

Draft New London Plan

Matter 69

Written Statement by London Waste Planning Forum

Matter 69 word limit 3000 words

This is the written statement of the London Waste Planning Forum (LWPF). The LWPF is a forum for local authorities and organisations concerned with planning for waste in London. For the local authorities, this is waste planning under their statutory responsibilities as planning authorities. The GLA, the Environment Agency, SEWPAG and EoEWTAB are among other organisations who are members of the forum, alongside private sector organisations. The Forum exists to enable authorities to engage and cooperate on strategic waste matters that cross administrative boundaries.

This statement has benefitted from meetings with GLA officers over the minor suggested changes (MSC) and further suggested changes (FSC). In the case of FSC, it has not been possible to see a final version in time to fully amend this statement. LWPF officers have met their counterparts from East of England and the South East Waste TABs. There has been a drive to seek areas of agreement about changes to the London Plan to make it a useful document both for London and the Wider South East.

M69. Would Policy SI8 and SI9 provide a justified and effective approach to providing for London's waste and promoting net waste self- sufficiency? In particular:

a) Is the target of net self-sufficiency by 2026 as set out in Policy SI8A1 realistic? What is the justification for excluding excavation waste within the net self-sufficiency target? In light of this would it be justified?

1 The target of net self-sufficiency is a sound approach for the Mayor to take and indicates the seriousness of his intent. The timescale is short and challenging. The key thing that needs to change is a commitment to monitor the targets and waste flows more regularly than every time the London Plan is changed. LWPF proposes the following key indicators for waste

- Arisings across major waste streams
- Achievements of waste targets set out in London Plan
- Operational capacity in London
- Imports/exports of each major waste stream to and from London
- Progress on net-self-sufficiency and apportionment targets

Major waste streams are Household, C&I (and where relevant municipal waste). CD&E waste and Hazardous waste.

2 Under net self- sufficiency, imports and exports of waste will continue but should balance out if the target is achieved. Table 9.3 gives the impression that no household and C&I waste will be exported from London. The proposed addition of the word "net" into the table title in the MSC is supported. But the table still gives the wrong impression as it does not cover other waste streams and in particular CD&E waste. The Technical Reports demonstrate that there is considerable flows of waste in and out of London particularly of excavation waste to landfill.

3 The exclusion of excavation is justifiable because as a result of regulatory change, London will not be able to find uses for E waste within London because of the absence of landfills or other projects where it can be beneficially used. The introduction of a beneficial use target for E waste is welcomed but this may well happen outside London.

b) Are the Borough forecast arisings of household and commercial and industrial waste as set out in table 9.1 based on robust evidence? What waste streams are excluded and what is the justification for excluding them? In light of this are they realistic and justified?

4 The waste projections undertaken by SLR for the GLA have been published in Technical Reports and cover the main waste streams. It is true that only household and commercial and industrial waste make it into table 9.1. The LWPF has no issue with the Mayor's subsequent decision not to apportion CD&E waste and considers the revisions to 9.8.7 deal with the implications in that regard.

5 The LWPF has no methodological issues with the projections apart from those for C&I. The GLA has developed waste projections (displayed in Table 9.1) for London's C&I waste using a methodology that is no longer used by waste planning authorities. It is still using results from the 2009 Defra Survey which was withdrawn by Defra in 2015. This means the data is currently ten years out of date. Almost all waste planning authorities are using the methodology set out in the Defra Report "*New Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England*" published in August 2014. Using the withdrawn 2009 survey almost certainly overestimates the amount of C&I arisings meaning that waste planning authorities will have to identify more land than is required to meet their waste needs.

c) Is the apportionment of waste to be managed in Boroughs, as set out in table 9.2, justified? What waste streams are excluded from the apportionments and what are the provisions to deal with those waste streams? As some waste streams are not included would the apportionments be effective in ensuring that the waste targets in Policies SI7 and SI8, the Borough apportionments in table 9.2 and the aspirations for net self-sufficiency and shifting towards a low carbon circular economy would be met?

6 A review of the criteria to apportion waste to London Boroughs was overdue and London Waste Planning Authorities were involved in the review undertaken by consultants on behalf of the GLA and published as one of the Technical Reports. There was an opportunity to send in comments. The discussion on the indicators was at the theoretical level and there was no running of the model to show the impact on apportionments of different options. This would have enabled a sense check and a more nuanced result. Instead the GLA took the decision to give equal weight to all the criteria and run the results. Unsurprisingly some boroughs are not happy with the outcomes and will be representing themselves at the examination. In particular there has been a shift from inner to outer London.

7 The LWPF supports initiatives by the other TABs and in FSC to clarify 9.8.4 on what constitutes managed waste.

8 The draft London Plan deals in some detail with the apportionment of household and commercial and industrial waste and the boroughs' responsibilities in making provision for them but the original was largely silent on **other major waste streams** that are part of the net self-sufficiency target. This was particularly the case for CD&E where the details in 9.7.4 were unsatisfactory. This has changed in the MSC and FSC. In particular there is an addition in 9.8.7 of a responsibility for "boroughs to identify suitable additional capacity forthose waste streams not apportioned in the London Plans". The examples given there cover **CD&E** waste and the extra coverage for this waste

stream is a welcome addition to paras 9.7.4 and 9.7.4A. For CD&E the three paragraphs need to be read together.

9 Paragraph 9.8.15 deals with **hazardous** waste. It correctly identifies that there is a need to continue to identify hazardous waste capacity in London. This is part of borough responsibilities to make provision for this waste stream under the National Planning Policy for Waste. This should be recognised in the new 9.8.7 (additional text in red)

Boroughs should identify suitable additional capacity for waste, including those waste streams not apportioned by the London Plan, where practicable. This could include hazardous waste facilities, waste transfer sites, new sites managing construction, demolition and excavation waste, or the reconfiguration and intensification of existing uses that increase management capacity.

10 Hazardous waste is also an inter-regional strategic issue and there should be an amendment to the last sentence of 8.8.15 to say

The main requirement is for sites for regional facilities to be identified. **Boroughs The Mayor** will ~~need to~~ work with neighbouring authorities to consider the necessary facilities ~~when planning~~ for ~~their~~ hazardous waste

11 LWPF in their original submissions pointed out that the test for boroughs should be the “**identification**” of sufficient “land” to manage the apportioned waste. This is because few operators and landowners put forward sites for possible waste sites in any Local Plan call for sites exercise. Therefore to make the test for boroughs, as in the text of the original draft London Plan, to “allocate” sufficient “sites” for possible waste use would be an impossible task. Sites can play a part in a strategy for identifying sufficient land but the emphasis needs to be on areas of search or the identification of sufficient land as this gives flexibility to operators, boroughs and the GLA. MSC and FSC have made some changes. References to site allocations in 9.8.7 and 9.8.7A has been deleted. Confusingly a FSC in 9.8.7 refers to the identification and allocation of suitable land. There are other references to allocation of land. Allocation has a specific meaning when referring to sites that result in safeguarding within specific red line boundaries. Allocation of land is acceptable as long as it is understood that it is similar in meaning to identification of land which is the preferred terminology.

12 In 9.8.8 there is reference to potential locations for waste facilities in Strategic Industrial Locations and Locally Significant Industrial Sites while in S18B3b the reference is to SIL and Locally Significant *Employment* Land. The latter would be fine if it was lower case since it is up to Boroughs to identify suitable land for waste use and boroughs will be looking at land in employment use generally, whatever its categorisation as suggested in the National Planning Policy for Waste. Otherwise it should be changed to be LSIS in line with London Plan terminology. The NPPW at para 4 gives a wider range of possible locations. The function of the London Plan in this instance it to give London specific guidance.

13 In 9.8.7A a FSC does not add clarity about transfer of apportionment. Boroughs can and do **pool apportionment** across waste planning groups. There are circumstances where waste facilities are relocated elsewhere or where a number of separate waste facilities are consolidated on one site elsewhere. In these cases it can happen that capacity to manage tonnages apportioned to one borough by the GLA effectively move to another borough. The previous host borough loses the capacity to manage that tonnage of waste and in planning terms has to identify replacement capacity in terms of land even though there is a replacement facility but in another borough who then “benefits” from this apportioned waste management capacity in their area. The achievement of

apportionment targets across London may not be affected and indeed may be enhanced but the host borough “loses” out. In 9.8.7 it suggests that boroughs can agree the “transfer of apportionment” but without a mechanism within a London Plan apportionment cycle brokered by the GLA this is not going to happen.

14 The issue of whether Mayoral Development Corporations (**MDC**) should receive an apportionment is one much debated at LWPF meetings and there are boroughs attending the hearing who will argue their case. There are currently two MDCs in London but there could be more in the future. The attitude of MDCs towards the achievement of apportionment targets and other waste planning targets is a strategic issue for boroughs in two ways. Firstly the MDCs have a major contribution to make to management of apportioned waste and other waste streams. MDCs straddle different waste planning groups and their response is critical to whether the boroughs in these groups are able to meet their targets. Secondly if those boroughs have difficulty meeting those targets, they then start approaching other waste planning groupings to try to join them causing dislocation and additional complications for the approached boroughs.

15 In line with the FSC in 9.8.7 about other waste streams, LWPF suggests an amendment in 9.8.7A that extends this to MDCs (amendment in red):

Mayoral Development Corporations should cooperate with boroughs to ensure that the boroughs’ apportionment requirements are met. This could be widened to cover boroughs in the relevant waste **disposal planning authority group and planning for those waste streams not apportioned by the London Plan.**

16 The FSC to 9.8.7 are welcome in that they set out borough responsibilities, as under the NPPW, to plan for waste streams other than the two apportioned waste streams. Elsewhere on this statement LWPF propose an amendment to make it clear that hazardous waste is part of those planning responsibilities.

c) Would they provide an effective framework for development management?

In particular, would the criteria in Policy SI8C accord with national policy?

Would Policy SI8D provide an effective and justified framework for the evaluation of proposals for new waste sites and to increase capacity of existing waste sites?

17 When a waste planning application is being assessed the considerations in SI8C will need to be taken in conjunction with national policy guidance and with policies in borough local plans. As a result, the considerations are adequate. It is not clear however, how the Mayor intends to square the promotion of Combined Heat and Power with the declaration in 9.7.3A that there is no need for any new EfW plants in London.

18 In policy SI8D2 the consideration of job creation and social value benefits is welcome. But this should be no more exacting than for any other industrial use or utility. Waste facilities are necessary bits of infrastructure to enable London to function and the jobs and skills requirements should not be any more onerous than for equivalent uses.

19 In intensely built up areas the requirement for enclosure where a site is likely to produce significant air quality, dust or noise impacts, is reasonable. It will make waste facilities in mixed use developments more acceptable. Many boroughs have problems with existing open waste sites in terms of noise and dust.

d) Would they be effective in safeguarding existing waste sites particularly in relation to Policy SI9C?

20 The predecessor policy to SI9 has been very important in keeping waste facilities in London. The agent of change principle referenced in SI8 is another important safeguard.

21 LWPF supports the MSC in 9.9.2 to consider the maximum throughput of the facility in the last five years rather than three. LWPF also supports the MSC in 9.9.3 of inserting “in London” into the sentence that says sites can be released if sufficient capacity is available and the FSC that adds that the net self-sufficiency target is not compromised.

22 This demonstrates the tension inherent in the London Plan about the promotion of new mixed use development, consolidation and/or co-location of waste facilities and identifying strategic opportunities on the one hand and the need to preserve and enhance capacity on the other.