Dear Mr Clarke,

Town and Country Planning (Local Development)(England) Regulations 2004 as amended
South London Waste Plan

The Examination of the above document has now commenced. I raised through the Programme Officer (Pauline Butcher) a query as to the document that you wished me to examine. It could be either SLWP1.1 and the associated SLWP1.2 or SLWP1.12. In your response you stated a preference for SLWP1.12 but also said that, if I considered that this document had no status, then I should use SLWP1.1 (and SLWP1.2).

It is not for me to make that decision; you need to make it clear to me and, as importantly, to all who are interested in the Plan, which document is to be the subject of the examination. In my view, neither your submission letter to the Planning Inspectorate dated 21 April 2011 nor your Stage 4 web page does so. In deciding which you want me to examine you may wish to reflect on the following.

SLWP1.12 is a very helpful document that clearly shows how the Plan would read if all the changes that you now propose are made prior to adoption. The additional statements that you will be preparing on the Matters, Issues and Questions that I will shortly set out will explain why you consider these alterations are necessary and justified.

However, it could be argued that some of the proposed changes, such as those in section 3 which alter the quantum of waste for which the Plan makes provision for management, are not ‘minor’ but rather changes that go to the soundness of the Plan. Furthermore, while a good number of the changes derive from the post Reg 28 bilateral discussions and agreements that you have reached (and which are now set out in the documents on the web site), others who have made representations on the same issues do not appear to have had the opportunity to comment on these agreements. If SLWP1.12 is the Plan to be examined their first opportunity to do so would appear to be at the Hearing session that I understand the agreements are, in part, intended to avoid.

Reg 27 and 30 set out the documents that should be submitted for examination and the Plan Making Manual sets out a procedure by which changes may be made post Regulation 27/28 to the Reg 27 Plan if that is deemed to be necessary. This
procedure has not been followed in this case since you consider all the changes to be minor. You will need to reflect on that in deciding which document you wish to be the subject of the examination.

No doubt you will wish to minimise the risk of a judicial challenge on procedural matters following your adoption of the Plan. It is highly likely that you will wish to propose other changes both for soundness and other reasons which will themselves require consultation after the Hearings. You will already have noticed that some of your PMCs contain typographic errors and it may be that not all of the consequential changes flowing from them have been made. You may therefore consider it prudent to consult at that stage on all the changes shown in SLWP1.12 and listed in SLWP1.11. The latter will be an evolving document and, depending on your view, may require some to be extracted and placed in the ‘changes for soundness’ schedule that you may also need to prepare.

I would be grateful if you could respond via Pauline not later than midday on 9 May and place both that reply and this letter on the examination web site. Speaking of that, it is absolutely vital that the web site is kept up-to-date and that the same page is reached irrespective of which authority’s home site is used to access it. I leave that for you and Pauline to resolve but since this will be the main source by which those interested can follow the examination it must be dealt with as a matter of urgency.

Yours sincerely

Brian Cook

Appointed Inspector