existing waste sites and a conflicting approach in the SLWP is likely to lead to confusion for applicants and undermine the implementation of the ItP London Plan.

This issue could be resolved by removing the reference to a "case-by-case" consideration of compensatory provision in Part C of draft Policy WP3 and adding clear criteria to Policy WP4 which mirror the requirements of London Plan Policy SI9 C.

Waste hierarchy (compensatory provision)

Draft Policy WP3(e) states:

*“Any development on an **existing** safeguarded waste site will be required to result in waste being managed at least to the same level in the waste hierarchy as prior to the development.”*

The principle of this policy to at least maintain the waste hierarchy level is strongly supported, but its application seems to not apply to waste development on sites that are not already in waste use. As such this policy requirement, would not apply where compensatory provision is provided on a site that is not an existing safeguarded waste site. Furthermore, when applied to compensatory provision, as written draft Policy WP3 (e) suggests this provision would be compared to the pre-existing situation on the compensatory site rather than on the site that is being compensated for.

This could result in compensatory provision for the loss of a waste site being made at a lower level in the waste hierarchy compared to the lost site and would not meet the requirement of London Plan SI9 C that compensatory capacity be made ‘...at or above the same level of the waste hierarchy...’. This is a matter of non-conformity with the ItP London Plan.

This issue could be resolved by clarifying that draft Policy WP3 (e) applies to compensatory capacity provided on sites that are not existing safeguarded waste sites and that this capacity must be at or above the same level in the waste hierarchy of the lost site. In addition, these criteria should also be added to the draft Sites for Compensatory Provision Policy (WP4) as suggested above to maintain consistency.

Waste hierarchy (general)

The removal of the reference to a flexible/case-by-case implementation of the waste hierarchy in the supporting text of Policy WP3 is welcomed. While we acknowledge the SLWP’s view that it is not always possible to go up the waste hierarchy when redeveloping existing safeguarded waste sites and that some development may come forward at the same level, we would encourage Policy WP3 (e) be amended to at least provide encouragement for the redevelopment of existing waste sites to come forward at a higher level in the hierarchy. Additionally, as suggested above, inclusion of the waste hierarchy in Policy WP4 would further strengthen its implementation.

New waste sites

Policy WP1 (d) prevents new waste sites from coming forward and has not been amended to reflect the concerns raised in the Mayor’s earlier response to the SLWP I&PO consultation.

New waste sites may enable the management of waste further up the waste hierarchy as supported by London Plan policies SI8 and SI9. Preventing new waste sites coming forward is likely to stifle waste management innovation in the SLWP area and negatively impact London’s transition to a circular economy.

Consequently, the policy as currently written would negatively compound the effects of draft Policy WP3(c); if compensatory provision is not provided with at least the same throughput as lost sites, and no new sites are allowed to come forward, this could reduce the borough’s waste management capacity over time and jeopardise the SLWP’s ability to plan for its identified waste needs and provide sufficient capacity to manage its apportioned tonnages of waste in line with London Plan policies SI8 B1 and B3. This is particularly pertinent given the small surpluses currently identified to meet the HC&I and C&D waste streams (surpluses of 1.8% and 1.4% of capacity respectively)

The Mayor acknowledges SLWP officers' desire to provide land to meet the demand for industrial (non-waste) uses. However, industrial land demand is made up of a number of components including both core industrial uses (for example distribution and manufacturing) and wider industrial uses (such as land for utilities and waste). Strategic demand evidence for core and wider industrial uses suggests¹ a varied picture of demand for the three primary typologies (industrial, warehousing and waste) across the four boroughs. In some boroughs, strategic evidence demonstrates surplus demand for industrial use and insufficient capacity for waste, whereas in other boroughs the situation is reversed. Without more comprehensive local evidence of core and wider industrial demand it is difficult to demonstrate that new waste sites should be prevented across all four boroughs in order to allow capacity for other industrial uses.

An amended policy should support new waste sites coming forward in appropriate circumstances, which could include criteria such as the site's position in the waste hierarchy and requirements around impact on amenity. Such an approach would support more sustainable waste management while balancing competing demands on industrial land.

Transfer of apportionment

SLWP officers confirmed at a recent meeting², that the SLWP does not provide support for offering surplus capacity/sites to other London boroughs should they be released, a position that has been adopted to meet the demand for (non-waste) industrial uses. The Mayor expects the SLWP boroughs to work positively towards net waste self-sufficiency at a London level in line with supporting text paragraph 9.8.6 and Policy SI 8 of the ItP London Plan. The Mayor's ambition for net waste self-sufficiency by 2026 could be reflected in the SLWP, particularly, in the wording of draft Policy WP3 (d). SLWP boroughs should continue to engage with other boroughs who may have a shortfall of waste management capacity through the Duty to Cooperate.

Waste sites outside industrial areas

Draft Policy WP4 (b) would restrict new waste sites to Strategic Industrial Locations (SIL) or Locally Significant Industrial Locations (LSIS). While the ItP London Plan suggests that SIL/LSIS are suitable locations for managing waste apportionments in Policy SI8B, the policy is not intended to restrict waste uses to these locations and we would encourage amendments to be made to Policy WP4 (b) that allow greater flexibility for the delivery of waste uses outside of these areas. As currently worded, Policy WP4 (b) would prevent waste sites being permitted in non-designated industrial areas or new industrial areas that may come forward (such as redeveloped retail parks) and may prevent the optimum use of land. Some waste treatment facilities (particularly those at the higher levels of the waste hierarchy) may be suitable for co-location with other uses outside of industrial areas.

The issues of strong demand for land outside of industrial areas for uses such as housing and social infrastructure is noted, however this could be addressed positively through site allocations rather than overly restricting a use that is important for the successful and sustainable functioning of London as a city. The issue of sensitivity to waste uses is a valid concern but one that can be adequately mitigated through implementation of draft Policy WP5 and other policies in borough local plans and the London Plan.

¹ London Industrial Land Demand Study, GLA, 2017
https://www.london.gov.uk/sites/default/files/ilds_revised_final_report_october_2017.pdf

² 26th May 2020

GREATER LONDON AUTHORITY

Other matters

The South London Waste Plan should take note that three proposed safeguarded waste sites at the Weir Road Industrial Estate, LB Merton (M10, M12 and M14) were included in Transport for London's Crossrail 2, 2015 consultation

(https://consultations.tfl.gov.uk/crossrail2/october2015/user_uploads/s13.pdf) for use as a future worksite and depot for Crossrail 2, but is not included within the Safeguarding Direction. Although at this stage the Mayor doesn't have any more certainty regarding the requirement for these sites, this should at least be included in the 'issues to consider' set out in the plan.

Next steps

In the next stages of the SLWP it would be appreciated if the SLWP group could provide information on the location, size and type of waste managed in a spatial data format, such as GIS shapefiles. This would assist the GLA in monitoring London's waste management capacity and net self-sufficiency.

I hope these comments help to inform the development of the South London Waste Plan. If you have any specific questions regarding the comments in this letter, please contact Hassan Ahmed on 020 7084 2751.

Yours sincerely



Lucinda Turner

Assistant Director of Planning

Cc: Tony Arbour, Steve O'Connell, Leonie Cooper, London Assembly Constituency Members
Andrew Boff, Chair of London Assembly Planning Committee
National Planning Casework Unit, MHCLG