SOUTH LONDON WASTE PLAN
INSPECTOR’S MAIN MATTERS, ISSUES AND QUESTIONS

MAIN MATTER 1 – Legal Requirements, Evidence Base & Relationship to the Partner councils’ other DPDs

Whether the Documents meet all of the legal requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended in 2008), are informed by robust, up-to-date and proportionate evidence and are consistent with the London Plan and the development plans of the Partner councils

ISSUES and QUESTIONS

1.1 What is the evidence to confirm that all the above legal requirements have been met? In particular what is the evidence to demonstrate that the requirements for the following matters are met:

(i) Has the DPD been prepared in accordance with the Local Development Scheme (LDS) of each Partner council; does its listing and description in the each LDS match the submission document; have the timescales set out in the LDS been met?

(ii) Has regard been paid to the sustainable community strategies of the Partner councils and those of neighbouring local planning authorities and other relevant strategies?

(iii) Does the DPD comply with the Statement of Community Involvement (SCI) and have the Partner councils carried out all consultation consistent with the SCI and the relevant Regulations?

(iv) Has the DPD been subject to a Sustainability Appraisal and have the Partner councils provided a final report of the findings of the Appraisal?

(v) Were any requirements for Appropriate Assessment under the Habitats Regulations met before publication of the DPD?

(vi) Has the general conformity of the DPD with the London Plan been confirmed by the Greater London Authority?

(vii) Does the DPD comply with all of the 2004 Regulations, as amended in 2008?

(viii) Specifically does it comply with the requirement regarding the publication of prescribed documents, their availability at the Partner councils’ principal offices and on an appropriate website, the placing of local advertisements and notification of the DPD bodies?

(ix) How is the Regulation 13(5) requirement to list saved Development Plan policies that will be superseded met?
MAIN MATTER 2 – The Vision and Policies WP1 and WP2: the strategic approach to MSW, C&I and other waste streams

Whether the tonnage of waste planned for is justified by the evidence base and consistent with national policy and the London Plan

ISSUES and QUESTIONS

**Issue 1: the apportionment figures to be used**

2.1 The figures used in SLWP1.1 derive from the London Plan (2008) and paragraph 4.14 explains why the Partner councils do not consider those in the Consolidated Draft Replacement London Plan (2010) to be appropriate. In view of the timings of the 2010 London Plan EiP, the publication of SLWP1.1 under Regulation 27 and the fact that the Panel report was not published by the Mayor until after submission of the DPD what is the justification for the stance now taken and proposed in SLWP1.12?

2.2 If Sections 3 and 4 of the DPD were changed as proposed in SLWP1.12 does the GLA consider that it would be in general conformity with the 2010 London Plan assuming that this is not to be altered in this regard following the Panel's report?

**Issue 2: identifying the MSW and C&I waste to be planned for**

2.3 Is it justified to plan for all the waste arising in the Partnership councils’ area rather than just the apportionment?

2.4 Is the approach taken to calculate the capacity gap set out in SLWP2.4 and SLWP2.9 justified and robust?

2.5 Is it necessary in the first instance to identify the land take implied by the capacity gap and, if it is, is the approach taken robust?

2.6 Given Key Issue 4 and paras 3.64 and 3.66 do the Vision and Objectives strike the right balance between the need to maintain employment land and the need to provide waste facilities?

2.7 Policy WP1 appears to be a mixture of aspirations, duplications of other policies in the DPD, statements of intent and development management criteria not stated elsewhere. How is this policy to be applied when development proposals are submitted?

**Issue 3: other wastes**

2.8 No up-to-date data in relation to Construction, Demolition and Excavation (CD&E) waste has been provided by any party for the Plan area. Is the approach, relying on windfall sites and the application of policy WP6 (but see Main Matter 3, Issue 5 below) therefore justified?

2.9 There is virtually no data given for any of these wastes in the evidence base. How would the Partner councils assess ‘need’ in WP2 (a) when faced with a proposal for the management of these other wastes?

2.10 Windfalls are said to be the means by which most of these wastes will be accommodated. Windfalls are the subject of policy WP5 but
it appears from clause (b) of that policy to be geared only towards MSW and C&I waste. Is this correct and, if so, does there need to be some clarification in policy or text of the relationship between WP2 and WP5?
MAIN MATTER 3 – Policy WP3, WP4, WP5, WP6, WP7, WP8
Delivery of the required capacity

Whether the policies amount to a delivery mechanism that is effective and consistent with national policy and the London Plan

ISSUES and QUESTIONS

Issue 1: The relationship between these policies

3.1 The term ‘waste management’ is not defined in the Glossary although it is implicit from the Plan (see for example para 3.32) that the London Plan definition (use of thermal treatment or composting or recycling) is intended. Given the wording of the policies, what would be the policy basis for the consideration of proposals for other waste facilities such as waste transfer stations (which may be displaced under WP3) and landfill sites?

3.2 Policy WP8 sets out particular criteria to be met by ‘waste to energy’ developments (but see Issue 7 below). However, given the above definition and PMCs 96 to 99 inclusive, is it correct that in principle any thermal treatment facility could be located on any site that is subject to WP3 and WP4 or, indeed, anywhere else subject to the criteria in WP5 being met?

Issue 2: Policy WP3

3.3 With the site area threshold of 0.2ha does the policy safeguard all the sites necessary to generally conform to the London Plan?

3.4 Once planning permission is granted for a waste management or waste transfer site does it then come within the scope of this policy? In which case, is there not a tension between this policy and other aspirations with respect to Viridor’s non-landfill facilities at Beddington Farmlands (both existing and prospective)?

3.5 Having regard to the first section of the policy (‘encourage’) and the third (‘may be required’), is the policy sufficiently positive to be effective?

3.6 Document SLWP2.8 suggests that most, if not all, of the sites have potential for development only by the current owners/occupiers. What is the contingency plan if this does not occur?

3.7 From the evidence in SLWP2.8 and other sources, what additional waste management capacity is expected to come forward on these sites?

Issue 3: Policy WP4

3.8 From the evidence in SLWP2.8 and other sources, what additional waste management capacity is expected to come forward within these areas?

3.9 If it is not possible to identify specific sites within any of these Schedule 2 areas what is the evidence that the required capacity can be delivered?
3.10 Should former landfill sites be included as suggested by Lichen Renewal? Are there/will there be any within the Plan area apart from Beddington Farmlands?

3.11 Does the policy safeguard the economic health of the identified areas and does this need to be addressed by this policy or policy WP7? Or is it covered by other development plan policies?

**Issue 4: Policy WP5**

3.12 Questions 3.7 and 3.8 may give an indication of the waste management capacity needed to be accommodated on windfall sites. Is the policy too restrictive to achieve that? Specifically:

(i) How would criteria (a) and, particularly, (b) be assessed especially in the early years of the Plan period?

(ii) Is it correct that all proposals would have to meet criterion (d) in any event but priority would be given to those that also met all 11 bullet points?

(iii) What does ‘priority’ mean and how would a proposal meeting (a) to (d) inclusive but not all 11 bullets be treated?

(iv) Bullet 1: if such land is suitable, why is it not identified in the DPD?

(v) Bullet 2: since all new waste management facilities (which is all the policy is aimed at) will involve built development and will thus be inappropriate development in areas subject to these policy designations and carrying the policy presumption against development, what does this mean?

(vi) Bullet 4: given (d)(iii), why is this necessary?

(vii) Bullet 7: under this policy priority is to be given to a site having this feature whereas under WP7 (which would apply to developments coming forward on allocated sites) ‘regard’ is to be had to this matter. Why the different approach, if indeed it is different?

(viii) Bullet 8: crossing the site? adjacent to it?

(ix) Bullet 10: why is this required for all proposals rather than only those capable of generating heat and/or power?

3.13 Are facilities not within the definition of ‘waste management’ (see 3.1 above) to be addressed by this policy?

**Issue 5: Policy WP6**

3.14 Will the requirement for all proposals to meet a sustainability rating of ‘excellent’ render this policy ineffective?

3.15 Para 4.23 says that policy WP6 ‘encourages the on-site recycling of this (CD&E) waste stream’ but is that true? The policy addresses the sustainable construction of waste facilities so criterion (e) would seem to relate only to those, not the full range of developments to which para 4.23 is directed. If this analysis is correct, how will para 4.23 be given policy effect?
**Issue 6: Policy WP7**

3.16 Does the relationship between this policy and policy WP5 in particular need to be considered particularly where some matters are dealt with by both but in slightly different ways (WP7 says ‘significantly’ adversely affect, WP5 does not, (d)(ii) says adverse effect, WP7(b) says ‘does not harm’, etc)?

**Issue 7: Policy WP8**

3.17 Is the terminology used in this policy clear? The Glossary includes ‘Energy from Waste’ but not ‘waste to energy’. Are they different? Why are thermal treatment facilities specifically differentiated? And, having done so, to which ‘waste to energy’ facilities are criteria (a) to (d) inclusive directed?

3.18 PMC 96 and PMC99 are proposed in response to Viridor’s representation and agreed with the Company (SLWP1.18). Would the GLA, which supported the policy and text, still consider that the DPD as proposed to be changed remains in general conformity with the London Plan?
MAIN MATTER 4 – Site specific issues

Whether the identified sites are justified, effective and consistent with national policy and the London Plan and whether the additional sites put forward are necessary to make the DPD sound.

ISSUES and QUESTIONS

Issue 1: General points

4.1 It is understood that the DPD is technology neutral. However, given the nature of the constraints that are described in section 5 would it not be possible to give some guidance for particular sites as to the type of waste management facility that would not be permitted?

4.2 Is it a correct reading of para 3.47 to assume that sites 1 (Factory Lane), 6 (Villiers Road) and 9 (Garth Road) could be developed for any residual waste treatment facility proposed as a part of the MSW management contract? How will the concerns expressed about sites 6 and 9 be addressed in this process?

4.3 Given Policy WP8 and what is said about sites 1 and 9 under constraints and opportunities is there any realistic prospect of waste to energy developments being built on these sites?

4.4 How, if at all, is it intended to give policy expression to the ‘Issues to consider’ set out for each site in section 5?

Issue 2: Sites in Sutton

4.5 Are the nature conservation issues identified by the Beddington Farm Bird Group in relation to sites 17 and 18 ‘showstoppers’ or are they capable of being addressed with mitigation measures as necessary through the planning application process?

4.6 Are there any issues arising from PMCs 111 and 112 which propose to extend the allocated area of site 18?

4.7 In view of the positive comments in SLWP2.8 regarding site 1006 would the DPD be sound if it was to be deleted from the Plan as requested by the Metropolitan Police Authority?

4.8 Additional proposed site 57:
   (i) Why would the DPD be unsound if this site was not to be included in policy WP4?
   (ii) How would the site perform against the development management policies-are there any ‘showstoppers’?
   (iii) What is the precise history of the site in terms of sustainability appraisal iterations and to what extent has there been public consultation on the site as part of the submission process?
   (iv) What public consultation has there been on the SA provided as part of the Regulation 28 representation by Sterecycle and what are the Councils’ comments on this SA?
**Issue 3: Sites in Croydon**

4.9 Given the constraints, the limited opportunities and the assessment in SLWP2.8 (low potential) what is the evidence that waste management capacity is likely to be delivered within Area 102-Purley Way, Lysander Road and Imperial Way Industrial Area in the Plan period?

4.10 Additional site 111 (part)-Ullswater Business Park

(i) Why would the DPD be unsound if this site was not to be included in policy WP4?

(ii) How would the site perform against the development management policies-are there any 'showstoppers'?

(iii) What is the precise history of the site in terms of sustainability appraisal iterations and to what extent has there been public consultation on the site as part of the submission process?

(iv) Has a sustainability appraisal been carried out and consulted upon in respect of the specific proposal now made?

**Issue 4: Sites in Kingston-Area 351, 352, 353**

4.11 Given the constraints, the limited opportunities and the assessment in SLWP2.8 what is the evidence that waste management capacity is likely to be delivered within this identified Area?

**Issue 5: Sites in Merton-Area 641, 642, 651**

*Note: As set out in SLWP1.17 the Councils propose to delete site 651 and will support that proposal at the Hearing session. Of those invited to attend Wimbledon Park Residents Association (Peter West) and Nicholas Bricht are party to SLWP1.17. They are asked to advise the Programme Officer if they nevertheless wish to speak at this Hearing session. It may be that, if the proposed changes are confirmed, all the representations made in respect of this Area as a whole will have been satisfied. However, anyone whose representation on this Area related to either or both 641 or 642 and who wishes to speak at the Hearing session is asked to advise the Programme Officer.*

4.12 Does the DPD remain sound if the proposed deletion of site 651 is confirmed?
MAIN MATTER 5 – Monitoring and Implementation

Whether the DPD provides a robust basis to enable measurement to take place and the need for remedial action to be identified.

5.1 Each policy includes a monitoring framework but there is no overall approach that includes the delivery partners and the related policy objective. How do the Councils intend to address this?

5.2 While the indicators are given, the targets are not universally expressed as trajectories throughout the Plan period. How is it intended to identify if/when a delivery issue is occurring and how will ‘need’ be established where it is required in order to operate a policy as now worded (see policy WP5 and, depending on how criterion (a) is to be interpreted, policy WP8)?

5.3 If a delivery issue is identified at any point during the Plan period, where in the DPD does it say what action will be taken?
MAIN MATTER 6 – Other Matters and closing remarks

Any other miscellaneous, procedural and outstanding matters

6.1 Any other representations for changes to the DPD required in order for it to be sound not otherwise covered in previous Hearing sessions.

6.2 Councils’ recommended schedules of changes to the DPD including the changes required to move from SLWP1.1 and SLWP1.2 to SLWP1.12 and any others required for soundness or corrections that have emerged as a result of the Hearing sessions and other considerations.