

**Comments of the Wimbledon Park Residents Association
for the attention of the inspector of the South London Waste Plan 2021-36**

Executive summary

The South London Waste Plan 2021-36 aspires to process waste in such a way as to not lead to poor air quality. However, the methodology it uses to assess the consequences of waste management on air quality is deeply flawed. Rather than assess the air pollution in the vicinity of where the waste is being processed it considers the effects on often distance air focus areas which are not all subject to excessive air pollution and are often not significantly affected by the waste sites being assessed.

These problems are well illustrated by the waste being processed on Weir Road in the Durnsford industrial estate. As a result of the 2012 South London Waste Plan the surrounding roads now carry very substantial numbers of lorries carrying waste. These are causing increased traffic congestion and levels of air pollution that are in excess of EU limits. The air pollution and traffic congestion due to these plants has, to our knowledge, never been properly assessed by Merton Council and the development of these sites has not been properly controlled. The South London Waste Plan 2021-36, gives a favourable grade to the air quality arising from these sites; a conclusion which local residents know to be incorrect. The increases in traffic and air pollution that have already resulted will not be addressed by any future planning applications as this will only consider even further increases in the future.

We propose that the air pollution and traffic generated by waste disposal should be properly assessed in the South London Waste Plan 2021-36. Where this is found to lead to unacceptable levels of air pollution and traffic congestion, restrictions should be placed on the amount of waste being processed on the corresponding sites.

For the reasons discussed below we conclude that the South London Waste Plan 2021-36 is not based on a realistic strategy and as a result it is not effective, deliverable or consistent with National Planning Policy

- [1] The draft South London Waste Plan 2021-36 contains much well researched information on the waste sites that currently exist and the demands for future waste management. It also contains some good principles which concern the environment and in particular air pollution. At the beginning of the South London Waste Plan we find the statement *2.6 The underlying philosophy for the management of waste is reflected in the waste hierarchy which ranks waste options according to a priority The ranking of the various waste management options is based on current scientific research on how the options would impact on the environment in terms of climate change, air quality, water quality and resource depletion.*

While in the accompanying report "Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment" on page 3 we find the statement *Overall, the most important sustainability benefits of the preferred strategy include:.....minimising air pollution and potential impacts on sensitive land-uses and vulnerable receptors (including equalities target groups) arising from waste facilities by reducing waste-related HGV movements on the strategic/ local road network.....* While in section 7.12 on page 96 of this report under the heading Issue 10 Air Quality we find *how can the policies and proposals of the plan further mitigate the potential impacts of local air pollution arising both from the operation of new and existing waste management facilities and associated transport movements?* and that *how can the plan contribute towards improving air quality within identified Air Quality Management Areas (AQ-MAs) and other areas where national standards for particulates (PM10) and nitrogen oxides (NOx) are currently being breached?* .

- [2] The last South London Waste Plan in 2012 did contain one section that discussed air pollution, namely *WP7: Protecting and Enhancing Amenity; Developments for waste facilities will be required to demonstrate that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people and the environment.....(e) Air emissions arising from the plant and traffic generated;.....(g) Traffic generation, access and the suitability of the highway network in the vicinity, including access to and from the strategic road network;....*

While the devastating effects of air pollution were not so widely appreciated in 2012 they are now. Poor air quality in London is killing large numbers of Londoners, indeed around 10,000 a year which is on average 33 people every day. One in eight people in Merton will die as a result of air pollution. So far the number dying from covid is similar to the deaths in the UK each year from air pollution. Waste management involves large numbers of HGV movements which increases air pollution and so inevitably leads to increased mortality rates. As a result the South London Plan 2021-36 should take a much more serious approach to air quality than that taken in the 2012 report. In the South London Waste Plan 2021-36 we find policy *WP5 Protecting and Enhancing Amenity (a) Developments for compensatory or intensified waste facilities should ensure that any impacts of the development are designed and managed to achieve levels that will not significantly adversely affect people and the environment.....(v) Air emissions, including dust, arising from the on-site operations, plant and traffic generated.* This is essentially the same as policy WP7 in the 2012 South London waste Plan. Point (v) is one of ten requirements mentioned in policy WP7.

- [3] Although the south London Waste plan 2021-36 does contain some aspirational statements on air quality, which are summarised above in [1], its policy on air pollution, namely WP7, is weak and lacks detail. Also the way the report attempts to assess air pollution is deeply flawed. The South London Waste Plan 2021-36 does not assess the air pollution resulting from a given waste processing site on the surrounding roads by quantifying the effects that the HGV traffic that it generates. Instead it tries to assess the air pollution that results in an "air focus area" (AFA's). However, these air focus areas are often far from the waste processing site and are not all subject to the HGV

traffic generated. To put it bluntly they are essentially irrelevant to the air pollution being generated by a given waste processing site. One can imagine the ridicule that would arise if the proponents of the third run way at Heathrow had argued that the air pollution that a third runway at Heathrow would generated was fine in Skegness and so there was no problem.

[4] Air focus areas (AQFA'S) are discussed in the draft London plan 2019 on p322 which contains the statement *9.1.8 are locations that not only exceed the EU annual mean limit value for nitrogen dioxide (NO2) but are also locations with high human exposure. AQFAs are not the only areas with poor air quality but they have been defined to identify areas where currently planned national, regional and local measures to reduce air pollution may not fully resolve poor air quality issues. There are currently 187 AQFAs across London (Figure 9.1).*

[5] The three air focus areas in Merton are given in page 69 of the Sustainability Appraisal part of the South London Waste Plan 2021-36. They are "Wimbledon The Broadway/Merton Road/Morden Road/Kingston Road and also Morden Road/London Road/Morden Hall Road/Martin Way and finally Raynes Park junctions Kingston Road/Bushey Road and Mitcham London Road A216 from Cricket Green to Streatham Road Junction. In footnote 33 of the South London Waste Plan 2021-36 it is stated that "Air Quality Focus Areas are locations that not only exceed the EU annual mean limit value for NO2 but are also locations with high human exposure". On page 72 of the report on air pollution, as measured by Merton, in the three air focus area is discussed. Surprisingly we find that the only results presented are for particulates (PM10) at Merton Road and for NO2 at Morden Civic Centre. There are low levels of particulates at the former while the levels of NO2 at the latter do exceed EU limits. Hence the report presents little evidence that the three air focus areas in Merton do actually have problems with air pollution to a greater extent than other areas in Merton.

While the whole of Merton has been designated as a Air Quality Management Area the levels of pollution vary considerable across the borough. There are areas in Merton that do experience high levels of air pollution but these would not seem to be the air focus areas in Merton, mentioned above. In the report NLP/SI/039 air quality focus areas methodology (Mayor of London, Nov 2016) it is stated that it is the responsibility of the borough, in this case Merton, to examine if their air focus areas are still appropriate and whether new areas are required. We are not aware of Merton having reconsidered their air focus areas. Hence not only are the air focus areas not really relevant to the problem of air pollution generated by the waste processing sites, in addition they do not all seem to be areas that suffer from unduly high air pollution.

[6] While our objections apply to the South London Waste Plan as a whole we will now illustrate the problems in Merton and in particular the waste processing that is taking place in Weir Road. The three plants in Weir Road on the Durnsford industrial are

- NJB Recycling, 77 Weir Road, Merton (M12 page 71 of South London Waste Plan, Issues and Preferred Options.)
- Reston Waste Transfer and Recovery, Unit 6, Weir Road, Merton (M14 page 73 of

South London Waste Plan, Issues and Preferred Options.)

- Maguire Skips, 36 Weir Court, Merton (M10 page 69 of South London Waste Plan, Issues and Preferred Options.)

The majority of construction and demolition waste that is processed in Merton is in these sites in Weir Road (90 out of 150 tonnes per annum capacity table 3.4 page 17).

- [7] The HGV vehicles carrying the waste to and from these sites in Weir Road travel down Durnsford Road, and along Plough Lane or Haydon's Road or Gap Road. In recent years local residents have noticed an alarming increase in lorries carrying waste on these road. This is obvious to any one who stands by one of these roads for even a short time. Indeed the number of such HGV's is a very significant fraction of all HGV's travelling on these roads. The air pollution levels on these roads are very high and systematically exceed EU air pollution limits. The NO2 levels, as measured in 2017 (2018) by Merton Council, in Gap Road, Plough Lane and Haydons Road are 47 (45), 46 (45) and 46 (49). These results are significantly over the EU limits. These three roads also have residential housing which is very close to the road side and if one stands near these houses the levels of air pollution is immediately apparent.
- [8] The three plants on Weir Road (M10, M12 and M14) are assessed on pages 144 and 145 of the South London Waste Plan 2021-36. Under AIR POLLUTION(10), HEALTH AND QUALITY OF LIFE (15) and SUSTAINABLE TRANSPORT (9). The report finds that all three plants score " +?" for the first two categories and "?" for the last. How can this be when the HGV traffic generated travel along roads that are well over the EU limit for air pollution? It is because they are, in the opinion of the report, not causing air pollution in the air focus areas, the closest of which is Wimbledon Broad way which is about 1.5 km away. Clearly the assessment of air pollution in the South London Waste Plan 2021-36 has little to do with reality. This is not in accord with the claim in the report that *waste management options is based on current scientific research* , see [1]. It is obvious to local residents these sites should score poorly for all of these categories.
- [9] The South London Waste Plan 2021-36 should have accurately assessed the sites that were allowed in the 2012 plan and have now been developed. The sites in Weir Road have, as far as we can see, been allowed to develop without any restriction on the number of HGV movements and so the air pollution and traffic congestion they have generated.

Examining the planning application of 77 Weir Road, 13/P2545, NJB Recycling Ltd, set before the planning committee on the 16/1/2014 we find that the planning officer notes Policy WP7 of the South London Waste Plan 2012, as stated in [2], and that *the proposal has the potential to adversely impact on local air quality due to vehicle numbers Emissions from road traffic have been identified as the major source of pollution with the borough and across London. The Mayor of London has also stated that waste transport movements currently account for up to 10 per cent of London's overall traffic movements.* This is a very clear statement of the problem. However, Merton Council did not require an environmental statement and the Fugative emissions management and monitoring plan (dust and particulates) by AA Environmental

Limited, submitted on 13 July 2013 to support the application, concerned air pollution at the site and has no substantial discussion on pollution on the surrounding roads. Thus it would appear to us, that no official assessment was made of the air pollution that would be generated on the surrounding roads

On Monday 19 October 2020 the number of HGV's carrying waste on Gap Road was recorded by local residents. The results were as follows

6 – 7	7 – 8	8 – 9	9 – 10	10 – 11	11 – 12	12 – 13	13 – 14	14 – 15	15 – 16	16 – 17
7	8	21	25	12	13	14	12	38	27	16

Here the top line gives the hour interval and the bottom line the number of HGV's. The total number of HGV's over this time period was 193. Of these 99 HGV's turned left at the junction with Plough Lane, Durnsford and Haydons Road and 112 were coming from this junction. The HGV's turning left were inevitably on their way to Weir Road. Of the total number 70 were Cappagh HGV's and only some of these turned left to Weir Road. These figures exclude HGV's not carrying waste, for example 18 HGV's of Hanson Cement. This confirms the fact, well known to local residents, that there are very many waste HGVs travelling to and from Weir Road. Of course Gap Road is just one of four roads that the HGV's carrying waste to and from Weir Road. Further studies will determine the total number of HGV's and if the current number is supressed by the Covid crisis.

It is clear that these HGV's are significantly contributing to the high levels of air pollution in the local area. In short these plants have been allowed to develop in an unchecked way that is in contravention of the policies set out in the South London Waste Plan. This is far from the statement in policy WP5 which explains that *....should ensure that any impacts of the development are designed and managed to achieve levels that will not significantly adversely affect people*, see [2].

- [10] The three plants mentioned above in Weir Road on the Durnsford industrial site are licensed to increase their capacity by about $20,000 + 27,000 + 3,000 = 50,000$ tonnes per annum for the disposal of construction and demolition waste. As a result the number of associated HGV vehicles on Plough Lane, Haydon's Road and Gap Road could significantly increase with a corresponding increase in air pollution and traffic congestion. This would have serious consequences of the health of the residents living near these roads.
- [11] The South London Waste Plan 2021-36, and Duncan Clarke in defence to our criticism, have quoted *National Planning Policy for Waste (Paragraph 7) directs waste planning authorities to concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.* The effect of the sites on air pollution is a strategic matter and the South London Waste Plan 2021-36 does take this point of view in its aspirational opening statements, but it contains no real attempt to implement these aims. The report should aim to allow

waste processing plants at locations where the HGV traffic that they will generate will not lead to excess air pollution. In its safeguarding considerations it should also consider if the sites introduced in the 2012 report have resulted in such excessive air pollution. This is particularly important given our greater understanding of air pollution and that the fact that planning procedures that concern air pollution have only relatively recently become effective.

These considerations are also particularly important for the sites in Weir Road where, in our opinion, there has been no proper control on HGV numbers and so air pollution has been exerted. Any future planning applications can only increase the air pollution and not reverse the high levels of air pollution which have resulted. Indeed in the South London Waste Plan 2021-36 we find that any future planning application on the Weir Road sites should be *Limiting or mitigating traffic movements so as not to hinder traffic flow on the surrounding roads*. There is no mention of air pollution demonstrating once again that the report only pays lip service to air pollution. While it is understandable that the main driving force in the report is to manage waste processing needs this must be done in such a way as to not cause excessive deaths as a result of air pollution.

- [12] We have previously objected to the South London Waste Plan 2021-36 on grounds of air pollution. In our opinion the Councils have not addressed the issues we have raised and have refused to modify their report. They have made no attempt to justify the use of the irrelevant air focus areas. Their first response contained no correct defence and our reply can be found in the previous submissions. Their second response to our objections was by Duncan Clarke who relied on national policy which we have discussed this in [11] and policy WP5, discussed in [2] onwards. He also invoked Policy SI1 of the New London Plan which states on page 320 that *Policy SI1 Improving air quality A Londons air quality should be significantly improved and exposure to poor air quality, especially for vulnerable people, should be reduced: 1) Development proposals should not: a) lead to further deterioration of existing poor air quality b) create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits c) reduce air quality benefits that result from the Mayors or boroughs activities to improve air quality d) create unacceptable risk of high levels of exposure to poor air quality*.

The waste sites set up in the 2012 South London Waste plan, and the proposals of the South London Plan 2021-36, have and will lead to significantly increased air pollution. They have delayed the date when the EU limits will be satisfied and have lead to unacceptable risk of high levels of exposure to poor air quality. Hence the South London Waste Plan 2021-36 is in contradiction to policy SI1. Later on the New London Plan does mention air focus areas but it refers to developments that are actually in air focus areas not as discussed in the South London Waste Plan 2021-36 sites that are far from them.

- [13] In terms of the soundness of the plan we find that the plan is not justified as it is not based on the most appropriate strategy and that the plan is not effective or deliverable. As explained in [3-5] the methodology to assess air pollution is deeply flawed and as a result its assessments of air pollution are not correct, see [6-13]. Hence

it cannot deliver the aspirations discussed in items [1] and [2]. Furthermore the plan is not consistent with national policy which states that *plans may need to consider: what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations; the impact of point sources of air pollution (pollution that originates from one place); ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution.*

The South West Waste Plan 2021-36 has not paid attention to measurements of air quality monitoring data, or the impact of waste sites on surrounding areas, or the fact that some waste processing sites are in areas of high air pollution. Despite its aspirational statements on air quality the report makes no serious attempt to assess the consequences of its plan on air pollution. While it is to be expected that the future needs of waste disposal should be the driving force of the plan this must be done in such a way as to not lead to excessive air pollution.

We suspect that the South London Waste Plan 2021-36 is not legally compliant as it is not consistent with the obligation to reduce air pollution. If the report is not changed to take account of our comments we will consider taking out a judicial review. We understand that judicial reviews based on similar grounds have succeeded in the past.

- [14] We propose that air pollution and traffic generated by waste disposal should be assessed in the South London Waste Plan 2021-36 and, where this is found to lead to unacceptable levels of air pollution and traffic congestion, restrictions should be placed on the amount of waste being processed on the corresponding sites. While this involves additional work by the councils involved this is justified by the very serious consequences of significantly increased air pollution in areas where it is already very high.

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