



CABINET

Subject Heading:

Approval to consult on the East London Joint Waste Plan

Cabinet Member:

Councillor Williamson, Cabinet Member for Regeneration

ELT Lead:

Helen Oakerbee

Report Author and contact details:

Cara Collier, cara.collier@havering.gov.uk, 01708434083

Policy context:

Havering Local Plan 2016-2031

East London Joint Waste Plan 2012

Financial summary:

The limited costs associated with this decision will be met within the existing Local Plan Budget

Is this a Key Decision?

Yes

When should this matter be reviewed?

Not applicable

Reviewing OSC:

Not applicable

The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well	X
Place - A great place to live, work and enjoy	X
Resources - Enabling a resident-focused and resilient Council	X

SUMMARY

This report seeks approval to consult on the Draft East London Joint Waste Plan (ELJWP). The ELJWP has been produced jointly with Redbridge, Newham, and Barking and Dagenham. It is an update to the previously adopted Joint Waste Plan (2012). Consultation is proposed to start in late July and run for a minimum of 6 weeks, in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

RECOMMENDATIONS

1. Cabinet is recommended to agree the publication of the Draft East London Joint Waste Plan and associated documents (attached as Appendix 1, 2, 2.1 and 3) for at least a 6-week period of statutory public consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, with an anticipated start date in late July 2024

REPORT DETAIL

- 2.1 It is a requirement for local authorities to produce a waste plan, setting out policies on future waste management and safeguarded waste sites. Waste plans in London also have to account for the waste apportionment targets set out in the London Plan (2021). Havering produced a Joint Waste Plan in 2012 alongside Redbridge, Newham, and Barking and Dagenham. Since 2012, a new London Plan has been adopted, national waste policy has been updated, waste management technologies have evolved, and pressures to release existing safeguarded waste sites has increased as development pressures rise. Therefore, a new East London Joint Waste Plan (ELJWP) is needed.
- 2.2 An Inter-Authority Agreement between the four boroughs, committing to joint working on a new ELJWP, was signed and legally sealed in September 2023. Since this time, consultants BPP have been procured to assist in delivering the ELJWP. The boroughs are now ready to consult on a draft plan and associated integrated impact assessment.
- 2.3 Waste Plans follows the same path as a Local Plan. It forms part of the Development Plan and will be used when determining planning applications,

alongside Havering's Local Plan. As with Local Plans, Waste Plans go through a 'regulation 18' statutory consultation, before being submitted to the secretary of state for examination ('regulation 19').

Where does the ELJWP sit?

- 2.4 The ELJWP will form part of the Development Plan for the East London Boroughs. Each Borough has a separate 'Local Plan' that is concerned with other forms of development such as housing and employment. It is important to note that all the policies of the Development Plan will be taken into account when decisions on development proposals are made.

What is in the ELJWP

- 2.5 The draft ELJWP plans for waste management up to 2041. It focuses on ensuring East London has sufficient land and facilities for future waste management. It does not deal with, or impact, local waste collections.
- 2.6 The ELJWP includes a draft Vision and eight draft Strategic Objectives. Six draft planning policies are included for use in determining the suitability of development proposals submitted to the Boroughs for planning permission. Implementation of the policies will ensure waste management facilities are well located and do not result in significant adverse impacts on local communities and the natural environment. They will also ensure that the right types of waste management capacity are developed to facilitate the achievement of targets such as those related to increasing recycling and diverting waste away from landfill.
- 2.7 The ELJWP analyses the capacity East London has for different types of waste. The types of waste covered are; 'HIC waste' (Household, Industrial, Commercial Waste, the type of waste collected by Local Authorities), 'C, D and E waste' (Construction, Demolition, and Excavation Waste), and Hazardous waste. The capacity assessment shows us how much waste capacity the East London boroughs have minus the waste we produce, and are expected to produce in 2041.
- 2.8 The outcome of the capacity assessment is as follows;
- 2.9 **HIC waste** = capacity surplus of approximately 1,064,000 tonnage per annum (tpa) in 2041, as shown in Table 1 below.

Table 1: combined apportionment for the East London Boroughs compared to estimated capacity for HIC waste in East London

	2021	2041
Apportionment Forecast (apportionment target set by the London Plan)	1,409,000	1,497,000
Capacity	2,561,000	2,561,000
Difference	+1,152,000	+1,064,000

- 2.10 **C, D and E waste** = based on forecasted waste arisings of 2,123,218 tpa for C, D & E in 2041, and an estimated C, D & E waste management capacity of 3,789,800tpa, there is a capacity surplus of 1,670,000 tpa. The apportionment target set in the London Plan does not cover C, D, and E waste, which is why a forecasted waste arising is used to calculate capacity.
- 2.11 **Hazardous** = A forecast for hazardous waste arisings to 2041 suggests that 54,704tpa will be produced by 2041. This compares to existing hazardous waste management capacity of 39,000tpa which indicates there is a capacity deficit of approximately c.15,700tpa. However, it should be noted that there is no policy expectation that individual Plan areas should be net self-sufficient for the management of hazardous waste produced in the area.
- 2.12 Therefore, the draft ELJWP confirms that the four east London boroughs meet the London plan apportionment targets. This surplus confirms that East London does not need to develop additional waste capacity by developing new waste sites.
- 2.13 The plan shows a significant capacity across the East London boroughs, and therefore 2 of the 4 boroughs have decided to release some waste sites from their safeguarded designations. Even with these releases, there would still be additional waste capacity in East London. Havering has not proposed release for any waste sites in the borough.

Integrated Impact Assessment (IIA)

- 2.14 An IIA incorporates; Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA), Equalities Impact Assessment (EqIA), and Habitats Regulations Assessment (HRA). The term IIA is used as an umbrella term for these various documents. An IIA sits alongside the ELJWP and will also be consulted on.
- 2.15 Under the amended Planning and Compulsory Purchase Act 2004, SA is mandatory for Development Plan Documents. For these documents it is also necessary to conduct an environmental assessment in accordance with the

requirements of the Strategic Environmental Assessment (SEA) Directive (European Directive 2001/42/EC), as transposed into law in England by the SEA Regulations which currently remain in force despite the UK exiting the European Union in January 2020. Therefore, it is a legal requirement for the ELJWP to be subject to SA and SEA throughout its preparation.

- 2.16 HRAs are required by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010 and again in 2012 and 2017. The Regulations translate Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) and 79/409/EEC (Birds Directive) into UK law and again currently remain a legal requirement despite the UK exiting the European Union. The purpose of HRA is to assess the impacts of a land-use plan against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity of that site.
- 2.17 Authorities are required to have regard to the provisions of the Equality Act, namely the Public Sector Duty which requires public authorities to have due regard for equalities considerations when exercising their functions. The EqIA of the ELJWP has been carried out as part of the SA by ensuring that the SA objectives against which the Plan is appraised address relevant Equalities issues.
- 2.18 HIA's are not a statutory requirement but has been carried out to ensure that health-related issues are integrated into the plan-making process.

Consultation

- 2.19 The consultation will be carried out in accordance with all of the Borough's Statement of Community Involvement (SCI's). As an overview, the proposed regulation 18 consultation will;
- Ask participants (residents and stakeholders) for their input on whether the policies contained in the draft are suitable and robust.
 - Run for at least 6 weeks.
 - Follow the consultation protocol commitments (see appendix 3), including a joint online consultation event and 2 'drop-in' sessions held in each borough. Havering proposes one drop-in session to be held in the Town Hall and the other to be held at Rainham Library.
 - Publicise the consultation on social media, in the 'Living in Havering' newsletter, in the Romford Recorder, and on a dedicated citizen space page. Registered consultees and stakeholders will also be contacted via email.
- 2.20 Documents included in the appendix:
- Appendix 1 – ELJWP Regulation 18 draft
 - Appendix 2 – ELJWP Regulation 18 draft - Integrated-Impact Assessment

- Appendix 2.1 – ELJWP Regulation 18 draft - Habitats Regulations Assessment
- Appendix 3 – ELJWP consultation protocol

REASONS AND OPTIONS

Reasons for the decision: Consultation is the only option available to be able to move forward with the production of the ELJWP.

Other options considered:

1. **Do not consult.** This option was rejected as it is a statutory requirement to consult on development plan documents under the Town and Country Planning (local Planning) (England) Regulations 2012. Adoption of an up to date Waste Plan is dependent on progressing through the statutory consultation process.
2. **Do not continue with production of the ELJWP.** This option was rejected as it is a statutory requirement to have an up to date Waste Plan and the Inter-Authority Agreement signed in 2023 binds us to joint working and production of a new joint waste plan.

IMPLICATIONS AND RISKS

Financial implications and risks:

The Draft plan does not suggest any changes to Havering waste sites.

The estimated £600 costs associated with the consultation falls beneath the financial risk threshold and will be funded through the existing Local Plan budget.

The estimate includes minimal printing of consultation material for use at consultation events, and possible additional costs of translating copies of the Waste Plan if it were to be requested in alternative formats or languages.

Legal implications and risks:

As Waste Collection Authority the Council together with the other three constituent Boroughs of the East London Waste Authority (Barking and Dagenham, Newham, and Redbridge) ("ELWA") is statutorily required to produce a Waste Plan for the efficient and effective management of waste. The draft Waste Plan, upon which

authority to consult is sought, has been produced jointly between the constituent boroughs of ELWA to replace the previously adopted 2012 Joint Waste Plan.

This decision seeks approval for commencement of consultation only, further authority will be sought from cabinet in the event that consultation is approved and we progress to regulation 19 consultation

The preparation, consultation upon, examination and adoption of the Waste Plan, being a Development Plan document, is controlled by the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") and the Town and Country Planning (Local Development) (England) Regulations 2012 ("2012 Regs").

Under these regulations two stages of statutory consultation are required and approval is being sought for the first stage. Regulation 18 of the 2012 Regs sets out who the Council must notify and invite to make representations in the preparation of the Development plan document.

Section 19 of the PCPA 2004 also requires development plan documents to conduct a sustainability appraisal, which in this case will be Integrated Impact Assessment

Human Resources implications and risks:

The consultation process will be managed internally by the development planning team, with support from consultants BPP. Therefore, there are no HR implications or risks from this decision.

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

This decision has been informed by an Equalities Impact Assessment (see appendix) to assess the impact on the needs of all affected service users and protected characteristics.

Health and Wellbeing implications and Risks:

There are no health and wellbeing implications from this decision. An IIA has been completed alongside the ELJWP (see appendix 2).

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

An integrated Impact Assessment was carried out as part of the production of the draft ELJWP (see appendix 2). Climate change was considered as part of this.

The recommendations made in this report do not appear to conflict with the Council's policy on Environmental and Climate implications.

BACKGROUND PAPERS

None