

CABINET

18 June 2024

Title: Draft East London Joint Waste Plan Regulation 18 Consultation	
Report of the Cabinet Member for Regeneration and Economic Development	
Open Report	For Decision
Wards Affected: All wards	Key Decision: Yes
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Accountable Director: Caroline Harper, Deputy Managing Director, Be First	
Accountable Executive Team Director: Rebecca Ellsmore, Strategic Head of Place and Development	
Summary <p>This report seeks approval to publish the draft East London Joint Waste Plan (ELJWP) for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>This draft ELJWP has been prepared with the other East London Authorities of Havering, Newham and Redbridge. The new Joint Waste Plan will cover the period to 2041 and, once adopted, will supersede the current Joint Waste Plan and form part of LBBD's Development Plan alongside the draft Local Plan 2037 (once adopted).</p> <p>The ELJWP will provide the strategic vision and objectives for the sustainable management of waste in East London and help make sure that there continues to be sufficient capacity to manage waste in East London in the most sustainable way.</p> <p>The evidence base for the ELJWP demonstrates that there is a significant surplus capacity for waste management facilities in East London. As such, the ELJWP seeks to release five existing waste sites in the borough from safeguarding as a waste use, on the basis that they conflict with land use policy and Council's ambitions set out within the draft Local Plan 2037.</p> <p>This is the first formal opportunity for consultation on the ELJWP. Formal statutory consultation on the ELJWP is due to commence in late July and will run for 6 weeks. Consultation will be undertaken in line with the legislative requirements and LBBD's Statement of Community Involvement 2020.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p>	

- (i) Agree the publication of the Regulation 18 Draft ELJWP at Appendix 1 to the report, its related policies map and supporting information, for a six-week statutory public consultation anticipated to commence in late July 2024;
- (ii) Delegate authority to the Strategic Head of Place and Development, Inclusive Growth (or equivalent) to finalise the draft ELJWP and supporting information, including appendices, related evidence base and topic papers, prior to undertaking the Regulation 18 public consultation;
- (iii) Delegate authority to the Strategic Head of Place and Development, Inclusive Growth (or equivalent) to make the arrangements for statutory public consultation, in accordance with the Consultation Protocol attached at Appendix 2 to the report; and
- (iv) Note the related Draft Integrated Impact Assessment and the Draft Habitats Regulation Assessment attached at Appendices 3 and 4 respectively to the report.

Reason(s)

This Regulation 18 Draft ELJWP has been prepared to provide the planning framework for waste management in East London.

Cabinet's approval of the Draft ELJWP will enable the commencement of public consultation required by Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and ensure that LBBB meet their statutory requirements.

1. Introduction and Background

- 1.1. Waste Planning Authorities are required to prepare Waste Plans under the National Waste Management Plan for England and the National Planning Policy for Waste (NPPW). LBBB has responsibilities as both a Waste Collection Authority and a Waste Planning Authority. Waste disposal functions are carried out by the East London Waste Authority.
 - 1.1.1. The East London Waste Authority Waste Planning Authorities of Barking and Dagenham, Havering, Newham and Redbridge adopted the current Joint Waste Development Plan Document in 2012.
 - 1.1.2. In September 2023, LBBB entered into an agreement with Havering, Newham and Redbridge to work collaboratively to develop a new Joint Waste Plan that meets the duty to co-operate, establishes a framework of policies and ensures that there continues to be sufficient capacity to manage waste in East London.
- 1.2. The East London Joint Waste Plan (ELJWP) will provide the planning framework for waste and aims to integrate circular economy principles, manage waste in a sustainable way and appropriately locate waste management facilities. It will form part of LBBB's Development Plan alongside the Local Plan and will cover the period until 2041. The draft ELJWP (Regulation 18) is attached at Appendix 1.

- 1.3. The ELJWP will provide the strategic vision, objectives and development management policies for the sustainable management of waste in East London and seeks to ensure that there continues to be sufficient capacity to manage waste in East London in the most sustainable way.
- 1.4. The ELJWP must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations). This requires the ELJWP to be (amongst other things):
 - Subject to public consultation;
 - Submitted to the Secretary of State to undergo an independent examination; and
 - Subject to a Sustainability Assessment and Habitats Regulation Assessment to test the impacts of the plan throughout its preparation.
- 1.5. LBBB's Statement of Community Involvement (SCI) sets out how the Council will engage with local and statutory stakeholders on planning matters in the borough. The Consultation Protocol (Appendix 2) sets out the approach to public consultation, in line with the SCI.
- 1.6. The other East London Authorities (Havering, Newham and Redbridge) are simultaneously seeking approval through their respective governance structures to proceed with the public consultation of the draft ELJWP. It is critical that all East London authorities agree to proceed with the Regulation 18 public consultation to ensure that we are able to meet our statutory requirements.

2. Proposal and Issues

- 2.1. In addition to meeting our statutory requirements as a Waste Planning Authority, the ELJWP also sets a vision for the more sustainable management of waste, aims to encourage a reduction in waste production and achieve net zero in waste management by 2041.
- 2.2. The strategic vision and objectives of the ELJWP align with LBBB's ambitions to be a carbon neutral council by 2030 and carbon neutral borough by 2050.
- 2.3. The Draft ELJWP has been prepared in line with the relevant legislation, government policy and guidance.
- 2.4. The Integrated Impact Assessment (Appendix 3), which includes the Sustainability Appraisal, Equalities Impact Assessment and Health impact Assessment, and the Habitat Regulation Assessment (Appendix 4) have also been developed alongside the ELJWP.

Content of the ELJWP

- 2.5. A summary of the ELJWP chapter contents is set out below:
 - 2.5.1. **Chapter 1** provides the introduction and background to the ELJWP.
 - 2.5.2. **Chapter 2** sets out the existing geographical and policy context, and the current approach to waste management in East London.

- 2.5.3. **Chapter 3** provides the strategic vision and objectives for the sustainable management of waste in East London to ensure that there continues to be sufficient capacity to manage waste in East London in the most sustainable way.
- 2.5.4. **Chapter 4** considers the future waste management capacity required in East London to ensure that the London Plan requirements are met.
- 2.5.5. **Chapter 5** sets out the approach to safeguarding waste sites in East London.
- 2.5.6. **Chapter 6** sets out the development management policies of the draft ELJWP. These policies seek to:
- Reduce waste and promote the use of circular economy in all development, including waste development;
 - Safeguard existing waste uses to prevent loss of capacity and prevent encroachment;
 - Avoid new waste development in unsuitable areas, or where additional waste management capacity is not required;
 - Improve the design of new waste management facilities;
 - Provide requirements for energy from waste facilities; and
 - Minimise the landfill of inert waste and minimise the potential impact of landfills.
- 2.5.7. **The appendices** of the Joint Waste Plan set out the list and related maps of sites that would continue to be safeguarded, sites that have been identified as potentially suitable for the future release from safeguarding, and the policies from the 2012 Joint Waste Plan that have been replaced.

- 2.6. The updated ELJWP accounts for changes in the policy landscape, including a new London Plan and updates to national planning policy, that have occurred since the 2012 Plan was delivered. The ELJWP also considers:
- The evolution of waste management technologies and approaches and emergence of the 'Circular Economy' as a concept;
 - Current and emerging local conditions including a need to release existing safeguarded waste sites to alternative development, including housing; and
 - Changes in patterns of waste production.

Releasing sites from safeguarding

- 2.7. Policy S18 of the London Plan sets out that all existing waste sites should be safeguarded and retained in waste use. The London Plan requires boroughs to allocate sufficient land and identify waste management facilities to provide capacity to manage waste apportioned in the London Plan, as well as plan for those waste streams not apportioned by the London Plan. Existing waste sites can only be released without re-providing capacity where it can be demonstrated that there is sufficient capacity and the target of achieving net self-sufficiency is not compromised.
- 2.8. The 2022 Evidence Base for the ELJWP sets out that there is a significant surplus capacity for waste management facilities in East London. Updated waste management capacity assessments undertaken as part of the ELJWP further

demonstrate that, other than for landfill, there is a surplus of capacity for the management of current and forecast future waste arisings.

- 2.9. Therefore, there is no need for development of additional capacity to meet the London Plan apportionments within the Plan area and on this basis, the ELJWP does not propose additional sites be allocated for waste management capacity. The Plan proposes the safeguarding of most existing sites and will allow additional waste development in exceptional circumstances.
- 2.10. Noting the surplus capacity available, the ELJWP seeks to release five existing waste sites in the borough from safeguarding as a waste use. This is on the basis that they conflict with land use policy and Council's ambitions to utilise the sites for broader housing or commercial land uses, as set out within the draft Local Plan 2037.
- 2.11. Releasing the sites from safeguarding as a waste site removes future barriers to changing the use from a waste use to other land uses to enable development to come forward consistent with the policy set out in the draft Local Plan 2037. Releasing sites from safeguarding does not change the use of the site or affect the ongoing operations of existing waste uses occurring on site. These sites are set out in Appendix 5.

Next steps

- 2.12. The Regulations set out the stages required to prepare the ELJWP. Regulation 18 of the Regulations requires the Waste Planning Authority to notify and invite representations from key stakeholders and communities on the content of the Plan.
- 2.13. The Regulation 18 consultation period is the first formal opportunity for stakeholders to contribute to the new ELJWP. This consultation is proposed to take place for a period of six weeks between late July and early September 2024, subject to approval from all East London Authorities.
- 2.14. Following this consultation period, the Draft ELJWP will be reviewed and updated to reflect matters raised through consultation. It will then be published for representations under Regulation 19 of the Regulations, and subsequently submitted for independent examination. The East London Authorities are targeting an adoption date of 2026 for the ELJWP, subject to Cabinet's further approval.

3. Options Appraisal

- 3.1. The options considered were:
 - 3.1.1. **Option 1: Develop the updated ELJWP with East London Authorities** – Proceed with the development of the draft ELJWP to ensure that we are meeting our statutory requirements, and to promote the sustainable management of waste, and to ensure that there continues to be sufficient capacity for waste management in East London.
 - 3.1.2. **Option 2: Do not revise the Joint Waste Plan and rely instead on the adopted version** – Waste Planning Authorities are required to prepare Waste Plans under the National Waste Management Plan for England and

the National Planning Policy for Waste (NPPW). This option will not meet statutory requirements and was not considered viable.

- 3.2. Proceeding with Option 1 was considered to be the only viable option to ensure that we are meeting our requirements as a Waste Planning Authority under the NPPW.

4. Consultation

- 4.1. The ELJWP has been considered by the Head of Planning and the Strategic Head of Place and Development of LBBB's Inclusive Growth directorate. It has been considered and endorsed by the Executive Management Team at its meeting on 23 May 2024.
- 4.2. Consultation has occurred with Councillor Haroon, as the Cabinet Member for Public Realm & Climate Change.
- 4.3. This is the first formal opportunity for external consultation on the ELJWP. Formal statutory consultation on the ELJWP is due to commence in late July and will run for six weeks. The engagement approach meets the legislative requirements and LBBB's Statement of Community Involvement 2020. Further details are provided in the Joint Waste Plan Regulation 18 Consultation Protocol (Appendix 2).

5. Financial Implications

Implications completed by: Sandra Pillinger, Finance Manager

- 5.1. This report considers the draft East London Joint Waste Plan which sets out plans for waste management and the policies on how and where waste should be managed. There are no direct financial implications arising from this report.

6. Legal Implications

Implications completed by: Dr Paul Feild, Principal Governance and Standards Solicitor

- 6.1 By virtue of the Environmental Protection Act 1990 the Council has been established as a waste collection authority. The Council is a member of the East London Waste Authority (ELWA) along with the London Boroughs of Havering, Newham and Redbridge which is the statutory Waste disposal authority.
- 6.2 Section 32 of the Waste and Emissions Trading Act 2003 sets a requirement for waste authorities in two-tier areas to produce a joint strategy for the management of household waste and other similar wastes. Ministerial guidance indicates that these joint strategies should be reviewed and updated every five years at a minimum.
- 6.3 ELWA is tied into the Integrated Waste Management Services Contract until 22 December 2027 so planning has commenced in terms of establishing a waste strategy for collection and disposal that will take over waste management across the four waste collection Boroughs and ELWA the waste disposal authority.
- 6.4 As explained in the body of this report an integrated coherent with ELWA Constituent Council's ELJWP (i.e. Option 1) shall be developed in accordance with

the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended. It prescribes the general form and content of Local Plans and adopted policies map, and states what additional matters local planning authorities must have regard to when drafting their plans.

- 6.5 It is essential that the Council can show with an evidenced audit trail in that developing the ELJWP it has observed the procedural steps and requirements set out in the relevant regulations. These include not only the said amended Regulations 2012, but also the Environmental Assessment of Plans and Programme Regulations 2004.
- 6.6 The Council must show with the ELJWP it has had due regard to the current NPPF and the NPPG, as well as creating and maintaining an up to date and proportionate evidence base to inform its policy decisions. The evidence base includes the documents that show objectively assessed need within the borough. Consultation on this draft plan is essential as is consideration of any representations.

7. Other Implications

- 7.1. **Corporate Policy and Equality Impact** – A full Equality Impact Assessment has been undertaken as part of the development of the ELJWP and is included at Appendix 3.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- **Appendix 1:** Draft East London Joint Waste Plan
- **Appendix 2:** Consultation Protocol
- **Appendix 3:** Draft Integrated Impact Assessment
- **Appendix 4:** Draft Habitat Regulation Assessment
- **Appendix 5:** Sites to be released through ELJWP in LBBD