



LONDON BOROUGH OF WANDSWORTH
LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC
WRITTEN STATEMENT

MAIN MATTER 14:
TACKLING CLIMATE CHANGE
(POLICIES LP10 - LP14)

WEDNESDAY 23 NOVEMBER 2022

Abbreviations

BRE – Building Research Establishment

BREEAM - Building Research Establishment Environmental Assessment Method

C&D – Construction and demolition (waste)

C&I – Commercial and industrial (waste)

CE&D - Construction, excavation and demolition (waste)

DEN – Decentralised Energy Networks

EA – Environment Agency

LACW – local authority collected waste

LP – The London Plan

LSIA – Locally Significant Industrial Area

NPPF – National Planning Policy Framework

NPPG – National Planning Practice Guidance

NPPW – National Planning Policy for Waste

SFRA – Strategic Flood Risk Assessment

SIL – Strategic Industrial Land

SoCG – Statement of Common Ground

WLP – Wandsworth Local Plan

WPA – Waste Planning Authority

WRWA – Western Riverside Waste Authority

WTS – Waste Transfer Station

Are the requirements of the Tackling Climate Change policies justified by appropriate available evidence, having regard to national guidance, local context, and the London Plan?

The requirements of the policies in Chapter 10 ‘Tackling Climate Change’ are justified by appropriate available evidence and have had regard to national guidance, local context and the London Plan.

The primary sources of evidence are as follows:

- [SD-056 Wandsworth Environment and Sustainability Strategy and Action Plan \(2019\)](#)
- [SD-057 Air Quality Action Plan 2016-2021](#)
- [SD-080 Refuse and Recyclables in Developments SPD \(February 2014\)](#)
- [SD-096 London Heat Map and Heat Mapping Study \(March 2012\)](#)
- [SD-101 Flood Risk and Development Sequential Test \(January 2022\)](#)
- [SD-102 Thames Estuary TE21000 Plan \(November 2012\)](#)
- [SD-103 South East Inshore Marine Plan \(June 2021\)](#)
- [SD-104 Waste Evidence Base \(July 2020\)](#)
- [SD-105 Waste Evidence Base Addendum – Meeting London Plan Apportionment Targets \(April 2022\)](#)

Policy LP10 :Responding to the Climate Crisis and Policy LP11 Energy Infrastructure

NPPF Paragraph 155 and London Policy SI 3 require boroughs to help increase the use and supply of renewable and low carbon energy and heat. It requires for plans to identify future energy infrastructure achieved through establishing effective energy supply options. Policy LP10 is justified, consistent and reasonable as it achieves this by requiring development proposals to incorporate measures which improve energy conservation and efficiency, as well as contribute to renewable and low carbon energy generation.

Paragraph 152 of the NPPF and London Policy SI2 supports the transition to a low carbon future. This contributes towards reductions in emissions, minimising climate change vulnerability and improving resilience, encouraging reuse of existing resources and supporting renewable and low carbon energy and associated infrastructure. Policy LP10 initiates this transition at a borough level. It requires connection where feasible to decentralised energy networks (DEN) within all growth areas and for major developments to incorporate on-site DEN.

NPPF Paragraph 154 sets out that buildings should be sustainable in line with national standards. In compliance with that, Policy LP10 requires new developments to mitigate and adapt to climate change over its intended lifetime reflected through a sustainability statement and achieving BREEAM 'Outstanding' and to meet BRE Home Quality Mark or Passivhaus standards wherever practicable. Policy LP10 is also considered to be positively prepared. It seeks to enable development, ensuring Wandsworth can meet energy infrastructure needs, through requiring developments to undertake appropriate mitigations in order to reduce emissions.

As such, Policy LP10 provides a robust (justified, effective, positively prepared and effective) pathway of ensuring that developments are environmentally sustainable and are part of transforming the environment for the future.

Policy LP12: Water and Flooding

The aim of LP12 'Water and Flooding' is to ensure that all sources of flooding are properly considered when assessing development proposals, in line with national and London Plan policy and guidance in accordance with the Council's detailed evidence base set out in the recently reviewed and updated Strategic Flood Risk Assessment (SFRA) (SD-099) and (SD-100).

The policy sets out the acceptable land uses for each flood zone as well as requirements for Flood Warning and Evacuation Plans and attenuation areas where there is an opportunity. This is considered to be consistent with Paragraph 159 - 169 of NPPF and the updated NPPG on Flood risk and coastal change.

The supporting text at LP12 expands on the nature of flood risk within the borough and sets out how the Sequential Test will be applied. It provides details on how the functional floodplain will be protected and how existing developed sites within it are expected to contribute to a reduction in flood risk when they are being redeveloped.

Further information on Flood Risk Assessments and on managing flood risk, such as through mitigation measures, is also set out in the supporting text.

The SFRA sets out the areas at particular risk of flooding within the borough and it includes recommendations for planning and development.

The policy also sets out the relevant flood risk management strategies affecting this borough, including the Thames Estuary 2100 Plan, which sets out measures for managing tidal flood risk, and the riverside approach, which is a proposed programme of works for managing fluvial

flood risk along the Thames. In addition, the policy covers sustainable drainage as well as flood defence requirements, which are in general conformity with London Plan policies, particularly Policy 5.12 (Flood Risk Management) and Policy 5.13 (Sustainable Drainage) which also sets out the drainage hierarchy that the Local Plan should follow.

The Council has continually engaged with the Environment Agency (EA) and in particular regarding development of the Local Plan. The close working with the EA has led to significant changes as Policy LP12 'Flooding and Water' has developed through Regulation 18 and Regulation 19 stages. The specific main changes agreed with the EA are set out within the Schedules of Proposed Main Modifications suggested by the Council (WBC-010 References PPMM/067 - PPMM/087. The EA have signed a Statement of Common Ground (WBC-003) regarding LP12 'Flooding and Water', which mimics the Proposed Main Modifications and is fully agreed and resolved between the Council and the Environment Agency.

The recent changes to the NPPG on 'Flood Risk and coastal change' have been considered by the Council and a meeting with the EA was held on the 11th October 2022. Subsequently the EA has confirmed via email that there has been no effect on the SOCG as a result of the changes to the NPPG.

Policy LP13: Circular Economy, Recycling and Waste Management

The Council is required to not only meet the London Plan apportionment requirements as a minimum but also comply with national policy and the national waste management plan.

The NPPG notes that "Waste is a strategic issue which can be addressed effectively through close co-operation between waste planning authorities and other local planning authorities and public bodies to ensure a suitable and sustainable network of waste management facilities is in place" (Para 15).

The NPPG for Waste goes on to say that "Given the unique waste needs of London, there is likely to be a need for waste planning authorities surrounding London to take some of London's waste. The Mayor and waste planning authorities in London should engage constructively, actively and on an ongoing basis with other authorities, under the duty to cooperate, to help manage London's waste" (Paragraph 44)

The ['Duty To Cooperate Waste exports report' \(April 2022\)](#) (SD-017) details the close cooperation and discussions that have taken place with the relevant local authorities on waste matters. The report details how Wandsworth has prepared statements of common

ground with each of the Waste Planning Authorities (WPAs) who consider waste exported from Wandsworth to their area to be a strategic issue.

Those WPAs are:

- London Borough of Bexley
- London Borough of Hammersmith & Fulham (part of the main SoCG with Wandsworth)
- London Borough of Havering
- Hertfordshire County Council
- Kent County Council
- Medway Council
- London Borough of Merton (part of the main SoCG with Wandsworth)
- Old Oak and Park Royal Development Corporation (OPDC)
- Surrey County Council
- Thurrock Council

The London Plan sets challenging targets for recycling, including a target exceeding recycling and reuse levels in construction, excavation and demolition (CE&D) waste of 95 per cent.

The London Plan states that London should manage as much of its waste within its boundaries as practicable, aiming to achieve waste net self-sufficiency by 2026 in all waste streams except for excavation waste. To help meet this aim, Policy SI8.B.3) requires development plans to “allocate sufficient sites, identify suitable areas, and identify waste management facilities to provide the capacity to manage the apportioned tonnages of waste, as set out in Table 9.2.

Policy LP13 contributes to the Mayor of London’s aim to manage as much of London’s waste within London as practicable, Wandsworth will work in collaboration with the Mayor and industry to ensure that there is zero biodegradable or recyclable waste to landfill by 2026, and to meet the 65% recycling target for municipal waste by 2030.

Policy LP13 is in general conformity with London Plan Policy SI8.B.3) by safeguarding existing waste sites and identifying suitable designated industrial areas for new waste facilities to make up the shortfall in capacity for managing apportioned waste. New waste capacity to close Wandsworth’s capacity gap is directed towards existing facilities, safeguarded wharves, Strategic Industrial Land (SIL) and Locally Significant Industrial Areas (LSIAs). Existing waste sites are identified and safeguarded through policy LP13 clause D,

Safeguarded Wharves are identified under Policy LP40 and SIL and LSIA are identified under Policy LP34.

Policy SI8.B.3) also encourages boroughs to collaborate by pooling their apportionment requirements. Wandsworth is one of four London Boroughs, along with Kensington & Chelsea, Hammersmith & Fulham and Lambeth, for which the Western Riverside Waste Authority (WRWA) is the statutory waste disposal authority for household waste.

Policy LP14 Air Quality, Pollution and Managing Impacts of Development

NPPF 2021 Paragraph 186 states:

‘Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications’

Improving air quality and mitigation in developments is embedded in the Plan. LP14 ‘Air Quality, Pollution and managing impacts of Development’ has regard to Air Quality Management Areas and Air Quality Focus Areas in Wandsworth and seeks to ensure planning decisions are sustained and comply with relevant limit values or national objectives for pollutants, Air Quality Management Areas and Air Quality Focus Areas and cumulative impacts from a site.

Wandsworth’s Air Quality Action Plan (SD-057) has informed the Plan and sets out the Council’s priorities on air quality. It was produced as part of our duty under the London Local Air Quality Management statutory process and in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995.

Policy LP10 (Responding to Climate Crisis) - Does the policy provide clear direction as to how a decision maker should react works to designated heritage assets?

Representations were made to the Council on the Publication Local Plan (Regulation 19) Version by Historic England. The representation indicated general support for the approach set out in LP10 Tackling Climate Change subject to a number of ‘minor modifications’. As

set out in comment #875 within SD-012 Appendix 6: Responses to Local Plan Publication Consultation, one such modification advised that the policy is amended to refer to the importance of a whole building approach to retrofit highlighting that modern buildings and historic buildings are different. Not just in their materials, but in their design and the way they function.

The Council agrees that it is important that the policy makes clear the importance of historic buildings and also of the potential for archaeology. The Council has suggested proposed Main Modifications for the sake of clarity as set out under References PPMM/061-PPMM/063 Document WBC-010 to reflect this.

The Council will apply LP10 on a case-by-case basis for Heritage Assets understanding the unique issues that they present when aiming to achieve the criteria within LP10 to ensure retrofit of the building is sustainable.

In addition, the supporting text to Policy LP10 at Paragraph 15.10 states;

'Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of the heritage asset, in accordance with the NPPF, the London Plan and the Council's planning policies.'

Policies LP13 (Circular Economy, Recycling and Waste Management) - Does the policy provide certainty regarding committing to future capacity?

In order to answer the question of certainty and commitment in relation to providing future waste management capacity, it is important to provide the context as to who delivers waste management capacity, and how.

A detailed response to the GLA's comments on this matter is provided in the [Waste Evidence Base Addendum – Meeting London Plan Apportionment Targets](#) which forms part of the submission documents.

Wandsworth's approach to waste planning meets all the London Plan and national policy requirements in this regard. No issues of general conformity were raised by the GLA in their Statement of General Conformity in relation to Policy LP13.

The London Plan (March 2021) states that London should manage as much of its waste within its boundaries as practicable, aiming to achieve waste net self-sufficiency by 2026 in all waste streams except for excavation waste. To help meet this aim, Policy SI8.B.3)

requires development plans to “allocate sufficient sites, identify suitable areas, and identify waste management facilities to provide the capacity to manage the apportioned tonnages of waste, as set out in Table 9.2”.

In planning for waste, Wandsworth have prepared a Waste Evidence Base which assesses existing capacity and identifies a shortfall in capacity to meet the London Plan apportionment targets. The amount of new capacity required equates to up to 2.1ha of land depending on the type of facility. While there is currently a capacity gap for apportioned waste, it should be noted that the need is not “immediate” as the target of net self-sufficiency for waste management is not until 2026.

Policy LP13 meets the requirements of national policy, in particular the [National Planning Policy for Waste](#) (NPPW), and London Plan Policy SI8.B.3) by safeguarding existing waste sites, and identifying suitable designated industrial areas for new waste facilities to make up the shortfall in capacity for managing apportioned waste. New waste capacity to close Wandsworth’s capacity gap is directed towards existing facilities, safeguarded wharves, Strategic Industrial Land (SIL) and Locally Significant Industrial Areas (LSIAs). Existing waste sites are identified and safeguarded through policy LP13 clause D, Safeguarded Wharves are identified under Policy LP40 and SIL and LSIA are identified under Policy LP34.

Allocating sites for waste uses requires the identification of individual sites which can be safeguarded and delivered for waste uses. This is achieved through a ‘call for sites’ to encourage developers to submit their sites to be included in the Local Plan and/or through a site search undertaken by the local authority. Wandsworth’s [Site Allocations Methodology Paper](#) (January 2022) sets out how sites were assessed for inclusion in the Local Plan site allocations. No additional waste sites were put forward by waste operators or identified by others through this exercise. This is not unusual as waste operators rarely put forward sites to be included in a Local Plan or Waste Plan. Having engaged with operators, they have confirmed the reasons for this are because they work to shorter timescales than Local Plans and prefer the flexibility of an ‘area of search’, usually an industrial estate, which offer a number of options for potential sites. In addition, operators do not always own the land on which they operate.

Wandsworth is reliant on the market to deliver capacity to meet C&I and C&D waste management facilities (see section 4 for further information on the intensification of the Disposal Authority’s facilities for LACW). Wandsworth is not required to build the waste capacity itself, but is required, by the NPPW and London Plan, to create the opportunities for

the market to deliver new waste facilities. The NPPW (Paragraph 3) states “Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams”. The London Plan does not require boroughs to deliver waste capacity themselves, but to “allocate sufficient sites, identify suitable areas, and identify waste management facilities to provide the capacity to manage the apportioned tonnages of waste, as set out in Table 9.2.” Wandsworth’s draft Local Plan does this through Policy LP13 clause F which states:

“New waste capacity to close Wandsworth’s capacity gap is directed towards existing facilities, safeguarded wharves, and SIL and LSIAs. Applications for waste facilities outside of these areas will need to demonstrate that it is not feasible to develop the proposed facility in one of these preferred locations.”

There is no guarantee that the market will deliver new waste management capacity and therefore Wandsworth’s cannot commit to close the gap, only seek to do so. Unlike housing which offers a profitable return for developers when they sell the units, waste facilities are essential infrastructure and operators need to have a sound strategy and business case, such as long-term contracts, to build a new facility. A new waste facility needs to be viable and with as few constraints as possible. Constraints include high land values, poor road networks for large vehicles, sensitive neighbouring uses and local objections. It is therefore difficult for new operators to establish themselves in a borough like Wandsworth which has any number of the constraints outlined above.

It should also be noted that allocating a site for waste uses does not mean that the site will be developed for a waste use. In previous years, a number of boroughs have allocated sites for waste uses, for example the West London and East London Boroughs in their respective waste plans. No site allocated for waste use in the West London Waste Plan or East London Waste Plan has come forward for waste uses since they were adopted. In these cases the allocation simply prevented other development from being brought forward on the site. Allocating a site for waste use with no operator committed to developing the site could be seen as contrary to the NPPF test of soundness c) which requires that a Local Plan is deliverable (see also NPPF Paragraph 16b).

The London Plan makes it clear that waste management capacity of existing sites should be optimised and encouragement for this is included in the supporting text of Wandsworth’s Local Plan policy LP13. It should be noted that Wandsworth does not have the powers to demand the intensification of existing waste sites where there is no plan to do so by the operator and/or if no planning application comes forward for an existing waste site. Where a

new facility comes forward through the planning process, these will be required to demonstrate that the site capacity has been optimised (London Plan policy D3).

Wandsworth's Waste Evidence Base (July 2020) contains Site Profiles which assess if there is opportunity to upgrade or intensify existing facilities. The potential to intensify existing facilities was assessed by three methods:

- Engagement with the operator to ascertain if there are any plans to upgrade the facility or increase throughput;
- Opportunity to extend operational hours in accordance with planning permission; and
- Assessment of each facility against the average throughputs for the type of facility and waste stream.

The Waste Evidence Base notes that no operator contacted at the time had plans to upgrade the facility or increase throughput. All the operating facilities which 'manage' waste have an average or above-average throughput which suggests they are operating at optimal capacity. The Waste Evidence Base also noted a possible opportunity for the Suez waste transfer station (WTS) to increase its 'management' throughput by extending its operational hours to 24/7, which is allowed by the extant planning permission. However, Suez do not currently have any plans to do so. There is one non-operational safeguarded waste sites in the Borough which is used by Biffa as a depot for waste collection vehicle parking and bin storage. Biffa has no plans to change the use of this site and so there is currently no opportunity for new waste management capacity.

As part of the Regulation 19 Local Plan consultation in January 2022, the Western Riverside Waste Authority (WRWA) have notified the council of the future need to upgrade their facilities in light of the collection and recycling requirements set out in the Environment Act 2021. While the details of the upgrades, including any additional waste management capacity, and timescales are not yet known this will be monitored.

Given that Wandsworth cannot insist that commercial waste operators locate their facilities in the borough, it will be important for the GLA, in their capacity as the strategic body for London, and the powers that entails, to work with London Boroughs if the London Plan waste policies are not achievable. Paragraph 15.73 of LP13 reflects this and Main Modification PPM/088 brings the timing of any intervention forward by changing "has not been achieved" to "is unlikely to be achieved".

Wandsworth have approached other London Boroughs to help meet the London Plan apportionment targets. There is no opportunity to work collectively with the Western

Riverside authorities to pool apportionment targets and plan for waste collectively because OPDC do not agree to do so. No other London Boroughs are currently in a position where they have surplus capacity and are at a stage in their Plan-making process to offer surplus capacity to Wandsworth. This position may change after Bexley's Local Plan examination and as the East London Boroughs begin the process of reviewing the East London Waste Plan and this position is reflected in PPMM/088 with the suggested Main Modification of "and may seek help from other London Boroughs to meet the apportionment target" to Paragraph 15.73.

To respond directly to the question of whether policy LP13 provides certainty regarding committing to future capacity, the answer is that Wandsworth is not required by policy to create certainty about the delivery of future waste management capacity, nor is it within its planning powers to do so. Policy requires the Local Plan to "identify sufficient opportunities to meet the identified needs of their area for the management of waste streams" (NPPW) and "allocate sufficient sites, identify suitable areas, and identify waste management facilities to provide the capacity to manage the apportioned tonnages of waste, as set out in Table 9.2."(London Plan).

Like all waste planning authorities, Wandsworth is reliant on the market to deliver capacity to meet C&I and C&D waste management facilities. There is no guarantee that the market will deliver new waste management capacity and therefore Wandsworth cannot commit to close the gap, only seek to do so. Policy LP13 does as much as it can to create opportunities for the market by identifying existing facilities/sites and industrial areas suitable for new waste facilities. No individual sites came forward for new waste facilities during the Plan preparation and it has been shown from other Waste Plans that safeguarding land for future waste use does not guarantee it will be developed for waste use. Indeed, unless there is a reasonable prospect that an application for a waste facility will come forward on a particular site, safeguarding a non-waste site for waste use would not meet the test of soundness in NPPF 35 that a plan should be "Effective – deliverable over the plan period".

Do Policies LP10 – LP14 provide clear direction as to how a decision maker should react to a development proposal?

Yes, Policies LP10 – LP14 provide clear direction as to how a decision maker should react to a development proposal.

The Council considers that Policies LP10 to LP14 are in accordance with Paragraph 16 of the NPPF, which requires that they are, 'clearly written and unambiguous', and drafted in

such a manner that it is ‘evident how a decision maker should react to development proposals’. Policies are positively worded unless local evidence suggests an alternative approach, and – where appropriate – set out the requirements for decision makers using a criteria-based approach. The threshold to which a policy applies are clearly set out. The justification for each policy and how it will be applied is clearly set out within the relevant supporting text.

The policies are clearly linked to the relevant environmental, social and economic objectives of the Local Plan, as set out in Chapter 2. These objectives support the achievement of the Local Plan’s vision and form the basis of its spatial strategy. The Council has assessed the clarity and intent of the policies using the Planning Advisory Services Soundness Self-Assessment Checklist (SD-015), and in particular Q44 which asks, ‘Are the objectives the policies are trying to achieve clear, and can the policies be easily used and understood for decision making?’

Following the public consultation on the Pre-Publication (Regulation 18) Local Plan, changes were made to Policies LP10 to LP14, including to expressly address matters of clarity. The Council’s detailed responses and the outcome of the representations submitted with respect to the Local Plan are set out in the Council’s Statement of Consultation Regulation 18, Appendix 5: Responses to Local Plan Pre-Publication Consultation and Officer Comments (SD-004), with those specific to policies LP10 to LP14 from pages 295 to 329.

The Publication (Regulation 19) Local Plan (SD-001) has been submitted to the Secretary of State for Examination. However, the Council has reviewed the representations received and have set out detailed comments within the Schedule of Representations on the Publication (Regulation 19) Local Plan and the Council’s Responses (WBC-007 and WBC-008). The responses identify, where considered appropriate, a number of specific changes to the wording of policies and supporting text for the sake of clarity. These are set out within the Schedules of Proposed Main Modifications suggested by the Council (WBC-010 References PPMM/061 - PPMM/088).