

Report Title	Draft South London Waste Plan		
Committee	Council		
Committee Date	23 November 2020		
Committee Chair Lead Member	Councillor Trish Fivey, Mayor of the London Borough of Sutton Councillor Jayne McCoy, Chair of the Housing, Economy and Business Committee		
Report From	Robert Overall, Interim Strategic Director for Environment, Housing and Regeneration		
Report Author(s)	Dean James, Senior Planning Officer 020 8770 6416		
Ward(s) Affected	All Wards		
Ambitious for Sutton priorities	Being Active Citizens		
Open/Exempt	Open		
Signed		Date	12 November 2020

1. **Summary**
 - 1.1. As part of the Ambitious for Sutton vision to make the borough a great place to live and work, this report seeks authority from Council to submit the Draft South London Waste Plan and associated documents, including the Sustainability Appraisal, to the Secretary of State for Housing, Communities and Local Government, to hold an Examination-in-Public. The draft South London Waste Plan safeguards existing sites for waste treatment, proposes no new waste sites and sets out development management policies to guide future development.
 - 1.2. The Issues and Preferred Options version of the Plan was consulted on between October and December 2019. Following consideration of the responses received, the Councils prepared the draft South London Waste Plan, which was approved for publication by the Strategy and Resources Committee on 6 July 2020. Following the publication period of the draft Plan, which took place between September and October 2020, it is a requirement of the regulations that the Council approves submission of the draft document to the Secretary of State. Once adopted, the new South London Waste Plan will continue to ensure that the Councils have an up-to-date plan that can be used to refuse inappropriate applications for waste facilities.

2. Recommendation(s)

- 2.1. To give authority to submit the draft South London Waste Plan (Appendix A) and associated documents, including the Sustainability Appraisal (Appendix B) to the Secretary of State for Housing, Communities and Local Government for Examination-in-Public.
- 2.2. To delegate to the Strategic Director for Environment, Housing and Regeneration in consultation with the Chair of the Housing, Economy and Business Committee the agreement of any Main Modifications required by the appointed Planning Inspector to make the South London Waste Plan sound.
- 2.3. To delegate to the Strategic Director for Environment, Housing and Regeneration, in consultation with the Chair of the Housing, Economy and Business Committee, the publication of any Main Modifications required by the appointed Planning Inspector for formal consultation.

3. Background and Key Information

- 3.1. In 2012, LB Sutton, LB Croydon, RB Kingston and LB Merton adopted the South London Waste Plan (Development Plan Document) 2011-2021 to provide policies for deciding planning applications for waste use. The plan also safeguarded existing waste sites and identified areas which may be suitable for waste use. As the South London Waste Plan document was still in force during the Local Plan review, the Council continued to rely on those policies rather than include them within Sutton's Local Plan. Now the plan period for the South London Waste Plan is coming to an end, it is necessary to prepare a new plan to cover the period from 2021 to 2036. It was agreed that the same four boroughs would collaborate on a new South London Waste Plan whilst preparing individual Local Plans. The partner boroughs consider a joint South London Waste plan will be beneficial because:
 - It is a specialised area of planning that has specific policy requirements.
 - The London Plan encourages boroughs to work jointly as waste treatment is best considered in a regional context, with a number of waste operators transferring between sites in the partner boroughs over the past ten years.
 - Without waste policies, all four boroughs will be unable to refuse inappropriate applications for waste treatment. Neither the adopted Local Plans for Sutton or Croydon have waste policies nor do the emerging Local Plans for Kingston and Merton.
- 3.2. It is important to note that the current and future South London Waste Plan is separate from the South London Waste Partnership, which provides waste management services to the residents of the borough. The South London Waste Plan deals with all types of waste, not just local authority collected waste, and, in terms of the plan, the South London Waste Partnership is treated the same as other waste operators within the four boroughs.

South London Waste Plan Issues and Preferred Options Document and Consultation

- 3.3. Between 31 October and 22 December 2019, the four Councils consulted on an Issues and Preferred Options document. The document proposed eight draft planning policies and identified existing waste sites across the four boroughs for safeguarding waste treatment uses over the plan period to 2036. The principal headline from the document was to propose no new waste sites. Responses to this consultation were reported to the Strategy and Resources Committee on 6th July 2020.

Draft South London Waste Plan Document and Publication

- 3.4. Following consultation on the Issues and Preferred Options document, the four Councils prepared the draft South London Waste Plan, taking into account the representations that were received at the previous stage. This resulted in some changes to the draft document. Authority to consult on the draft South London Waste Plan was also agreed at the Strategy and Resources Committee on 6th July 2020.
- 3.5. The draft South London Waste Plan was published between 4th September and 22 October 2020. As the South London Waste Plan is a Development Plan Document, the representations procedure is governed by statutory requirements which must be followed for the final South London Waste Plan to be legally compliant. In addition, any objections to the draft Plan had to be made with reference to the Test of Soundness for Development Plan Documents, set out in Paragraph 35 of the National Planning Policy Framework.
- 3.6. The representations that were received will be sent directly to the Inspector to consider as part of the Examination-in-Public (Appendix C).

Examination-in-Public and Next Steps

- 3.7. Whilst the draft document was approved by the Strategy and Resources Committee in July 2020, the regulations require that a Full Council meeting authorises the submission of the draft Plan Subject to the agreement of the Council, the draft Plan along with accompanying documents, including the representations received, will be submitted to the Secretary of State, who will appoint a Planning Inspector to conduct an Examination-in-Public. LB Croydon, RB Kingston and LB Merton all secured authority to submit the draft Plan from their respective Full Council meetings in July.
- 3.8. It is the role of the Planning Inspector to consider the draft Plan, along with the representations received. The Examination-in-Public tests the draft plan against the Government's Tests of Soundness: The plan must be (i) positively prepared; (ii) evidence-based; (iii) deliverable; (iv) consistent with national policy. An indicative timetable is set out below.

Indicative Steps to Adoption

Steps	Timescale (approximate)
Draft South London Waste Plan Published and Representations Sought	Sept to Oct 2020

Approval of Plan for Submission by Sutton Full Council	Nov 2020
Submission to the Secretary of State	Dec 2020
Appointment of Planning Inspector	Dec 2020
Hearings for the Examination-in-Public	March -April 2021
Main Modifications (arising from the Examination-in-Public) Consultation <i>Note: This stage may not be required</i>	April 2021
Issuing of the Inspector's Report	June 2021
Recommendation for Adoption by the HEB Committee	June 2021
Adoption at Full Council	July 2021

4. Benefits to Sutton and its Residents

- 4.1. With the current South London Waste Plan set to lapse in 2021, it is important that a replacement plan is prepared to ensure that the residents in the plan area have up-to-date and robust policies that can be used to refuse inappropriate applications for waste facilities. In addition, the preparation of a new South London Waste Plan is also an opportunity to promote the 'Being Active Citizens goal of "Ambitious for Sutton" by complementing the implementation of Sutton's Local Plan.
- 4.2. Whilst it is important that the Council has an up-to-date waste plan to discharge its statutory obligations, the continued progress of the draft South London Waste Plan will also ensure that the residents of Sutton have a Plan that has a locally defined approach and a consistent basis on which to determine planning applications for waste facilities. The document demonstrates that the Councils can meet its waste targets whilst proposing that no new sites should be safeguarded for waste facilities, although a replacement site for an existing site would be considered.
- 4.3. In the context of scarce industrial land, it is necessary to plan sufficiently for waste but without sterilising employment land for other uses by applying waste designations too widely. Therefore, the proposed "no new sites" approach will benefit Sutton and its residents by freeing up land for other non-waste related uses that have the potential to create local employment opportunities.

5. Implications

- 5.1. The submission of the draft South London Waste Plan to the Secretary of State means the Councils are on course to adopt the Plan in 2021, as scheduled. This means the Councils would continue to be able to make decisions on planning applications for waste treatment facilities in accordance with the full weight of an adopted development plan. However, in the event that the current South London Waste Plan expired before the new plan was adopted, the Councils would be able to apply considerable weight to the Submission version, in the determination of planning applications, as the Plan has been

through consultation and publication and will continue to increase in weight the closer it gets to adoption.

- 5.2. If the Council decided against submitting the draft Plan, a new draft document would need to be prepared, reapproved by all four councils and republished for a further 6-week period, before it could be brought back to a full Council meeting for authority to submit. Furthermore, any delays to the indicative timetable risks pushing adoption into 2022. This would leave the Councils with no scope to refuse inappropriate waste treatment planning applications or negotiate amendments to inappropriate waste treatment planning applications and pre-applications when the current plan comes to an end.

6. Finance and Legal Commentary

Finance Comment

- 6.1. In 2018, the four boroughs successfully bid for £136,594 from the Ministry of Housing, Communities and Local Government's Planning Delivery Fund for joint working to produce a new South London Waste Plan. This was supposed to be the first tranche of the Planning Delivery Fund but the fund has since been discontinued. Despite this, every effort will be made to produce the plan within the existing grant award remaining of £75.5K.

Financial Risks

- 6.2. If the plan cannot be produced within the remaining grant award, all four boroughs would have to share the additional costs equally.

Legal Comment

- 6.3. As waste planning authorities, 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).
- 6.4. The Draft South London Waste Plan has been produced according to the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations (SI 2012/767).
- 6.5. As the South London Waste Plan is a Development Plan Document, the representations procedure is governed by statutory requirements and, for the final South London Waste Plan to be legally compliant, the publication and seeking of representations must conform with the requirements set out in Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (SI 2012/767).
- 6.6. The requirement to send the Draft South London Waste Plan to Full Council for approval to submit to the Secretary of State arises from Regulation 3 of the Local Authorities (Committee System) (England) Regulations (SI 2012/1020).

Legal Risks

6.7. The Secretary of State has the power under Section 21 of the Planning and Compulsory Purchase Act 2004 (as amended) to intervene and call in the draft plan for approval or modification.

7. Appendices and Background Documents

7.1. Appendices

Appendix Letter	Appendix Title
A	Draft South London Waste Plan
B	Sustainability Appraisal on the Draft South London Waste Plan
C	Schedule of Representations

7.2. Background Documents

Date of Expiry	Background Document
N/a	None

8. Audit Trail and Consultations

Consultees	Yes/No	Officer	Date of Comments
Finance	Yes	Ramesh Teelock Strategic Finance Business Partner	03/11/2020
Legal	Yes	David Fellows Assistant Head of Law, SLLP	11/11/2020
EQIA	Yes	An EIA is included within the Sustainability Appraisal	-
Version			Date
Final			12/11/2020