



CABINET

Subject Heading:

Proposed Submission East London Joint Waste Plan for Consultation (Regulation 19)

Cabinet Member:

Councillor Williamson, Cabinet Member for Regeneration

ELT Lead:

Helen Oakerbee

Report Author and contact details:

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Policy context:

Havering Local Plan 2016-2031
Joint Waste Plan 2012
Draft East London Joint Waste Plan (Regulation 18, 2024)

Financial summary:

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

Is this a Key Decision?

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

When should this matter be reviewed?

March 2027

Reviewing OSC:

Places

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

In July 2024 Cabinet gave approval to consult on the East London Joint Waste Plan which, once adopted, will form part of the borough's development plan. The Joint Waste Plan is being prepared with the other East London Waste Authorities (the London Boroughs of Barking and Dagenham, Newham and Redbridge). This report provides an update on the consultation that took place in 2024 and how the Joint Waste Plan has progressed.

Member approval is now being sought to publish the Proposed Submission East London Joint Waste Plan for consultation.

The opportunity has been taken to review and update the Local Development Scheme (LDS). This sets out the programme for further work on planning policy documents, including the Joint Waste Plan. Member approval is therefore sought to publish the updated LDS.

RECOMMENDATIONS

Cabinet is recommended to:

1. Agree the publication of the Proposed Submission East London Joint Waste Plan and supporting documents (attached as Appendix 1-16) for at least a 6 week period of statutory public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, with an anticipated start date in late May 2025.
2. Approve the new Local Development Scheme for publication (Appendix 17)
3. Delegate authority to the Assistant Director of Planning, following consultation with the Cabinet Member for Regeneration to:
 - i. Make non material amendments to the Proposed Submission version ahead of publication under Regulation 19
 - ii. Approve future iterations of the Local Development Scheme as required

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 pressures rise. Therefore, a new East London Joint Waste Plan (ELJWP) 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 on the first draft ELJWP. Comments from this consultation have now been assessed and considered and an updated ELJWP has been prepared. This is called the 'Proposed Submission' version, as it is the Plan in the form we are intending to submit to the Secretary of State for examination. The Proposed Submission ELJWP is now ready for consultation.
- 2.3 Consultation on the draft ELJWP took place 29th July – 16th September 2024. This was a joint consultation with the other East London Boroughs. Since the consultation, the Plan and its supporting documents have been updated. All but three of the supporting documents listed in para 2.23 were previously consulted on. A Consultation Statement (appendix 5) has been produced, setting out the details of the summer 2024 consultation, as well as a Duty to Cooperate Statement of Compliance (appendix 7), which sets out the ongoing discussions we have had with stakeholders throughout the production of the Plan. A Strategic Flood Risk Assessment (SFRA) position statement (appendix 16) has also been produced. All supporting documents are to be included in the Regulation 19 consultation alongside the ELJWP.

Content of the ELJWP

- 2.4 The Proposed Submission 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.
- 2.5 The Proposed Submission 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 capacity are developed to facilitate the achievement of targets such as those related to increasing recycling and diverting waste away from landfill.

2.6 The Proposed Submission 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.

2.7 The outcome of the capacity assessment is as follows;

2.8 **HIC waste** = capacity surplus of approximately 1,122,508 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	2,619,508	2,619,508
Difference	+1,210,508	+1,122,508

2.9 **C, D and E waste** = based on forecasted waste arisings of 2,203,591 tpa for C, D & E in 2041, and an estimated C, D & E waste management capacity of 3,185,500tpa, there is a capacity surplus of 980,000 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.

2.10 **Hazardous** = A forecast for hazardous waste arisings to 2041 suggests that 72,400tpa will be produced by 2041. This compares to existing hazardous waste management capacity of 54,000tpa which indicates there is a capacity deficit of approximately c.18,400tpa. 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.

2.11 Therefore, the Proposed Submission 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.**

2.12 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 significant additional waste capacity in East London, as laid out in

table 1. Havering has not proposed release for any waste sites in the borough.

Integrated Impact Assessment (IIA)

- 2.13 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 was consulted on in the previous consultation and now has been updated and will be consulted on during the Regulation 19 consultation.
- 2.14 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.

What changes were made after the Regulation 18 consultation?

- 2.15 A total of 52 responses were received to the consultation held in summer 2024 from a range of stakeholders, including East London residents, London Boroughs, Waste Planning Authorities outside of London, the waste management industry, statutory consultation bodies and utilities companies. As the ELJWP is a very technical document, focused on one specific issue, this level of engagement is considered typical. Further detail of the responses received, and how the Proposed Submission ELJWP has responded to them, is included in the 'Consultation Statement' (appendix 5).
- 2.16 Key changes made from the comments received were;
- A new policy on wastewater has been added on the back of comments from Thames Water. Policy JWP2A has been included to address wastewater and sewage sludge management development. Specific consultation distances for development proposed proximate to waste water treatment works have been added.
 - Policy JWP4 has been strengthened to ensure applications consider the safety of road users. Text clarifying the need for, and content of, Travel Plans and Transport Assessments to be submitted with applications has been added.
 - The list of safeguarded waste sites has been updated to reflect waste sites with planning permission or a certificate of lawfulness.
 - Minor updates made to the ELJWP and evidence base documents to reflect updated data, new government policies, and the updated NPPF.

Duty to Cooperate (DtC)

- 2.17 The 'Duty to Cooperate' was introduced through the Localism Act 2011. 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.
- 2.18 Appendix 7 'Duty to Cooperate Statement of Compliance' lays out full details of DtC activities that have taken place over the development of the ELJWP. This includes ongoing conversations with London Boroughs, neighbouring authorities, and statutory consultees like the GLA. DtC is an ongoing process which will continue throughout the plan-making process.

Regulation 19 Consultation

- 2.19 'Regulation 19' consultation is a statutory consultation stage that has specific requirements on what comments are submitted (also called 'representations'), as set out in the Town and Country Planning (Local Development) (England) Regulations 2012. The purpose of a regulation 19 consultation is to seek views on whether the Waste Plan is 'sound' and legally compliant.
- 2.20 To be 'sound' the Proposed Submission ELJWP must be:
- Positively prepared: for example that it positively seeks to meet the requirements of the London Plan.
 - Justified: that the policies in the plan are supported by evidence and are reasonably justified.
 - Effective: that the policies in the plan can be delivered and have been formulated on the basis of effective joint working with partners.
 - Consistent with national policy: that it has been prepared in accordance with the National Planning Policy Framework (NPPF).
- 2.21 The Proposed Submission ELJWP is considered the Council's final version of the ELJWP. The Council must therefore be confident the Plan is 'sound' and that there will be minimal further change. Comments through the consultation are required to be on grounds of 'soundness' and legal compliance only. The public and stakeholders had the opportunity to comment on wider aspects of the ELJWP at the Regulation 18 consultation.
- 2.22 The GLA will be formally notified of the consultation under Regulation 21 of the Town and Country Planning (Local Planning) (England) Regulations 2012, seeking their opinion on the ELJWP's conformity with the London Plan.

Consultation activities

- 2.23 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 consultation will;

- Ask participants (residents and stakeholders) for their input on whether the ELJWP is sound and legally compliant
- Run for at least 6 weeks
- Follow the consultation protocol commitments (see appendix 6), including publicising the consultation on social media, in the 'Living in Havering' newsletter, and on a dedicated citizen space page. The citizen space page will also include a pre-recorded presentation explaining the consultation and the contents of the Plan
- Notice in the Romford Recorder
- Press release
- Registered consultees and stakeholders will also be contacted via email, including those who made comments previously
- Publish a 'Statement of representations procedure', as required by the regulations

2.24 Documents included in the appendix are those that will be published for the consultation:

Appendix 1 – Proposed Submission ELJWP
Appendix 1a – Proposed Submission ELJWP Appendix 3, Maps of safeguarded sites
Appendix 2 – Proposed Submission ELJWP Integrated Impact Assessment
Appendix 3 – Habitats Regulation Assessment of the Proposed Submission ELJWP
Appendix 4 – ELJWP IIA Scoping Report (Feb 2024)
Appendix 5 – Consultation Statement
Appendix 6 – Updated Consultation Protocol (reg19)
Appendix 7 – Duty to Cooperate Statement of Compliance
Appendix 8 - Note on sites identified for release
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

Local Development Scheme

2.25 Local planning authorities are required to prepare and maintain a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and the Housing and Planning Act 2016. The Government requires local planning authorities to produce an updated LDS by 6 March 2025. The planning policy documents in the LDS includes the East London Joint Waste Plan, the Local Plan, and supporting documents.

2.26 The LDS 2025-2027 (appendix 17) meets these requirements and supersedes the previous LDS (2023-2025). The LDS sets out:

- The planning policy documents that Havering have already adopted;

- The planning policy documents that Havering intend to produce;
- The subject matter and geographical area of each of the proposed documents;
- The timetable for the preparation of the documents over the next three years; and
- The opportunities for the local community and stakeholders to be involved in preparing planning policies by setting out an indicative timetable for the preparation of each document.

2.27 Local Planning Authorities are required by regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to review Local Plan every 5 years from their adoption date. The new Local Plan will need to be submitted no later than December 2026 in order to be examined under the existing 2004 Act system.

Next steps

2.28 Barking and Dagenham, Newham and Redbridge will undertake their own governance approval of the Proposed Submission ELJWP. Havering is the first borough to go through the formal approval process, which is why delegated authority has been sought for amendments that come out of these sign offs (recommendation 3i). Following approval by all boroughs, the formal statutory consultation is anticipated to start in late May and run for a period of 6 weeks.

2.29 Once the consultation has finished, officers will review and respond to the comments received. An assessment will be made as to whether, in light of the comments received, the Plan is considered to be sound and should be progressed to examination.

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. A regulation 18 consultation has

already been held, and therefore the next step to progress the Plan is a regulation 19 consultation.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no material financial implications for the consultation of the ELJWP.

Legal implications and risks:

The 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 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 and approval is currently being sought for the second stage.

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 Council's 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 2012 Regs set out the requirements for local development documents and matters to which the Local Planning Authority must have regard in preparing the plan, as follows:

- 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);
- comply with the Council's Statement of Community Involvement;
- carry out an appraisal of the sustainability of the proposals in the document and prepare a report of the findings of the appraisal; and

- 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 19 of the 2012 Regs sets out who the Council must notify and invite to make representations in the preparation of the DPD. The Draft Submission East London Joint Waste Plan Regulation 19 Consultation Protocol (Appendix 2) has set out how the Council will comply with the consultation requirements (as well as the duty to co-operate), in line with the Council's adopted Statement of Community Involvement.

In carrying out the function of preparing a DPD, the Council 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 the Integrated Impact Assessments for the DPD. The Integrated Impact Assessment also ensures that the Council complies with its duties under the Conservation of Habitats and Species Regulations 2010 and the Environmental Assessment of Plans and Programmes Regulations 2004.

The proposed delegation to the Assistant Director of Planning will ensure that changes which are not material to the substance of the DPDs can be made in order to improve clarity, provide further context, correct typos or make other textual/formatting improvements without the need for another Cabinet decision.

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:

- (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.

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

An 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 (see appendix 2). There are not equalities and social inclusion implications and risks associated with this decision.

Health and Wellbeing implications and Risks:

There are no Health and Wellbeing implications from this decision. A Health impact assessment was completed as part of the Integrated Impact Assessment, which sits alongside the East London Joint Waste Plan (see appendix 2).

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 appear to conflict with the Council's policy on Environmental and Climate implications.

BACKGROUND PAPERS

n/a