



CABINET

Subject Heading:

East London Joint Waste Plan Submission

Cabinet Member:

Councillor Graham Williamson

ELT Lead:

Helen Oakerbee

Report Author and contact details:

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Policy context:

Havering Local Plan 2026-2031
Joint Waste Plan 2012
Draft East London Joint Waste Plan 2025

Financial summary:

There are no direct financial implications arising from the decision to submit the East London Joint Waste Plan (ELJWP)

Is this a Key Decision?

Yes - **(c) Significant effect on two or more Wards**

When should this matter be reviewed?

n/a

Reviewing OSC:

Place Overview and Scrutiny Sub-Committee

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

1.1 In July 2024 and April 2025, Cabinet gave approval to consult on the East London Joint Waste Plan (ELJWP) which, once adopted, will form part of the borough's Development Plan. The Joint Waste Plan has been prepared with the other East London Waste Authorities (the London Boroughs of Barking and Dagenham, Newham and Redbridge). The ELJWP has gone through two rounds of statutory consultation and is now ready to be submitted to the Secretary of State for independent examination.

1.2 Member approval is sought to submit the East London Joint Waste Plan for independent public examination, under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations (2012).

RECOMMENDATIONS

For the reasons set out in the report and its appendices, Cabinet is asked to endorse and make the following recommendations to Full Council:

That Full Council:

1. Authorise officers to proceed under Regulation 22 to submit the East London Joint Waste Plan Submission Plan (appendix 1, the East London Joint Waste Plan, approved by Cabinet in April 2025, as amended by the modifications provided in appendix 17) and associated documents (as set out in paragraph 2.19) to the Secretary of State for Housing, Communities and Local Government, for independent public examination.
2. Delegate authority to the Director of Planning and Public Protection, following consultation with the Cabinet Member for Regeneration to:
 - Make any inconsequential or factual updates to the Submission Documents listed in paragraph 2.19 to facilitate submission of the Plan under Regulation 22.
 - Make a formal request of the Planning Inspector at an appropriate point during the examination of the Waste Plan to recommend modifications to the Plan to make it sound and legally compliant in accordance with section 20 (7c) of the Planning and Compulsory Purchase Act; and
 - Exercise all examination procedural matters as prescribed by the Planning and Compulsory Purchase Act 2004 and associated Regulations, including updates to submission documents and agreeing and consulting on further modifications, required to make the Plan sound.

REPORT DETAIL

Background and progress to date

2.1 It is a requirement for local authorities to produce a Waste Plan, setting out policies on future waste management and safeguarding waste sites for future waste management needs. 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 needs rise. Therefore, a new Joint Waste Plan is needed.

2.2 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 various statutory consultation stages, before being submitted to the Secretary of State for examination. A 'Regulation 18' consultation took place in summer 2024 (29th July – 16th September) on the first draft ELJWP. A 'Regulation 19' consultation then took place 19th May – 30th June 2025 on the Proposed Submission East London Joint Waste Plan. Representations made at this stage have been assessed and considered, and minor modifications are proposed (see appendix 17). These modifications consist of points of clarification, amending inconsistencies, providing factual updates and address typographical or grammatical errors. There are no modifications that are material changes to the Proposed Submission ELJWP, previously agreed for consultation by Cabinet in April 2025.

Content of the ELJWP

2.3 The 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.

2.4 The ELJWP includes a Vision and eight Strategic Objectives. Seven 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 sites are developed to facilitate the achievement of targets, such as those related to increasing recycling and diverting waste away from landfill.

2.5 The Policies included in the ELJWP are;

Policy JWP1: Circular Economy

Policy JWP2: Safeguarding and Provision of Waste Capacity

Policy JWP2B: Safeguarding and Provision of Wastewater Treatment Capacity
Policy JWP3: Prevention of Encroachment
Policy JWP4: Design of Waste Management Facilities
Policy JWP5: Energy from Waste
Policy JWP6: Deposit of Waste on Land

2.6 As previously presented to Cabinet, the ELJWP analyses the capacity East London has for managing different types of 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. The capacity assessment shows that East London has a significant surplus capacity for waste management, therefore confirming that the four east London boroughs meet the London Plan apportionment targets.

2.7 This surplus also confirms that East London does not need to identify additional waste capacity and therefore does not need to identify any new waste sites for development.

Regulation 19 consultation

2.8 'Regulation 19' consultation is a statutory consultation stage that has specific requirements in terms of what consultees are able to make representations on. The purpose of a Regulation 19 consultation is specifically to seek views on whether the Waste Plan is 'sound' and legally compliant.

2.9 The East London Boroughs consulted on the Regulation 19 ELJWP earlier this year. 43 responses were received. A table of comments received and the Boroughs' response to them are laid out in appendix 5a.

2.10 The Boroughs received representations from the following statutory consultees:

- Network Rail
- London Gatwick Airport
- Thames Water
- Sport England
- Port of London Authority
- Historic England
- Canal & River Trust
- Marine management Organisation
- National Highways
- Environment Agency
- Greater London Authority
- ELWA
- Natural England
- Anglian Water

These are set out in full in appendix 5a of this report. These representations did not identify any grounds which would justify amending the Plan – the only amendments made to the Plan are minor clarification and factual updates, as laid out in appendix 17.

2.11 As it was a joint consultation, a lot of responses related specifically to other boroughs. Brett Aggregates Limited was the only Havering-based land owner who submitted a representation. They were supportive of the Plan safeguarding Rainham Recycling Facility but raised concerns about not safeguarding mineral working sites (such as East Hall Farm). The ELJWP is not a minerals plan and therefore does not have to safeguard mineral sites this concern is therefore not found to be a ground for amending the Plan.

2.12 Development Plans (such as the ELJWP) are required to be in general conformity with the London Plan. At Regulation 19, Local Authorities must request the Mayor's formal opinion on whether the plan is in general conformity with the London Plan. The GLA confirmed in their representation at Regulation 19 that the ELJWP is in general conformity with the London Plan 2021.

Duty to Cooperate (DtC)

2.13 The Council has a 'duty to cooperate' with prescribed bodies during the preparation of development Plans. These include neighbouring planning authorities, the Mayor of London, Transport for London and Statutory consultees, including Natural England, the Environment Agency and Historic England. This is a duty which requires us to engage constructively, actively and on an ongoing basis to maximise the effectiveness of the plan-making process in the context of strategic matters. A Duty to Cooperate Statement has been produced (appendix 7) to demonstrate this engagement.

2.14 'Statements of Common Ground' (SoCG) can be produced to document cross-boundary matters being addressed, and the progress in cooperating to address these. Once signed, these SoCG will be included when we submit the ELJWP and its supporting documents to the Secretary of State, to demonstrate our cooperation.

2.15 Five SoCG are in development and will be provided to the inspector upon their completion. An overview of the SoCG being produced is set out in Table 1 below.

Table 1

DtC Body	Summary of Issues Being Considered in the SoCG	Progress (at the time of writing)
Greater London Authority (Mayor of London)	• Compensatory capacity for sites proposed for release. • Sharing surplus capacity with other boroughs (notably LB Tower Hamlets) and how any agreements should be reflected in the Plan. • Approach to Appendix 4 (Longer Term Development Options) and timing of any future releases.	Draft SoCG originally shared with GLA. GLA produced a second draft for comment and the Boroughs have responded.

	• Alignment of 'waste site' definition and clarity on implementation of Policy JWP2.	This is with the GLA for consideration.
London Borough of Tower Hamlets (LBTH)	• LBTH request for sharing of surplus waste capacity • Recognition of historic Hepscoth Road (Tower Hamlets) to River Road (Barking & Dagenham) re-provision of capacity. • Timing of releasing of safeguarded sites via the ELJWP. • How IIA tests reasonable alternatives. • Evidence/monitoring of cross-boundary flows.	Draft SoCG prepared by the ELBs. LBTH have provided comment. Meeting being arranged to discuss.
Oxfordshire County Council (OCC)	• How future hazardous waste management needs will be met. • Future management of residual waste from East London by landfill. • Sources of Energy from Waste facility feedstock.	Draft SoCG prepared by the ELBs and with OCC for comment.
East London Waste Authority (ELWA)	• How the Plan reflects ELWA's contracting/procurement position; • Flexibility of Policy JWP2 with regard to provision of additional waste management capacity • How Plan addresses certain potential impacts on the amenity / environment	Draft SoCG prepared by the ELBs and with ELWA for comment.
Legal and General Investment Management (as landowner for Eurohub sites)	• The safeguarding of existing waste uses on the Eurohub site, in the context of the redevelopment of the site (this is a waste site in Barking and Dagenham).	Discussions ahead of a draft SOCG being shared by the ELBs.

2.16 The ongoing discussions with these bodies are outlined in more detail in the East London Joint Waste Plan Duty to Cooperate Statement of Compliance which can be found in appendix 7.

Submission Documents

2.17 'Submission Documents' are those that will be sent to the Secretary of State to begin the examination process. It includes the ELJWP, Integrated Impact Assessment (IIA), evidence base documents (to support and justify the plan), and a number of process documents (such as compliance checklists).

2.18 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 is an iterative process and has informed the preparation of the ELJWP. The IIA is developed alongside the Plan, continuously assessing it to check how it, and possible alternative options, may impact social, economic and environmental factors

2.19 Documents included in the appendices are those that will be submitted to the Secretary of State for examination. These comprise:

Appendix 1 – ELJWP
Appendix 1a – ELJWP Appendix 3, Maps of safeguarded sites
Appendix 2 – ELJWP Integrated Impact Assessment
Appendix 2a – ELJWP Integrated Impact Assessment Non-technical summary
Appendix 3 – Habitats Regulation Assessment of the Regulation 19 ELJWP
Appendix 4 – ELJWP IIA Scoping Report (Feb 2024)
Appendix 5 – Regulation 22 Consultation Statement*
Appendix 5a – Regulation 22 Consultation Statement Appendix 3 summary of Regulation 19 representations and Borough Responses**
Appendix 6 – Consultation Protocol (Regulation 19)
Appendix 7 – Duty to Cooperate Statement of Compliance*
Appendix 8 - Note on Sites to be released*
Appendix 9 - Circular Economy Topic Paper
Appendix 10 - Climate Change Topic Paper
Appendix 11 - Waste Management Topic Paper*
Appendix 12 - Waste Management Capacity in East London Report
Appendix 13 - Hazardous Waste Baseline and Arisings Report
Appendix 14 - CDEW Baseline and Arisings Report
Appendix 15 – Strategically Significant Cross Boundary Waste Movements*
Appendix 16 - SFRA Position Statement
Appendix 17 - Schedule of Modifications**

* Indicates documents that have been updated since the last cabinet sign off

** Indicates new documents produce to facilitate submission

All other documents have not changed since they were presented to Cabinet in April 2025 and subsequently published for consultation.

Next Steps

2.20 Barking and Dagenham, Newham and Redbridge will undertake their own governance approval to submit the ELJWP for examination.

2.21 The Boroughs will then submit the submission documents to the Secretary of State. The examination process starts at the point of submission. Upon submission of the plan, an Inspector(s) will be appointed by the Secretary of State who will determine whether the East London Joint Waste Plan Regulation 19 Submission Plan satisfies the relevant statutory requirements, whether it is sound and whether the East London boroughs have complied with the duty to co-operate.

2.22 The examination will be supported by a Programme Officer, appointed by the East London Boroughs but who will act independently on behalf of the Planning Inspector to organise and manage the administrative and procedural matters of the examination process, acting as the point of contact for any queries relating to timetabling or procedural matters. The Programme Officer is a required part of examination.

2.23 During the examination, the Planning Inspector will carefully consider the East London Joint Waste Plan Regulation 19 Submission Plan, the evidence which underpins it and the representations received at the Regulation 19 consultation.

2.24 The Planning Inspector will conduct a series of public hearing sessions as part of the examination process, where those who submitted representations at Regulation 19 can attend and speak.

2.25 The Boroughs are proposing a number of minor modifications to address comments received through the Regulation 19 consultation. These are set out in Appendix 17. The Inspector will consider these modifications and decide whether they should be made to the Plan or not, or whether alternative modifications should be made.

2.26 As part of the Examination of the Plan, the Inspector(s) can recommend other modifications that would make the East London Joint Waste Plan sound, if asked to do so by the local planning authorities. Significant changes could be made through a 'main modification', which would necessitate further formal public consultation, as part of the examination process. For the inspector to make such recommendations, the East London Boroughs need to make this request in writing and then undertake a 6-week period of consultation during the examination period and in some cases a further sustainability appraisal (as part of the Integrated Impact Assessment) might also be required. This report seeks delegated authority to undertake such consultation without the need to return to Cabinet or Full Council, should it be needed.

2.27 If the East London Joint Waste Plan is deemed to be sound and legally compliant, with or without main modifications, the Planning Inspector will advise the East London Boroughs to proceed through to adoption, via an Inspector's report. Adoption of the East London Joint Waste Plan will then be subject to approval from Full Council.

REASONS AND OPTIONS

Reasons for the decision: Submission is the only option available to be able to move forward with the adoption of the ELJWP. Not progressing with the ELJWP would expose the Council to a range of risks.

Other options considered:

1. **Do not submit for examination and 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. 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:

There are no direct financial implications arising from the decision to submit the East London Joint Waste Plan (ELJWP) for consideration. The costs associated with submission including Programme Officer recruitment, venue hire for public hearings, legal and technical support, and document preparation will be shared equally across the four East London Boroughs in accordance with the Inter-Authority Agreement (IAA) signed in July 2023.

These costs are expected to be met from existing Planning and Regeneration budgets.

The IAA sets a maximum cost ceiling of £0.380m for the production and submission of the ELJWP. Any additional expenditure beyond this threshold requires formal approval from all participating boroughs and will be apportioned equally. Invoices will be issued by Havering at agreed project milestones, with payment due within 30 days. Boroughs remain liable for their share of costs even in the event of withdrawal from the agreement.

Legal implications and risks:

The East London Joint Waste Plan is a Development Plan Document (DPD). It is a statutory requirement for a local planning authority (LPA) to identify the strategic priorities for the development and use of land in the authority's area, and the policies to address these priorities must be set out in the LPAs development plan documents (DPDs), save where policies to address those priorities are set out in the spatial development strategy (the London Plan). Failure to progress the publication of this document and undertake this process will mean that planning policy on waste matters will remain out of date, which could lead to judicial challenges to decisions made by the planning department. By continually updating planning policy, including through progressing this document, such challenges are minimised.

The preparation, consultation upon, examination and adoption of a DPD is controlled by the Planning and Compulsory Purchase Act 2004 ("the PCPA 2004") and the Town and Country Planning (Local Development) (England) Regulations 2012 ("the 2012 Regs"). Under these regulations two stages of statutory consultation are required under Regulations 18 and 19.

Pursuant to Section 19 of the PCPA 2004 as part of the Council's development plan, the DPD must be prepared in accordance with the Council's Local Development Scheme; and taken as a whole include policies designed to secure that the development and use of land in the East London Boroughs' area contribute to the mitigation of, and adaption to, climate change.

Section 19 of the PCPA 2004 and Regulations 8, 9 and 10 of the Planning Regulations set out the requirements for Plans and matters to which the Local Planning Authority must have regard in preparing the plan, as follows:

- o have regard to national policies and advice contained in guidance issued by the Secretary of State and the Spatial Development Strategy for London (i.e. the London Plan);
- o comply with the Council's Statement of Community Involvement;
- o carry out an appraisal of the sustainability of the proposals in the document and prepare a report of the findings of the appraisal; and
- o comply with the duty to co-operate with other local planning authorities and prescribed bodies and persons in respect of strategic matters.

The report outlines officers' assessment that these legal requirements have been met.

Regulation 18 and 19 of the 2012 Regulations sets out who the East London Boroughs must notify and invite to make representations in the preparation of the document. The East London Joint Waste Plan Consultation Report, reported to Cabinet in May 2025, and the East London Joint Waste Plan Regulation 22 Consultation Statement (Appendix 3) set out how these requirements have been met, in line with the Council's adopted Statement of Community Involvement.

In carrying out the function of preparing a DPD, the East London Boroughs must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The report indicates that an equalities impact assessment has been carried out as part of East London Joint Waste Plan (Regulation 19) Integrated Impact Assessment Report and this should be updated as the policies evolve. The Integrated Impact Assessment and Habitats Regulations Assessment of the East London Joint Waste Plan will also ensure that the East London Boroughs comply with their duties under the Conservation of Habitats and Species Regulations 2010 and the Environmental Assessment of Plans and Programmes Regulations 2004.

Officers are seeking approval to submit the East London Joint Waste Plan Regulation 19 Submission Plan to the Secretary of State. Cabinet are being asked to endorse the recommendation which will proceed to Full Council. This is because the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the process of preparation of a development plan document is an executive responsibility but the formal process of submission to the Secretary of State and its adoption is the responsibility of Full Council (regulation 4).

Human Resources implications and risks:

The recommendations made in this report do not appear to give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

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 the need to:

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between persons who share a protected characteristic and those who do not; and
- (iii) foster good relations between those who share a protected characteristic and those who do not.

An Equalities Impact Assessment (EqIA) has been undertaken as part of the IIA for the ELJWP (see appendix 2). This analysis identified no direct discriminatory impacts but recognised that waste infrastructure and safeguarding policies can indirectly affect residents in areas with higher levels of deprivation or diversity.

Health and Wellbeing implications and Risks

Havering Council is committed to protecting and promoting the health and wellbeing of residents. There are no direct Health and Wellbeing implications from this decision. A Health Impact Assessment was completed as part of the Integrated Impact Assessment (IIA), which sits alongside the East London Joint Waste Plan (see appendix 2). The IIA concluded that no significant negative effects were identified for the Regulation 19 ELJWP as a whole. Health and wellbeing impacts will be addressed throughout the implementation phase of the ELJWP.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

An Integrated Impact Assessment was carried out as part of the production of the ELJWP proposed submission version (see appendix 2). Climate change was considered as part of this.

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

BACKGROUND PAPERS

None