



East London Joint Waste Plan

Regulation 19 Submission Plan

Duty to Cooperate Statement of Compliance

Final Draft 2.0

Date: 18.02.25

**Barking &
Dagenham**



Contents

Contents.....	2
Abbreviations	3
1 Introduction.....	4
Purpose.....	4
2 What is the Duty to Cooperate?.....	5
3 What are the strategic planning matters?	9
4 Which organisations have been involved?.....	13
5 What cooperative activities have occurred?	18
6 Appendices.....	25
Appendix 1: London Waste Planning Forum Terms of Reference.....	25
Appendix 2: Proposed criteria for assessing surplus capacity requests.....	27
Appendix 3: Template letter sent to Waste Planning Authorities regarding of availability of Landfill Capacity	29
Appendix 4: Example of letter sent to Waste Planning Authorities regarding status of facilities Identified as receiving strategically significant amounts of waste from East London.....	31
Appendix 5: Summary of Findings of Duty to Cooperate Engagement with WPAs Regarding Waste Exports Including to Landfill.....	33

Abbreviations

- DtC - Duty to Cooperate
- EA - Environment Agency
- EoEWTAB - East of England Waste Technical Advisory Body
- ELBs - East London Boroughs
- ELJWP - East London Joint Waste Plan
- GLA - Greater London Authority
- LP - London Plan
- LWPF - London Waste Planning Forum
- SEWPAG - South East Waste Planning Advisory Group
- WPA - Waste Planning Authority

1 Introduction

Purpose

- 1.1 This 'Duty to Cooperate Statement' has been produced to support the East London Joint Waste Plan 2025 to 2041 (ELJWP). It explains the approach and steps taken by the East London Boroughs of Barking & Dagenham, Havering, Newham and Redbridge (the East London Boroughs responsible for the ELJWP) to address the legal Duty to Cooperate (DtC) requirements associated with the preparation of the ELJWP. The statement identifies and describes ways in which ongoing collaborative and cooperative working has taken place with other organisations that are subject to the DtC.
- 1.2 This Statement has been prepared to accompany the publication of the 'Submission Draft' ELJWP in accordance with Regulation 19 of the plan making Regulations¹. The Statement demonstrates that preparation of the ELJWP is being undertaken in accordance with the requirements of the DtC. This DtC statement is therefore intended to inform representations, made at the Regulation 19 stage, related to whether the Plan has been prepared in accordance with the DtC requirements.
- 1.3 In recognition of the ongoing nature of meeting the DtC it should be noted that, as detailed within this statement, engagement is ongoing with certain DtC 'bodies'. An updated version of this Statement, which reflects further engagement that occurs following publication of the ELJWP, will be prepared when the ELJWP is submitted to the Secretary of State for independent examination.
- 1.4 A separate Consultation Statement has been prepared which sets out how the Boroughs have engaged with the public, statutory consultees and other organisations when preparing the ELJWP.
- 1.5 This DtC Statement comprises five sections as follows:
 - Section 1 (this section) provides an introduction;
 - Section 2 explains what the Duty to Cooperate is;
 - Section 3 summarises the strategic planning matters relating to the ELJWP;
 - Section 4 summarises the bodies subject to Duty to Cooperate engagement; and,
 - Section 5 details the Duty to Cooperate engagement undertaken and the related outcomes.

¹ Town & Country Planning (Local Planning) (England) Regulations 2012
Project: [East London Joint Waste Plan 2025-41](#)
Document: [Duty to Cooperate Statement of Compliance](#)
Version: Final Draft v2.0
Date: 18.02.25

2 What is the Duty to Cooperate?

Planning and Compulsory Purchase Act 2004 and Localism Act 2011

2.1 The Duty to Cooperate was introduced through the Localism Act 2011 as an amendment to the Planning and Compulsory Purchase Act 2004. It places a legal duty on all local planning authorities in England and a number of other public bodies to:

- engage constructively, actively and on an ongoing basis in the process of the preparation of development plan documents so far as they relate to a strategic matter.

2.2 Strategic matters are defined as sustainable development or use of land that has, or would have, a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for, or in connection with, infrastructure that is strategic and has, or would have, a significant impact on at least two planning areas. It also includes development categorised as a 'county matter' or which would have a significant impact on a county matter².

Town & Country Planning (Local Planning) (England) Regulations 2012

2.3 The Town & Country Planning (Local Planning) (England) Regulations 2012 set out the public bodies (known as 'prescribed bodies') that may be subject to the DtC in addition to the planning authorities in England³. They are as follows:

- Environment Agency (EA)
- Historic England (HE)
- Natural England (NE)
- Mayor of London
- Civil Aviation Authority (CAA)
- Homes England⁴
- Clinical Commissioning Groups (CCGs)⁵
- NHS England

2 A 'county matter' is defined in The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003. It is largely concerned with the use of land for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste and mineral extraction and its ancillary activities.

3 Prescribed bodies for the purposes of the duty to cooperate are contained in Part 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012 as amended.

4 Homes England was previously the Homes and Communities Agency (HCA).

5 CCGs have replaced Primary Care Trusts (PCTs).

- Office of Rail and Road (ORR)
- Transport for London (TfL)
- Highways England (now National Highways)
- Integrated Transport Authorities
- Highway Authorities
- Marine Management Organisation (MMO)
- Local Enterprise Partnerships⁶
- Local Nature Partnerships.

National Planning Policy Framework (NPPF)

2.4 The National Planning Policy Framework (NPPF) provides direction on what may constitute strategic planning matters⁷. These are set out as follows:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of community facilities (such as health, education and cultural infrastructure); and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscapes and green infrastructure.

2.5 The NPPF also sets out the Government's expectations for meeting the DtC. It explains that *'effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered, by addressing key spatial issues including meeting housing needs, delivering strategic infrastructure and building economic and climate resilience. Local planning authorities and county councils (in two-tier areas) continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.'*⁸

2.6 Collaborative working in a broad sense involving private sector bodies, utility and infrastructure providers is another related feature for policy preparation encouraged by the NPPF. It should be targeted on tackling strategic planning

⁶ Local Enterprise Partnerships have been abolished.

⁷ NPPF (December 2024), paragraph 20

⁸ NPPF (December 2024), paragraph 24

priorities and the delivery of sustainable development and should also be carried out in consultation with local communities and relevant bodies including Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers and elected Mayors.⁹

- 2.7 Plan-making authorities are also expected to prepare and maintain one or more statements of common ground, to document the cross boundary matters that exist and the degree of progress in co-operation being made to addressing such matters.¹⁰
- 2.8 For a local plan to be adopted by the planning authority it first must be found sound at the independent examination stage. The soundness tests which local plans are assessed against includes 'positively prepared' and 'effective' tests which are intended to check that that local plans have been (a) informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; and (b) based on effective joint working on cross-boundary strategic matters, as evidenced by a statement of common ground.¹¹

Planning Practice Guidance (PPG)

- 2.9 Further guidance on delivering the DtC is provided in the national Planning Practice Guidance (PPG). It makes it clear that the DtC is not a duty to agree. Although every effort to secure the necessary cooperation on strategic cross boundary matters should be made by the planning authorities concerned.
- 2.10 The PPG explains that the DtC forms part of the legal tests that are examined at the outset of the examination and failure to meet the DtC legal test means a Local Plan cannot be adopted. In addition, issues of cooperative and joint working to meet cross boundary strategic priorities are an important element of deciding whether a Local Plan is 'sound'. Determining if the plan will be effective is a crucial element of the tests of soundness and a key measure of how cross boundary strategic priorities have been addressed.
- 2.11 The PPG makes clear there is no definitive list of actions that constitute effective cooperation under the DtC. However, it is expected that robust evidence of the efforts made to cooperate on strategic cross boundary matters is prepared, which may be set out in a statement. Evidence should include details about who has been involved in cooperative activities; what activities have taken place; when did they occur; and how have they influenced the preparation of the emerging Local Plan.

9 NPPF (December 2024) paragraph 25

10 NPPF (December 2024) paragraph 28

11 NPPF (December 2024) paragraph 36

[Project: East London Joint Waste Plan 2025-41](#)

[Document: Duty to Cooperate Statement of Compliance](#)

[Version: Final Draft v2.0](#)

[Date: 18.02.25](#)

2.12 The PPG outlines several key ways in which local planning authorities are expected to meet the DtC as follows:

- Identify strategic matters: Authorities must identify matters that are considered strategic in nature and thus may require cooperation with other authorities and bodies.
- Engage early: Authorities should engage with relevant bodies to discuss strategic matters and potential solutions early in the plan preparation process.
- Document cooperation: Authorities must keep a record of the cooperation process, including meetings, correspondence, and agreements.
- Agree on outcomes: Authorities should aim to agree outcomes and actions with cooperating bodies.
- Monitor and Review: Authorities need to monitor and review the effectiveness of cooperation and make adjustments as necessary.

3 What are the strategic planning matters?

3.1 As explained in the July 2024 evidence base report entitled ‘Identification of Strategically Significant Cross Boundary Waste Movements’, the management of waste is a strategic matter because it has little regard for administrative boundaries, with waste arising in one Waste Planning Authority (WPA) area often being managed at facilities located in another. In addition, due to economies of scale, waste management facilities may have catchments that extend beyond the boundary of the Plan area within which it is situated. Such flows are recognised in relation to the disposal of waste and recovery of mixed municipal waste in particular in the National Planning Policy for Waste that expects waste planning authorities to:

“...plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;”

3.2 Hence the management of waste can be a cross boundary strategic matter, the planning for which may require co-operation between WPAs.

3.3 In the context of the East London Joint Waste Plan, strategic waste planning matters requiring particular attention are as follows:

- Sharing capacity – meeting the unmet needs of other London Boroughs
- Non-hazardous landfill
- Export of waste for management

3.4 These are considered in more detail below.

Sharing Capacity – Meeting the Unmet Needs of Other London Boroughs

3.5 The London Plan requires Boroughs to plan for a quantum of waste management capacity set out in ‘apportionments’. In light of the fact that waste travels across Borough boundaries for management, the London Plan notes that Boroughs may pool their apportionments and plan jointly to meet the pooled apportionment¹².

3.6 Furthermore, the London Plan¹³ expects Boroughs with existing waste management capacity which exceeds their management requirements (as prescribed by the London Plan), to offer to share the surplus with other Boroughs facing a shortfall in capacity when they are planning to meet the

12 Paragraph 9.8.6

13 Paragraph 9.8.6

waste management needs of their areas, before considering release of sites from waste use.

Non-Hazardous Waste Landfill

- 3.7 National policy, legislation and fiscal measures seek to minimise the amount of waste managed by landfill. The national Environmental Improvement Plan 2023 includes a commitment to explore options for the near elimination of biodegradable municipal waste to landfill from 2028. The London Environment Strategy includes an aim of zero biodegradable or recyclable waste to landfill by 2026.
- 3.8 In light of the general reduction in non hazardous waste being managed by landfill, fewer such facilities are being developed and those that remain, or are developed, have increasingly wide catchments where waste being managed at such sites is transported over greater distances. Such facilities therefore perform a strategic function. The amount of waste arising in East London being managed by landfill has reduced significantly, however there is likely to be a limited (and reducing) quantity of non hazardous waste for which disposal to landfill remains the only viable management option.
- 3.9 For a long time, non hazardous waste requiring landfill arising in areas beyond East London¹⁴ has been managed at Rainham landfill site located in the London Borough of Havering. This site has had a wide catchment and the quantity of waste imported to this site from other areas has often exceeded that produced in East London which has been managed at this site. However, the void capacity of the site is now largely depleted and the site is expected to close within the Plan period.
- 3.10 Although the Plan allows for the development of new non-hazardous waste landfill capacity in East London, in light of the lack of opportunities for the development of such sites in East London over the Plan period, it is likely that the declining quantity of non-hazardous waste arising in East London that still requires management by landfill, will need to be managed at facilities located outside it. The East London Boroughs have therefore sought to establish where other capacity exists, or might come forward, that might meet East London's future needs for the management of non-hazardous waste requiring landfill through DtC engagement with host WPAs.

¹⁴ For the purpose of this report, and the East London Joint Waste Plan, 'East London' is taken as the area covered by the Boroughs of Barking & Dagenham, Havering, Newham and Redbridge.

Export of Wastes

3.11 Figure 1 below displays the balance between imports and exports of waste into and from East London by waste management method and waste type in 2022.

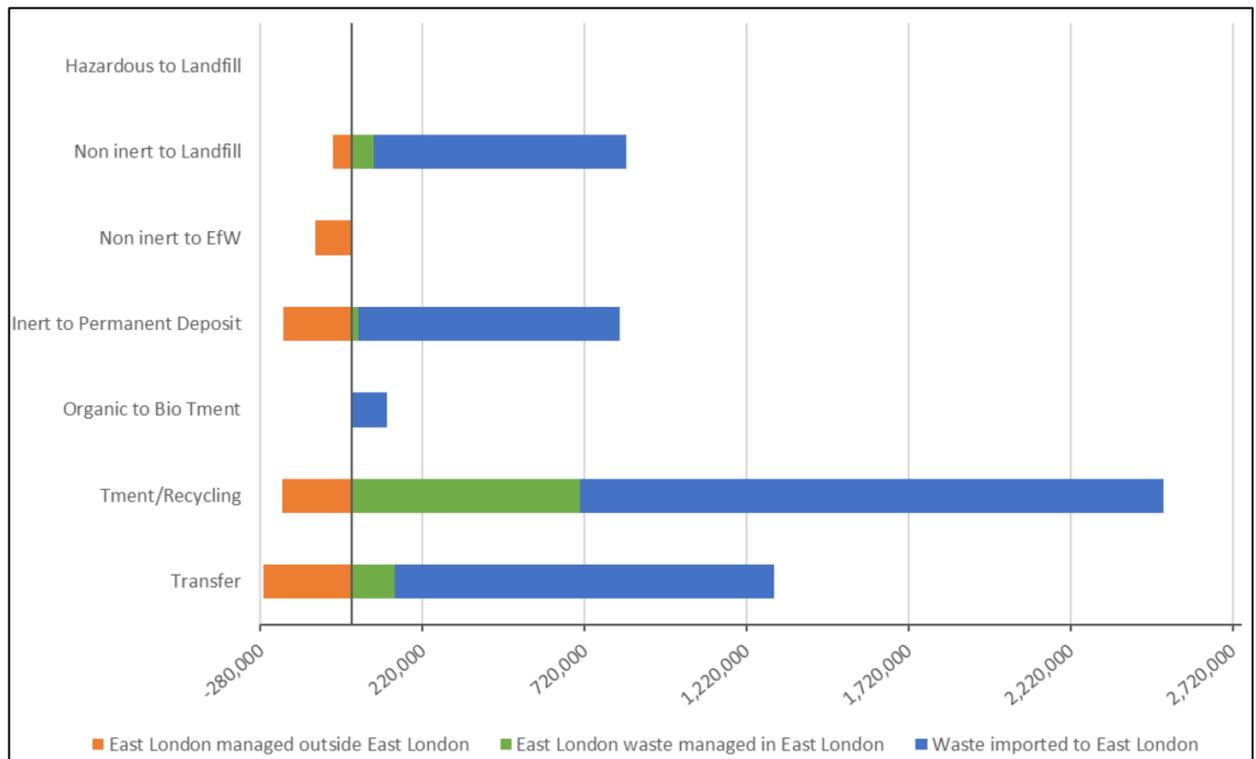


Figure 1: Waste import and export balance in East London 2022 by management method and waste type where known (tonnes)

- 3.12 Exports of other wastes of a certain 'strategic' quantum, may be routinely managed outside East London and therefore, notwithstanding the fact that there is a net in-flow of waste into East London and that there is surplus management capacity within East London, it is important to establish the resilience of these movements to ensure no additional management capacity needs to be planned for in the ELJWP.
- 3.13 In particular, hazardous wastes are produced in relatively limited quantities and require specialist management depending on their nature. This means that, due to economies of scale, fewer hazardous waste facilities exist and so such waste often travels considerable distances for management and, while some hazardous waste management capacity exists in East London, some hazardous waste produced in East London is managed outside of the Area.

- 3.14 In light of the above it is necessary to identify the key facilities receiving quantities of waste from East London deemed to be significant¹⁵ and establish whether such movements, can be relied upon to continue over the Plan period. This is done by contacting the Waste Planning Authorities hosting these 'strategically significant' facilities. Details of the Waste Planning Authorities contacted are included in Section 4 below.
- 3.15 The ELJWP does not safeguard four existing waste management sites and so these have in effect been released for redevelopment. A review¹⁶ of the sources and quantities of waste managed at these sites indicates that there is no area beyond East London with an apparent strategic reliance on these sites for the management of waste. For precaution, the East London Boroughs are in the process of writing to regions identified in this review, regardless of the strategic thresholds.

15 Establishing strategic movements of waste is informed by the guidelines for 'strategic' movements included in guidance prepared by the Chairs of the regional Waste Technical Advisory Boards in England.

16 See separate note – 'Sites Identified for Release in Reg 19 ELJWP', 18.02.25

Project: [East London Joint Waste Plan 2025-41](#)

Document: [Duty to Cooperate Statement of Compliance](#)

Version: Final Draft v2.0

Date: 18.02.25

4 Which organisations have been involved?

4.1 During the preparation of the ELJWP, as part of meeting their DtC requirements, the East London Boroughs have engaged with the organisations set out below. Full details of engagement activities are set out in section 5 of this report.

Waste Planning Authorities

4.2 Waste Planning Authorities with which East London may have a strategic relationship with in terms of waste management were identified in the 'Identification of Strategically Significant Cross Boundary Waste Movements' report. This report identified movements of waste arising in East London for management in other areas that are considered strategic based on:

- The quantity of waste transported from East London to a particular area in a particular year over a three year period;
- Whether a specific flow represented a significant proportion of total arisings of the particular waste type produced in the Plan area; and,
- Whether the specific flow was managed at a single facility or multiple facilities.

4.3 Consideration of the above factors determines how reliant East London may be on another Plan area for the management of certain amounts and types of waste and therefore whether this constitutes a strategic issue. The details of exactly how the factors are applied can be found in the report. The waste planning authorities listed below were contacted about the consultation, and those identified as having strategic movements (marked with * below) were contacted specifically via letter to obtain views on the importance of the identified movements and whether that movement would be able to continue over the period of the ELJWP¹⁷. See appendix 4 for example letter sent.

- Bedford
- Buckinghamshire
- Brentwood
- Bristol City
- Calderdale
- Cambridgeshire*
- Derbyshire
- Dorset

¹⁷ Note that some of the WPAs identified in this list are in addition to those identified in the 'Identification of Strategically Significant Cross Boundary Waste Movements' report.

- East Sussex*
- Essex
- Gloucestershire
- Hertfordshire*
- Hampshire
- Kent*
- Kingston Upon Hull City
- Lancashire*
- LB Enfield*
- Leeds*
- Lincolnshire*
- Liverpool
- London Legacy Development Corporation
- Manchester City
- Medway*
- Milton Keynes
- North Lincolnshire*
- Northeast Lincolnshire
- Norfolk
- Northamptonshire*
- Oxfordshire
- Peterborough*
- Rotherham
- Salford
- Sandwell*
- Sefton
- Sheffield*
- Staffordshire*
- Stoke-on-Trent City
- Suffolk
- Surrey*
- Tameside
- Thurrock*
- Wakefield*
- Walsall
- West Sussex
- Wolverhampton
- Worcestershire

London Borough Councils

- 4.4 The London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge have been working collaboratively on waste planning since the previous Joint Waste Plan in 2012. Cooperation and collaborative working was formalised in an Inter-Authority Agreement signed in 2023, committing to production of a new Joint Waste Plan. Details of this collaboration and achievements to date are laid out in section 5.
- 4.5 All London Boroughs and the City of London were contacted and invited to comment on whether they intend to rely on East London for the management of waste arising in their areas including to meet the management requirements relating to the Borough apportionments of Household and Commercial and Industrial Waste included in the London Plan.

Mayor of London

- 4.6 The Mayor of London (aka the Greater London Authority (GLA)) was engaged to discuss any emerging issues associated with the general conformity of the ELJWP with the London Plan and advice on the need for engagement with other Boroughs concerning the sharing of surplus waste management capacity in the East London area in order to meet waste management requirements in their areas (as described above) and the possible release of existing waste sites from protection from redevelopment (safeguarding).
- 4.7 The Mayor advised that all Boroughs should be contacted but in particular the following Boroughs invited to make specific requests for sharing capacity based on the Mayor's knowledge of how well those areas were able to meet their needs:
- London Borough of Tower Hamlets
 - London Borough of Westminster
 - London Boroughs within Western Riverside Waste Authority Area
 - London Borough of Lambeth

Waste Technical Advisory Bodies

- 4.8 Waste Technical Advisory Bodies are regional groupings of waste planning authorities and other parties with an interest in waste planning such as the Environment Agency and the waste management industry. Their primary purpose is to facilitate cooperation and coordination on strategic waste management issues that cross administrative boundaries. As noted above, the Chairs of the Waste Technical Advisory Bodies have prepared guidance intended to assist waste planning authorities when discharging their Duty to Cooperate responsibilities.

4.9 In London, the Waste Technical Advisory Body is the London Waste Planning Forum (LWPF). The LWPF brings together all the London Boroughs and includes other organisations such as the Mayor of London, the Environment Agency, and representatives of the waste management industry. By working together, these organisations aim to develop and implement effective waste management strategies, support the circular economy, and ensure sustainable waste practices across London. More details are included in the LWPF terms of reference which is included in Appendix 1.

4.10 Other Waste Technical Advisory Bodies invited to comment on the draft ELJWP were:

- East of England Waste Technical Advisory Body (EoEWTAB)
- South East Waste Planning Advisory Group (SEWPAG)

4.11 These Waste Technical Advisory Bodies cover the two regions which neighbour greater London. EoEWTAB includes waste planning authorities which immediately neighbour the ELJWP area.

Other Strategic Waste Authorities

4.12 Other bodies were contacted which have a strategic responsibility for managing and/or planning of waste in a wider area. These bodies are listed below:

- East London Waste Authority (the Waste Disposal Authority for East London)
- Western Riverside Waste Authority
- North London Waste Authority
- West London Waste Authority
- South London Waste Partnership
- Greater Manchester Combined Authority

Other Prescribed Bodies

4.13 Section 2 of this report sets out the full list of ‘prescribed bodies’ (other than local planning authorities) that are specified as those with which local planning authorities may need to engage under the DtC. As well as the Mayor of London (as set out above), other ‘prescribed bodies’ specifically invited to comment on the draft ELJWP during the July-September consultation were as follows:

- Civil Aviation Authority
- Environment Agency
- Historic England
- Homes England
- Marine Management Organisation
- National Highways
- NHS (North East London Integrated Care Board)

- Natural England
- Network Rail
- Office of Rail and Road
- Transport for London
- London Local Nature Partnership

5 What cooperative activities have occurred?

- 5.1 This section of the statement presents a detailed log of all relevant cooperative activities that the Boroughs have participated in, linked to the strategic waste planning matters already described in section 3.
- 5.2 Within each table, individual engagement/cooperation activities are set out including information as to who was specifically involved; what took place; when this happened; and the outcome of the activity.

Strategic waste planning issue: Sharing Capacity – Meeting the Unmet Needs of Other London Boroughs		
DtC Activity: Cooperation on preparation of the East London Joint Waste Plan	Partners:	East London Boroughs of Barking & Dagenham, Havering, Newham and Redbridge
	Action(s):	Planning jointly for the future waste management of East London via the preparation of the East London Joint Waste Plan
	Outcome(s)	Preparation of a draft (Reg 18) ELJWP for consultation in Summer 2024. Publication of a Submission Draft (Reg 19) ELJWP.
	Date:	<ul style="list-style-type: none"> - Inter authority agreement signed September 2023 - Joint work on ELJWP and joint evidence base commenced 2023 - Draft Reg 18 Plan consultation – July to September 2024 - Publication of Regulation 19 Submission ELJWP – May 2025
DtC Activity: Routine membership of the London Waste Planning Forum and attendance at meetings	Partners:	All London Boroughs, ELWA , GLA, Environment Agency, SEWPAG, EoEWTAB
	Action(s):	The four London Boroughs are all members of the London Waste Planning Forum and attend meetings (held 3-4 times annually) and contribute to its activities which includes raising awareness of issues affecting waste planning in London and discussing approaches to address these issues. The LWPF is jointly chaired by planning officers from the East London Boroughs.
	Outcome(s)	General increased awareness of work on the East London Joint Waste Plan and other plans and issues affecting the planning for waste in East London.
	Date:	Various. The forum has been in existence since 2011. 2024 meeting dates: 19.03.2024; 01.08.2024; 19.11.2024
DtC Activity: Attendance at the London Waste	Partners:	All London Boroughs, ELWA, GLA, Environment Agency, SEWPAG, EoEWTAB
	Action(s):	Notification of progress on the East London Joint Waste Plan with estimated timeline for publishing the Reg 18 Draft ELJWP.
	Outcome(s)	Increased awareness of work on the East London Joint Waste Plan and likely timeline for consultation.

Planning Forum	Date:	8 November 2023.
DtC Activity: Attendance at the London Waste Planning Forum	Partners:	All London Boroughs, ELWA, GLA Environment Agency, SEWPAG, EoEWTAB
	Action(s):	Notification of work on the East London Joint Waste Plan including identification of surplus waste management capacity with invitation to other Boroughs to request reliance on surplus capacity for meeting waste management requirements in their areas. Reminder email sent 13 September 2024 to the LWPF about the consultation and surplus capacity.
	Outcome(s)	Increased awareness of work on the East London Joint Waste Plan and availability of surplus in East London for other Boroughs to rely on in their plan and policy making.
	Date:	1 August 2024.
DtC Activity: Consultation on Reg 18 Draft ELJWP	Partners:	All London Boroughs, neighbouring WPAs and other DtC prescribed bodies listed in Section 3.
	Action(s):	All London Boroughs and other DtC prescribed bodies listed in Section 3 were notified of the consultation on Reg 18 Draft ELJWP that took place during July-September 2024. Reminder emails were sent to all London Boroughs and the London Waste Planning Forum on 13 September 2024.
	Outcome(s):	Responses to the consultation were received from various organisations listed in Section 3. No issues were raised regarding compliance with DtC.
	Date:	29 July to 16 September 2024
DtC Activity: Receipt of response to consultation on Reg 18 Draft ELJWP	Partners:	Western Riverside Authority
	Action(s):	Response to consultation on Reg 18 Draft ELJWP stating that Boroughs within the Western Riverside Authority area may wish to consider sharing surplus waste capacity in East London
	Outcome(s):	ELBs follow-up correspondence with Boroughs within the Western Riverside Authority area revealed that no requirement to share capacity with East London.
	Date:	3 rd October 2024
DtC Activity: Meeting with GLA (Mayor of London)	Partners:	Mayor of London
	Action(s):	Meetings with representatives of the GLA (obo Mayor of London) to discuss conformity of the ELJWP with the London Plan and in particular with regard to the release of certain existing waste management sites from protection from redevelopment by safeguarding. Draft SoCG shared with the GLA (11.02.2025) including the approach the East London Boroughs are intending to take in the Regulation 19 ELJWP on safeguarding sites, and assessing

		capacity requests from other London boroughs. The draft criteria for assessing surplus capacity requests shared with the GLA via the draft SoCG is set out in appendix 2.
	Outcome(s):	Advice received from the GLA on the need to invite London Boroughs to request reliance on surplus capacity in London for meeting waste management requirements in their areas. Text inserted in the Reg 19 Submission Draft ELJWP to acknowledge potential mechanisms for London boroughs with deficits to meet waste management capacity requirements via surplus capacity in East London.
	Dates:	Meeting dates in 2024; 09.01.2024; 12.03.2024; 07.08.2024; 09.09.2024; 28.10.2024
DtC Activity: Invitations sent to specific London Boroughs re sharing capacity	Partners:	London Boroughs of Tower Hamlets, Westminster, Lambeth, and Western Riverside Authority
	Action(s):	Invitations sent to specific London Boroughs with offer to request reliance on surplus capacity in East London for meeting waste management requirements in their areas.
	Outcome(s):	All the Boroughs written to, except Tower Hamlets, noted that they did not require surplus capacity in East London to meet their waste management capacity requirements.
	Date:	21 st August 2024
DtC activity: Invitations sent to all London Boroughs re sharing capacity	Partners:	All London Boroughs
	Action(s):	Invitations sent to all London Boroughs with offer to request reliance on surplus capacity in East London for meeting waste management requirements in their areas.
	Outcome(s):	Increased awareness of availability of surplus in East London.
	Date:	13 September 2024 Follow-up email sent 19 th February 2025 in case any Boroughs' circumstances had changed.
DtC Activity: Meetings with London Borough of Tower Hamlets to discuss sharing capacity	Partners:	London Borough of Tower Hamlets (LBTH)
	Action(s):	Online meetings between planning officers from the East London Boroughs and planning officers from London Borough of Tower Hamlets to discuss sharing East London surplus capacity to help LBTH meet its waste management capacity requirements.
	Outcome(s):	East London Boroughs submitted a response to Tower Hamlets Regulation 18 Local Plan (sent 18.01.2024) East London Boroughs submitted a response to Tower Hamlets Regulation 19 Local Plan (sent 28.10.2024) Tower Hamlets formally requested assistance from East London Boroughs with meeting London Plan Apportionment target (letter received 14.10.2024) Text inserted in the Reg 19 Submission Draft ELJWP to acknowledge potential mechanisms for London boroughs with

		deficits to meet waste management capacity requirements via surplus capacity in East London.
	Date:	Various dates; 2023; 25.04.2023; 11.12.2023 2024; 04.09.2024 2025; 30.01.2025
DtC Activity: Written correspondence concerning sharing capacity	Partners:	London Borough of Tower Hamlets
	Action(s):	Shared intended approach on sharing capacity with Tower Hamlets including the text proposed to be included in the Plan, and the criteria set to assess requests for capacity.
	Outcome(s):	Text inserted in the Reg 19 Submission Draft ELJWP to acknowledge potential mechanisms for London boroughs with deficits to meet waste management capacity requirements via surplus capacity in East London. Tower Hamlets advised they will produce a topic paper to address proposed criteria.
	Date:	28 January 2025
DtC Activity: Dialogue with West London boroughs concerning sharing capacity	Partners:	West London Boroughs
	Action(s):	Email from West London Boroughs informally requesting capacity and timeframes of ELJWP + West London Waste Plan (WLWP) production
	Outcome(s):	On going conversations including meeting on 18 th October 2024. WLWP running behind ELJWP. West London Boroughs to confirm requirements for capacity (if any). Text inserted in the Reg 19 Submission Draft ELJWP to acknowledge potential mechanisms for London boroughs with deficits to meet waste management capacity requirements via surplus capacity in East London. Letter sent from the West London Alliance to East London Boroughs on 20 December 2024, confirming they should complete their needs based assessment in January 2025.
	Date:	20 th September 2024 (start of email correspondence) / 18 th October 2024 (meeting)
DtC Activity: Written correspondence concerning sharing capacity – London Borough of Lambeth	Partners:	London Borough of Lambeth
	Action(s):	Receipt of correspondence confirming no request to share surplus waste capacity in East London
	Outcome(s):	Confirmation that no additional engagement required with London Borough of Lambeth concerning sharing surplus waste capacity in East London

	Date:	16 September 2024
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Strategic waste planning issue: Non-hazardous landfill		
DtC Activity: Routine membership of the London Waste Planning Forum and attendance at meetings	Partners:	Environment Agency, SEWPAG, EoEWTAB
	Action(s):	The four London Boroughs are all members of the London Waste Planning Forum and attend meetings (held 3-4 times annually) and contribute to its activities which includes raising awareness of issues affecting waste planning in London and discussing approaches to address these issues. The LWPF is jointly chaired by planning officers from the East London Boroughs and attended by representatives of the Environment Agency, SEWPAG, EoEWTAB
	Outcome(s)	General increased awareness of work on the East London Joint Waste Plan and other plans and issues affecting the planning for waste in East London.
	Date:	Various. The forum has been in existence since 2011. 2024 meeting dates: 19.03.2024; 01.08.2024; 19.11.24
DtC Activity: Letter to WPAs concerning export of waste to landfill capacity	Partners:	18 Waste Planning Authorities (sent general letter querying any issue with strategic movements) 7 Waste Planning Authorities (sent letter regarding export of waste to landfill)
	Action(s):	Letter sent to Waste Planning Authorities requesting confirmation of ability to receive waste for landfill from East London. See template letter at Appendix 3
	Outcome(s)	11 responses received. See Appendix 5 for summary of findings and outcomes from engaging authorities. Overarching summary of responses: <ul style="list-style-type: none"> • Non hazardous landfill capacity does exist in other areas but there may be challenges in the long-term. • Uncertainties around site closures and redevelopment necessitate robust cooperation and contingency planning.
	Date:	Between 22 and 30 August 2024; Landfill letters sent 30 August 2024 DtC letters sent 22 August 2024
DtC Activity: Consultation on Reg 18 Draft	Partners:	Thurrock Council
	Action(s):	Thurrock Council notified of the consultation on Reg 18 Draft ELJWP that took place during July-September 2024.

ELJWP	Outcome(s)	Response to the consultation received expressing concern with regard to management of waste arising in East London in Thurrock and derivation of data included in the draft ELJWP.
	Date:	29 July to 16 September 2024
DtC Activity: Meeting with Thurrock Council	Partners:	Thurrock Council
	Action(s):	Meeting with Thurrock Council to discuss its concerns regarding data included in the draft ELJWP as set out in response to the Reg 18 consultation.
	Outcome(s)	Explanation of waste management data included in the ELJWP and evidence base reports
	Date:	2 nd September 2024
DtC Activity: Meeting with Thurrock Council	Partners:	Thurrock Council
	Action(s):	Meeting between representatives of London Borough of Havering and Thurrock Council to discuss various cross boundary matters including concerns regarding ELJWP as set out in response to consultation.
	Outcome(s)	Agreement to prepare a Statement of Common Ground for waste matters
	Date:	28 th November 2024
DtC Activity: Preparation of a Statement of Ground	Partners:	Thurrock Council
	Action(s):	Draft Statement of Ground between the East London Boroughs and Thurrock Council concerning the cross boundary movement of waste between the areas sent to Thurrock Council for agreement.
	Outcome(s)	Awaiting response from Thurrock. (Followed up 13 th February 2025).
	Date:	13 January 2025

Strategic waste planning issue: Export of Waste		
DtC Activity: Letter to WPAs concerning	Partners:	18 Waste Planning Authorities
	Action(s):	Letter sent to Waste Planning Authorities requesting confirmation of availability of capacity to accommodate waste from East London. See template letter at Appendix 4.

resilience of export of waste from East London	Outcome(s) :	See Appendix 5 for summary of findings and outcomes from engaging authorities. Overarching summary of responses: <ul style="list-style-type: none"> • There are no planning barriers to the receipt of waste from East London at facilities in other areas. • Most facilities will be able to continue to receive waste from East London but some facilities are closing but quantum of capacity to be lost is not significant. • Many councils emphasise the principle of net self-sufficiency. • No specific need for Statements of Common Ground identified to address this matter, although Statement of Common Ground with Thurrock will cover cross boundary movements of waste and address concern raised about need to fully acknowledge extent of waste arising in London managed at certain facilities in Thurrock.
	Date:	Letters sent by email 22 August 2024. Responses received on various dates but not from all WPAs. WPAs not responded followed up on 24 September 2024.
DtC Activity: Consultation on Reg 18 Draft ELJWP	Partners:	Waste Planning Authorities – see list in Section 3.0
	Action(s):	WPAs notified of the consultation on Reg 18 Draft ELJWP that took place during July-September 2024.
	Outcome(s):	Replies received expressing concern regarding future management of inert waste from East London by landfill. See Appendix 1 of Consultation Statement for details.
	Date:	29 July to 16 September 2024

Other matters		
DtC Activity: Meeting with Thames Water	Partners:	Thames Water
	Action(s):	Discussed Thames Water's response on the Regulation 18 ELJWP.
	Outcome(s):	Added a wastewater specific policy in the Regulation 19 ELJWP and included Thames Water wastewater sites in the ELJWP safeguarded sites list.
	Date:	9 December 2024

6 Appendices

Appendix 1: London Waste Planning Forum Terms of Reference

London Waste Planning Forum

Terms of Reference

1 Aims

- a) Provide a framework to support and coordinate waste planning in London
- b) Enable authorities to engage and cooperate on strategic waste matters that cross administrative boundaries
- c) Encourage a consistent approach to waste planning
- d) Consider the implications of London's waste planning for neighbouring authorities
- e) Advise on the implications of waste planning policy
- f) Raise awareness of waste planning issues and share best practice

2 Activities

- a) Considering future waste management needs in London
- b) Act as a key stakeholder in the development and delivery of Mayor's Spatial Development Strategy (London Plan)
- c) Making representations to central government, regulatory bodies and local government organisations on matters of concern
- d) Discussing impacts of new EU and Government legislation and guidance
- e) Taking up issues of concern to members
- f) Maintaining webpages on waste planning in London to disseminate information
- g) Sharing information and best practice
- h) Offering support and training related to waste planning
- i) Arranging visits to waste facilities

3 Membership

- a) All waste planning authorities in London - WPAs in waste planning consortia may choose to be represented by one of the boroughs involved
- b) The GLA, LWARB, London Councils and other London organisations dealing with waste
- c) Environment Agency
- d) Private sector involved with waste planning in London to be coordinated through ESA
- e) Community and voluntary sector organisations involved with waste planning in London

- f) Representatives from neighbouring regional waste planning fora (East of England and South East England)
- g) Other government and non-governmental organisations including waste industry trade bodies and professional bodies as agreed from time to time by the LWPF

4 Conduct of activities

- a) The Forum will elect a chair and secretary at the start of each municipal year
- b) The chair and secretary will take steps to ensure that members can submit agenda items for meetings
- c) Members will nominate a representative and do their best to attend all meetings
- d) The Forum may set up subgroups of members which can also include outside representatives to work on defined issues within a defined timescales
- e) The Forum may set out a work programme
- f) The Forum will meet four times a year

5 Subscriptions

- a) The Forum may raise a subscription from its members to fund its activities at a level to be agreed by the Forum

6 Timescale

- a) These terms of reference will last for three years and will be reviewed at the start of each municipal year

Appendix 2: Proposed criteria for assessing surplus capacity requests

Any requests to share capacity made by London Waste Planning Authorities will be assessed on a case by case basis taking into consideration the waste management context of the ELJWP area and 'source' Plan area at the time, including:

- 1) The provision of suitable evidence that insufficient capacity exists in the source borough(s). This should be demonstrated using the same methodology as used to calculate waste capacity in the ELJWP and provision of relevant information which includes:
 - a) Capacity within existing waste sites and how policy included in the source Borough's Local Plan requires new proposals to maximise capacity
 - b) That all existing waste sites (including those safeguarded by EA permits via the London Plan) are being safeguarded subject to appropriate release criteria
 - c) Whether any waste sites have been lost due to redevelopment in the source Borough since London Plan was adopted and how compensatory capacity has been provided
 - d) Assessment of Strategic Industrial Locations and Locally Significant Industrial Sites to accommodate waste capacity and proposals to release such land for non-industrial uses
 - e) Whether any applications for waste uses in the source Borough have been refused and if so the reasons for refusal
 - f) Demonstrating that all options have been explored to identify suitable locations for further waste sites within the source borough(s) (consistent with national policy¹⁸ and the London Plan) and other London boroughs to meet capacity requirements. This should include the results of any call for waste sites and how conclusions not to allocate sufficient land to meet the requirements for which surplus is being sought were reached
- 2) The proximity of historic and existing significant flows of waste and availability of capacity for which capacity is being sought between, the source borough(s) and the ELJWP boroughs, including comparisons with any other London borough(s) that may have surplus capacity available.

¹⁸ In particular see sections 4 and 5 of *National Planning Policy for Waste* (October 2014)

- 3) Any relevant changes to the London Plan 2021, in particular those affecting the sharing of capacity and quantities of waste that Boroughs are expected to plan for.

During the period of the ELJWP it is likely that the London Plan 2021 will be updated and any updates relating to the need for Boroughs to share capacity and meet apportionments will be taken into account in any assessment.

Appendix 3: Template letter sent to Waste Planning Authorities regarding of availability of Landfill Capacity



Dear Sir/Madam,

Duty to Cooperate - East London Waste Movement Enquiry

This enquiry is sent on behalf of the East London Boroughs (London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge) to inform development of the emerging East London Joint Waste Plan.

As part of our ongoing Duty to Cooperate (DtC) engagement activity, we are writing with regard to waste movements between the East London Waste Planning Authority (WPA) areas and your Council's area. In particular your Council's area has been identified as having received quantities of inert or non-hazardous waste from at least one of the four East London boroughs in at least one of the most recent years for which data is available at the time of writing (2020-2022).

Waste movements from East London considered 'strategic', and therefore warranting consideration under the Duty to Cooperate, have been identified using the following three step process:

Step1: Quantities of East London waste being managed in a particular Plan area exceed the following guidelines (as agreed by National Waste TAB Chairs 'Duty to Cooperate on Waste – Practice Guide for Waste Planning Authorities in England):

- Non-hazardous waste: 5,000 tonnes per annum
- Inert waste: 10,000 tonnes per annum
- Hazardous waste: 500 tonnes per annum (increased from 100t); and

Step 2: Where that waste flow represented a fifth or more of the total amount of that waste type generated in East London; and/or

Step 3 :Where that waste went to a single or small number of facilities such that the dependency is greater than if it was distributed across a large number of locations.

Data informing the above has been obtained from the Environment Agency Waste Data Interrogator (WDI) 2022 and, where appropriate, cross checked with the Hazardous Waste Interrogator (HWI) 2022.

Our analysis of the available datasets indicate that the quantity of waste from East London managed in your Council's area was in excess of the significance guidelines set out in Step 1 above for at least one of the three principal waste streams. However, the quantity did not exceed the significance test identified in step 2 above, as the tonnage did not exceed more than 20% of the total of amount of that waste type that arose in the East London in that particular year, and/or it was managed at more than a small number of facilities. Therefore we are not writing to you regarding these particular flows.

London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge

Continued overleaf

However, given that inert or non-hazardous waste from East London has been managed at facilities located in your Plan area in the past, and given the finite nature of landfill capacity within East London, we are writing to enquire about the future availability of the following capacity within your Plan area:

- a. Non-hazardous landfill capacity; and
- b. Permanent deposit to land for inert waste capacity.

In particular:

1. Do you anticipate such capacity being available within your Plan area up to 2041, and if so:
2. Is there any planning reason why such capacity would not be available to accept waste from East London?

We also welcome any other comment you may have in relation to cross boundary movements of waste between our authorities. Furthermore, we would welcome any representations from your Council on our Regulation 18 draft version of the East London Joint Waste Plan (ELJWP), which can be accessed here <https://consultation.havering.gov.uk/planning/east-london-joint-waste-plan/>.

We would be grateful for a response **by 16th September 2024**.

Should you have any questions please contact the East London Boroughs at eljointwasteplan@havering.gov.uk

Yours faithfully,

London Boroughs of Barking and Dagenham, Havering, Newham, and Redbridge

Appendix 4: Example of letter sent to Waste Planning Authorities regarding status of facilities Identified as receiving strategically significant amounts of waste from East London



Dear Sir/Madam,

East London Waste Movement Enquiry

This enquiry is sent on behalf of the East London Boroughs (London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge) to inform development of the emerging East London Joint Waste Plan (2024).

As part of our ongoing Duty to Cooperate (DtC) engagement activity, I am writing with regard to waste movements between our respective Waste Planning Authority (WPA) areas as Wakefield is identified as having received strategic quantities of waste from at least one of the four East London boroughs in each of the most recent years for which data is available at the time of writing (2020-2022).

Waste movements from East London considered strategic have been identified through the following steps:

1. When the tonnage of East London waste going to a particular Plan area reported in the Environment Agency Waste Data Interrogator (WDI) 2022 cross checked with the Hazardous Waste Interrogator (HWI) 2022 exceeds the following thresholds (as agreed by National Waste TAB Chairs 'Duty to Cooperate on Waste – Practice Guide for Waste Planning Authorities in England):
 - Non-hazardous waste: 5,000 tonnes per annum
 - Inert waste: 10,000 tonnes per annum
 - Hazardous waste: 500 tonnes per annum (increased from 100t); and
2. Where that waste flow went to a single or small number of sites such that the dependency is greater than if it was distributed across a large number of sites.

Our analysis of the available datasets shows Wakefield as having received waste from East London in excess of the thresholds set out above for one of the three principal waste streams, and this tonnage going to a single facility.

The following table shows the destination sites in Wakefield which received more than 5,000 tonnes of non-hazardous waste from East London in 2022.

Table 1: Sites in Wakefield receiving 5,000 tonnes or more of Non-Inert Waste from East London (2022)

Facility WPA	Site Category	Site Name	Operator	Principal Waste Type 5,000t or more	Tonnes
Wakefield	Incineration	Ferrybridge 2	Enfinium Ferrybridge 2 Ltd	RDF	42,828
		Ferrybridge 1	Enfinium Ferrybridge 1 Ltd		6,803

Given the strategic nature of these flows, it is important for us to ascertain the continued availability of capacity at the receiving facilities identified, through to the end of the intended East London Joint Waste Plan period (tj) 2041).

Continued overleaf

We therefore request you respond on the following points:

1. Does Wakefield Council expect the facilities identified above to remain operational through to 2041?
2. Is Wakefield Council aware of any planning reasons that might mean the acceptance of wastes from East London cannot continue through to 2041, such as consent conditions and end dates; or if the site has been earmarked in local plans for redevelopment. If there is no planning reason the Council is aware of, please confirm that the site is safeguarded for the management of the type of waste shown.
3. Does Wakefield Council have any specific policies in its local plan concerning providing for the management of waste that arises from outside Wakefield?
4. Has Wakefield Council entered into any Statements of Common Ground, or whether correspondence with, other source WPAs concerning the continued availability of capacity at the facilities in question that might compromise continued access to capacity for East London's waste.

We also welcome any other comment you may have in relation to cross boundary movements of waste between our authorities. Furthermore, we would welcome any representations from Wakefield Council on our Regulation 18 version of the East London Joint Waste Plan (ELJWP), which can be accessed here <https://consultation.havering.gov.uk/planning/east-london-joint-waste-plan/>.

We would be grateful for a response by 10th September 2024. If a response is not received from you by the stated date, we shall assume there are no known issues with the continued movement of waste as set out in the Table above from East London to Wakefield to 2041.

Should you have any questions please contact the East London Boroughs at eljointwasteplan@havering.gov.uk

Yours faithfully,

London Boroughs of Barking and Dagenham, Havering, Newham, and Redbridge

Appendix 5: Summary of Findings of Duty to Cooperate Engagement with WPAs Regarding Waste Exports Including to Landfill

Cambridgeshire and Peterborough Councils

- **Findings:**
 - Witcham Meadlands Landfill to close by 2027 due to restoration requirements.
 - Local plan prioritises net self-sufficiency but included provisions for London waste until 2026.
 - Pressure on landfill capacity for construction and inert waste.
- **Outcome:**
 - Limited future capacity; East London advised to seek alternatives.

East Sussex County Council

- **Findings:**
 - Robertsbridge Gypsum Works expected to remain operational through to 2041.
 - Ripleys Property Holdings Ltd at East Quay, Newhaven is vacating, impacting ferrous metal waste management.
 - No specific policies in the local plan for waste from outside East Sussex, but adherence to South East Waste Planning Advisory Group's Statement of Common Ground.
- **Outcome:**
 - Alternatives for managing ~8,500 tpa of scrap metal need to be identified.

Essex County Council

- **Findings:**
 - Non-hazardous landfill void space likely to be exhausted by 2029 without new permissions.
 - Inert waste capacity sufficient until 2027 but reserved for local needs.
- **Outcome:**
 - Emphasised need for self-sufficiency in East London's waste planning.

Hertfordshire County Council

- **Findings:**
 - General support for Draft ELJWP but concerns raised about releasing under-utilised waste sites.
 - Highlighted London's reliance on the East of England for inert waste disposal.
- **Outcome:**

- Suggested retaining safeguarded sites to meet future capacity demands.

Kent County Council

- **Findings:**
 - Identified facilities safeguarded but Shelford non-hazardous waste landfill limited to operations until 2036.
 - General recognition of waste movements between Kent and London.
- **Outcome:**
 - Acknowledge loss of capacity at Shelford Landfill post-2036.

Liverpool City Council

- **Findings:**
 - No non-hazardous landfill capacity available.
 - Limited inert capacity reserved for local needs; unlikely to accept waste from East London.
- **Outcome:**
 - Confirmed no viable capacity for East London's waste needs.

Medway Council

- **Findings:**
 - Potential redevelopment of Streetfuel site could impact waste capacity.
 - Slicker Recycling site safeguarded under draft local plan once adopted.
- **Outcome:**
 - Highlight uncertainty around Streetfuel capacity and recommend securing SoCGs.

Milton Keynes Council

- **Findings:**
 - Bletchley Landfill permitted until 2037; void space adequate for current needs.
 - Limited capacity for inert waste due to the expiration of related permissions.
- **Outcome:**
 - Encouraged prioritisation of waste treatment higher in the waste hierarchy.

North Lincolnshire Council

- **Findings:**

- Facilities are expected to remain operational until 2041; no specific planning reasons identified that would prevent acceptance of waste from East London.
- The site is proposed to be safeguarded for waste management use in the draft Local Plan, currently under Examination in Public.
- No specific policies in the Local Plan address the management of waste from outside North Lincolnshire.
- **Outcome:**
 - No action required; the council did not identify any concerns or limitations regarding the acceptance of waste from East London.

Northamptonshire (West & North)

- **Findings:**
 - ENRMF landfill extended to operate until 2046.
 - Policy supports minimising waste movements but recognises market-driven cross-boundary flows.
- **Outcome:**
 - No immediate capacity concerns; East London encouraged to maintain cooperative dialogue.

Oxfordshire County Council

- **Findings:**
 - Sutton Courtenay and Finmere landfill sites to close before 2041.
 - Future waste needs of London must be addressed within the Plan area.
- **Outcome:**
 - Urged East London to identify alternative landfill options post-2031.

Sandwell Borough Council

- **Findings:**
 - Facilities identified are expected to remain operational through 2041.
 - No planning reasons identified that would prevent the continued acceptance of waste; key strategic waste facilities and employment areas are safeguarded for waste operations.
 - The authority is a net importer of waste and does not have specific policies addressing waste from outside Sandwell.
 - Sandwell is a member of the West Midlands Resource Technical Advisory Body (WMRTAB) and follows its thresholds for determining strategic waste movements. No Statements of Common Ground (SoCG) are required.
- **Outcome:**
 - Capacity for non-inert waste to be considered as part of the plan if needed.

Staffordshire County Council

- **Findings:**
 - Staffordshire County Council did not provide a definitive response about the operational status of the identified facility ('Unit 22, Watling St, Business Park') through to 2041.
 - No planning permissions for the identified facility have been granted by Staffordshire County Council.
- **Outcome:**
 - Further clarification may be required from Staffordshire County Council regarding the long-term operational status of the facility identified as receiving waste from East London.

Surrey County Council

- **Findings:**
 - Patteson Court non hazardous waste landfill set to close by December 2030.
 - No specific cross-boundary planning constraints currently identified.
- **Outcome:**
 - Plan for cessation of non hazardous waste landfill capacity at Patteson Court by 2030.

Thurrock Council

- **Findings:**
 - Multiple sites receiving significant waste from East London are of strategic importance.
 - Fort Road Biomass and Tilbury Green Power sites are critical for waste flows.
 - Concern regarding capacity shortfalls and cross-boundary impacts.
- **Outcome:**
 - Further engagement recommended, including a Statement of Common Ground (SoCG).