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# **Merton Council**

## **Cabinet**

**19 September 2019**

### **Supplementary agenda 1**

4      6 weeks consultation on a draft South London Waste Plan

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## **Committee: Cabinet**

**Date: 19 September 2019**

Wards: all

## **Subject: Consultation on the Draft South London Waste Plan**

**Lead officer:** Director for Environment and Regeneration Chris Lee

**Lead member:** Cabinet Member for Regeneration, Housing and Transport,  
Councillor Martin Whelton.

**Contact officer:** Deputy Future Merton manager, Tara Butler

**Reason for Urgency:** The Chair has approved the late submission of this report as delaying consideration would impact on the timetable for consultation on the draft Plan.

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### **Recommendations:**

That:

- A. Cabinet approve the six week consultation on the draft South London Waste Plan, to run for six weeks between October and December 2019.
  - B. Approval for the final consultation documents be delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report relates to the revision of a planning document, known as the South London Waste Plan, under the council's duties as a Planning Authority. This document is part of the council's statutory development plan. The South London Waste Plan is used by Merton's Planning Applications Committee and officers to help determine planning applications that involve waste facilities submitted to Merton Council by any person or organisation.
- 1.2. In 2012 Merton adopted the first South London Waste Plan jointly with Croydon, Kingston and Sutton Councils and is continuing to work with the three boroughs revising this planning document. Merton Council also works with the same three boroughs on the collection of household and other waste, known as the South London Waste Partnership. This report relates to Merton's role as a planning authority in revising and consulting on a planning document; it does not relate to the waste collection contract to collect household or other waste.
- 1.3. On 15<sup>th</sup> July 2019 Cabinet recommended that Council (18th September) approve the high level project plan for creating planning policy documents, known as Merton's Local Development Scheme (LDS). The Cabinet report made reference to the planned public consultation on the South London Waste Plan in October 2019.
- 1.4. In 2012 the four boroughs of Merton, Kingston, Sutton and Croydon adopted the 10-year South London Waste Plan, for the plan period 2011-2021, which

allocated sites, created planning policies and designated areas suitable for waste management development. This existing South London Waste Plan will finish in 2021.

- 1.5. The partner boroughs jointly appointed consultants, Anthesis, to review all the relevant waste data from different sources within the geographic area of four partner boroughs, such as existing waste transfer and management sites, the origin, destination and quantity of each type of waste that is imported and exported, the projected amounts of waste to be generated within the area and the capacity to manage the amount of waste apportioned to the partner boroughs in the draft London Plan.
- 1.6. The findings of the Anthesis study (see Appendix B), together with new national and London-wide policy and research, has informed the new draft South London Waste Plan, which is attached to this report as Appendix A. Importantly, officers are now recommending that large industrial areas are no longer designated as areas suitable for waste facilities, as is currently the case with policy WP4 'Industrial Areas with Sites Suitable for Waste Facilities', in the adopted South London Waste Plan (2012). Instead, officers propose the safeguarding of the existing waste transfer and management sites that are set out in Appendix A to this report.
- 1.7. The purpose of this report is to seek any comments that councillors may have on the draft South London Waste Plan and recommend that Cabinet resolve to approve a 6-week consultation of this planning document to take place between October and December 2019.
- 1.8. The Borough Plan Advisory Committee (BPAC) will meet on Thursday 12<sup>th</sup> September 2019 (after the publication of this report) to consider the consultation of the draft South London Waste Plan. The BPAC recommendations on this matter will be reported to Cabinet before or on 19<sup>th</sup> September 2019.

## **2 DETAILS**

- 2.1. Waste treatment is a strategic planning issue across London and a challenge for all successful urban areas as part of the essential infrastructure to support homes and businesses. As Planning Authorities, all London Boroughs have a statutory duty to prepare a Local Plan to guide planning applications for waste facilities.
- 2.2. Government's National Planning Policy for Waste states that waste planning authorities should have regard to their apportionments set out in the London Plan when preparing their plans and work collaboratively in groups with other waste planning authorities to provide a suitable network of facilities to deliver sustainable waste management.
- 2.3. In 2012 the four boroughs of Merton, Kingston, Sutton and Croydon adopted the 10-year South London Waste Plan, for the plan period 2011-2021, which allocated sites, created planning policies and designated areas for waste management development. This existing South London Waste Plan will finish in 2021.

- 2.4. The four boroughs have agreed to work together again and produce a new South London Waste Plan in line with government policy and guidance. The new South London Waste Plan will again cover the geographical area of the London boroughs of Croydon, Kingston, Merton and Sutton.
- 2.5. The London Plan sets the boroughs the target of managing 100% of London's waste within Greater London by 2026 and having zero biodegradable and recyclable waste going to landfill by 2026. It also sets targets for local authority-collected waste, commercial and industrial waste and construction, demolition and excavation waste.
- 2.6. With significant need for new homes and consequent commercial activity planned across London, the need to provide essential infrastructure such as waste facilities to meet this growth is therefore a regional strategic priority.
- 2.7. The new South London Waste Plan will give the opportunity for the four south London boroughs to ensure that they conform to the waste-related policies in the London Plan, the National Planning Policy Framework and the National Planning Policy for Waste. It will also help the four boroughs to work together to review the long-term vision and objectives to consider waste as a resource in South London, supporting the circular economy.
- 2.8. Since the current South London Waste Plan was adopted in 2012, the four boroughs have been working closely together on:
- Monitoring the South London Waste Plan annually
  - Fulfilling the legal Duty to Co-operate with other councils on waste management issues, responding to other Local Development Plans for waste management.
  - Preparing and submitting a successful bid for government funding to support a new South London Waste Plan 2021-2036 on the basis of joint working.
- 2.9. In 2018 the four boroughs successfully bid for government funding (Planning Delivery Fund – Joint Working) for £136,594 to support the project.

### **Relationship with the South London Waste Partnership**

- 2.10. The South London Waste Plan is a planning document, prepared as part of the planning functions and responsibilities of the four boroughs as Planning Authorities. The planning policies and other information contained in the South London Waste Plan are used to help determine any planning applications involving waste facilities that are submitted to each council by any person or organisation.
- 2.11. The South London Waste Plan has to consider all types of waste produced within the geographic areas of the four boroughs including local authority collected waste and the other forms of waste collected by private contractors (e.g. construction waste; commercial waste; hazardous waste etc). The planning document has to safeguard enough sites to treat waste from all sources including the local authority waste (in this case, the South London Waste Partnership) and that of other commercial waste operators.

2.12. The same four boroughs work together as the South London Waste Partnership to collect and dispose of household and other waste. Household waste is a large proportion of the waste generated in all local authorities. The evidence supporting the planning document (the Anthesis report in Appendix B to this report) uses data from the Partnership to consider how much household waste (recycling, black bags etc) is produced from homes in the four boroughs and its disposal. The Anthesis report takes similar information from other waste contractors who deal with construction and demolition waste, commercial and industrial waste and other types of waste in Merton. The South London Waste Plan does not relate to the performance of the council's contractor or any other waste contractor unless it has a bearing on a planning application.

The planning policies in the South London Waste Plan will be used to assess the merits of any planning application submitted by the South London Waste Partnership's contractor or any other waste operator.

### **What's new?**

2.13. The revised South London Waste Plan will cover:

- Strategic planning policies that set out how applications for each type of waste, e.g. Local Authority Collected Waste, Construction, Demolition and Excavation Waste, Hazardous Waste, Agricultural Waste, Clinical Waste, Radioactive Waste, Waste Water will be treated.
- Detailed planning policies that set out how applications will be assessed with regards to matters such as sustainable construction, amenity impacts, sustainable energy recovery and planning obligations.
- Sites safeguarded for waste facilities, with relevant issues highlighted for each site, if proposals were developed for intensification of the existing waste operations.
- Sites to be retired for waste facilities.

2.14. The draft South London Waste Plan is attached as Appendix A to this report.

## **3 ALTERNATIVE OPTIONS**

3.1. The alternative is for each borough to produce a waste related Local Development Plan independently, which would be far more resource intensive for each borough. The production of a sound Development Plan Document would in any case require neighbouring boroughs to collaborate in order to develop consistent policies and proposals in line with the legal requirement of "duty to co-operate". Furthermore, independent working may trigger a requirement to reimburse the government funding that has been awarded to this project, for 'joint working'.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. Subject to the approval of all four Cabinets / Executive Committees in Merton, Sutton, Kingston and Croydon it is proposed that six weeks of public consultation will take place from late October 2018 until early December 2018 across all four boroughs.
- 4.2. Peer to peer promotion of the consultation is usually a more successful approach, as is focussing on the interests of particular neighbourhoods and groups. In Merton, the consultation will be promoted by:
- Sending it to all +2,000 community groups, residents associations, nature conservation bodies, individuals, landowners, developers and others on Merton's Local Development Plan consultation database. We will be asking community groups and residents associations to help spread the word in their own newsletters, blogs and websites.
  - Promoting it on the Council's website, Twitter and Facebook
  - Attending community meetings and encouraging people to respond
- 4.3. Officers will also fulfil the legal Duty to Co-operate with other councils and other organisations as part of the consultation.

## **5 TIMETABLE**

- 5.1. It is proposed that the consultation takes place for six weeks from around the end of October until early December 2018.
- 5.2. The next steps are:
- |             |                                   |
|-------------|-----------------------------------|
| Summer 2020 | Publication of Submission version |
| Autumn 2020 | Submission to Secretary of State  |
| Early 2021  | Examination in Public Hearing     |
| Summer 2021 | Adoption                          |

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. Funding to support this work will mainly come from existing resources and officers will seek opportunities for funding bids and match funding wherever possible.
- 6.2. Officers have successfully bid for £136,594 from the Ministry of Housing Communities and Local Government Planning Delivery Fund for 'Joint Working' which is helping to fund this work. Sutton Council submitted the bid on behalf of all four boroughs and manages the finances.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. As waste planning authorities (WPAs), all four of the boroughs have a statutory duty to prepare a waste Local Development Plan in line with Article 28 of the Waste Framework Directive (2008).

- 7.2. With the aim of encouraging more local authorities to have a Local Development Plan in place, the Housing and Planning Act 2016, gives the Secretary of State greater powers to intervene in the Local Development Plan making process. Specifically it would allow the Secretary of State to intervene if a local authority was failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a Local Development Plan.
- 7.3. The Government's 'Implementation of planning changes: technical consultation' proposes to prioritise government intervention where:
- there is under delivery of housing in areas of high housing pressure;
  - the least progress in plan-making has been made;
  - plans have not been kept up-to-date.
- 7.4. The proposals in this report and the process described to progress the South London Waste Plan, are in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the requirements set out in those regulations.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. Local Development Plans contain planning policies to help improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments and Equalities Impact Assessments. These appraisals will be published alongside the draft plan for consultation.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. Local Development Plans contain planning policies to improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments which also consider matters of crime and disorder. These appraisals will be published alongside the draft plan for consultation.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. As set out in the body of this report.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A - draft South London Waste Plan
- Appendix B - South London Waste Technical Paper by Anthesis, June 2019

*(Both appendices are available to view on the Council's website [here](#) and additional paper copies of these documents are available on request to [future.merton@merton.gov.uk](mailto:future.merton@merton.gov.uk) or 020 8545 3837)*

## **12 BACKGROUND PAPERS**

- 12.1. Planning and Compulsory Purchase Act 2004 as amended.
- 12.2. National Planning Policy Framework, National Planning Policy for Waste and National Planning Practice Guidance
- 12.3. Mayor's London Plan (published 2016, draft 2017) and associated guidance.
- 12.4. South London Waste Plan, adopted 2012

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