



## **Examination of the South London Waste Plan Preliminary Matters for the Boroughs 18 February 2021**

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### **Inspectors appointed by the Secretary of State**

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Dear Mr James,

#### **Introduction**

1. The following general matters and points of clarification have arisen from our preliminary appraisal of the South London Waste Plan (the Plan) and the documents submitted along with it. Whilst the matters set out below are of a general nature, they all relate to soundness or legal compliance, and are thus being raised at an early stage to assist the progress of the examination. We may raise further preliminary issues either as a result of your responses to this letter or following consideration of the material already submitted in greater detail. These processes will assist us in our task of setting out the Matters, Issues and Questions that will need to be addressed during the examination.
2. The procedural aspects of the examination will follow the Planning Inspectorate's *Procedural Guide for Local Plan Examinations – 6<sup>th</sup> Edition* (November 2020)<sup>1</sup> – a copy of which should be included on the Examination Website.

#### **Scope of the Examination**

3. The starting point of our examination is the Regulation 19 version of the Plan, which was published in September 2020 and which was subject to consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations). Nevertheless, we note references to suggested amendments to the Plan in the submitted *Schedule of Consultations and Representations*<sup>2</sup> (the Schedule) (in the comments column). Some of the changes proposed in the Schedule either individually or taken together would materially affect the policies of the Plan should they be taken forward. Consequently, they would fall within the definition of "main modifications" to the Plan for the purposes of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act).
4. In accordance with the 2004 Act, main modifications can only be made to a Plan should we consider them to be necessary to ensure soundness and/or legal compliance. They are distinct from "additional modifications" which are

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938830/Procedure\\_Guide\\_for\\_Local\\_Plan\\_Examinations\\_Nov\\_2020\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938830/Procedure_Guide_for_Local_Plan_Examinations_Nov_2020_final.pdf)

<sup>2</sup> E1

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changes to the Plan that (taken together) do not materially affect its policies and are not matters for the examination to consider.

5. We can only make main modifications to the Plan if specifically requested to do so by the Boroughs. Accordingly, please could you confirm that you wish us to proceed on this basis?
6. To assist with the efficient conduct of the examination we request that you produce a table which includes all of the changes suggested in the Schedule and any further suggested changes that may arise in response to this letter. The precise changes to the Plan's wording should be clearly annotated using strikethrough text for deletions and bold underlined text for insertions and should be cross referenced to the relevant paragraph or policy numbers. The table should be capable of being kept up to date as a "living document" where any further changes that may arise during the course of the examination can be added. As additional modifications are matters for the Boroughs these do not need to be included in the table – but you may find it useful to keep a separate record of these. Following completion of your initial drafts of the modifications table we would be happy to review these to ensure that any changes included are accurately categorised as either main or additional modifications.

### **Sites Counting Towards the Apportionment and C&D Target**

7. There are several areas of the Plan that contain some inconsistencies and clarification. These are as follows:
  - a. The table included at Appendix 2 of the Plan includes a number of inconsistencies when compared to the figures presented in the safeguarded site descriptions (particularly M3, M4, M5, S9). It would be helpful if the correct figures could be identified.
  - b. The total H,C&I capacities of the Croydon and Merton sites do not appear to accord with the sum of the figures for the individual sites given in the table. Could the Boroughs please confirm the correct figure and identify any necessary modifications to the Plan in this regard?
  - c. In several instances (e.g C12, C13 and M3) the potential or otherwise for intensification of the site does not accord with the narrative in the site descriptions. The Boroughs will need to consider the position on these sites and provide any suggested amendments.
  - d. The qualifying throughput in the relevant site description table is higher than the maximum throughput in the same table for site M15. The correct figures need to be identified.
  - e. We note also that the Schedule includes some potential changes that may need to be reflected in the Appendix and site descriptions, as relevant. It would be helpful if the Boroughs could confirm whether these are intended to be proposed as main modifications to the Plan?
8. Please could you produce a version of Appendix 2 that addresses the above concerns – and suggest any consequential amendments where necessary to the site descriptions. You should ensure that any modifications made in these

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regards are also reflected in the table we have requested in paragraph 6 above.

### **Superseded Policies**

9. Regulation 8(5) of the 2012 Regulations requires DPDs to make clear which policies they supersede. It is not abundantly clear from the Plan which policies would be superseded by it. We would welcome your suggestions as to how the Plan could be modified to ensure its effectiveness and regulatory compliance in these regards. Any proposed changes you suggest should also be added to the table mentioned in paragraph 6 above.

### **The London Plan**

10. Section 24 of the 2004 Act requires local development documents of London Boroughs to be in general conformity with the London Plan. We note the contents of the *Letter of Conformity*<sup>3</sup> from the Greater London Authority of 22 October 2020. However, since the date of that letter, the Mayor sent the version of the plan he intends to publish to the Secretary of State – with the latter party indicating<sup>4</sup> that he is content for that version of the plan to be published with no further changes. At the point of publication, you should again seek the Mayor’s view on the Plan’s conformity with the London Plan<sup>5</sup>. The Mayor’s response in these regards should be made available as an examination document. Furthermore, when it becomes available, the published version of the London Plan should be also added to the Examination Website.

### **Site S11 - TGM Environmental, Beddington Lane, Sutton CR0 4TD**

11. Whilst there appear to be extant waste-related permissions affecting the S11 Site, Regulation 19 consultation responses indicate that the site is not currently within a waste use. Consequently, we would value your initial views on the implications of this for the safeguarded site and the Plan more generally.

### **Site S12 - Beddington Lane Recovery Facility, 79-85 Beddington Lane, Sutton CR0 4TH**

12. Consultation responses relating to the S12 site indicate that its delivery is linked to the redevelopment of a site at Benedict Wharf, which is currently subject to a planning application<sup>6</sup>. We would value an update on the progress of the Benedict Wharf planning application and your initial views as to the implications this matter might have for the Plan.

### **Site C12 - Stubbs Mead Depot, Factory Lane, Croydon CR0 3RL**

13. Site C12 is subject to Place-specific Policy DM49.2 in the Croydon Local Plan which proposes a mixed residential and employment (industry and warehousing) use for the site. Appendix 3 of the Plan also states that “a feasibility study is being undertaken to understand the Local Plan housing allocation. It is due to be reported on in late October 2019”. We would value

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<sup>3</sup> E4

<sup>4</sup> By letter dated 29 January 2021

<sup>5</sup> In accordance with s24(a) of the 2004 Act

<sup>6</sup> Borough reference 19/P285

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your initial thoughts on the implications that these matters may have for the safeguarded site and the Plan more generally.

### **Documents and Clarifications**

14. Reference is made to Air Quality Management Areas (AQMAs) within the Boroughs. The National Planning Policy Framework (the Framework)<sup>7</sup> sets out that planning decisions should ensure that any new development in AQMAs and Clean Air Zones is consistent with local air quality action plans. Accordingly, we would be grateful if any relevant air quality action plans could be added to the Examination Website.
15. We note references in the Schedule to the Croydon Technical Report on Employment (2017); however, this does not appear to have been included with the evidence base documents. Please could you add this to the Examination Website.
16. The Plan mentions<sup>8</sup> the *South East Regional Planning Advisory Group's Joint Position Statement on the Deposit of Land in the South East of England*. Could a copy of this be added to the Examination Website, please? Links to the *Pollution Inventory Dataset*<sup>9</sup> and the *Waste Data Interrogator*<sup>10</sup> should also be made available.
17. The Mayor of London's *Sustainable Design and Construction* Supplementary Planning Guidance<sup>11</sup> should also be made available on the Examination Website.

### **Conclusion**

18. We would welcome a response to this letter by close of business on 5 March 2021 setting out responses to the above points and queries wherever possible. If anything in the preceding paragraphs is unclear, please do not hesitate to contact us via the Programme Officer.

Yours sincerely,

*Stephen Normington*

INSPECTOR

*G J Fort*

INSPECTOR

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<sup>7</sup> At paragraph 181

<sup>8</sup> At paragraph 5.16

<sup>9</sup> Mentioned at paragraph 5.17 of the Plan

<sup>10</sup> Mentioned at paragraph 5.18 of the Plan

<sup>11</sup> Referred to in paragraph 5.41 of the Plan