

STATEMENT OF COMMON GROUND

Waste Capacity Sharing Arrangement ELBs/LBTH

Between	The London Boroughs of Barking & Dagenham, Havering, Newham and Redbridge ('the East London Boroughs' / 'ELBs')
And	The London Borough of Tower Hamlets ('LBTH')
Date	[INSERT DATE]
Version	v1.0

1. Summary

- 1.1 This Statement of Common Ground (SoCG) is made between the London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge (collectively 'the East London Boroughs' or 'ELBs') and the London Borough of Tower Hamlets ('LBTH'). It records the agreed arrangement by which the ELBs will make available a specified quantum of waste management capacity to contribute towards meeting LBTH's identified unmet predicted waste management need, in accordance with London Plan 2021 Policies SI 8 and SI 9 and the National Planning Policy Framework.
- 1.2 The ELJWP evidence base shows that a significant amount of qualifying waste management capacity exists within the East London Joint Waste Plan (ELJWP) area over and above that needed to manage the tonnage of HIC waste apportioned through the London Plan to each of the four ELBs through to 2041. In addition a significant amount of management capacity exists within the ELJWP area over and above that needed to meet the London Plan targets for the management of the forecast quantity of C,D&E waste through to 2041.
- 1.3 LBTH, as a densely developed unitary waste planning authority with limited land available for waste management facilities, has been unable to identify sufficient capacity within its own boundary to manage the tonnage of HIC waste apportioned through the London Plan nor the tonnage of C,D & E waste expected to require management through to 2041. Therefore it has formally requested that East London's surplus capacity be shared with Tower Hamlets to assist in both cases.
- 1.4 Both parties have undertaken the cooperation and evidence-gathering and assessment steps required to reach this agreement. This SoCG records the agreed capacity quantum to be shared, the duration of the arrangement, and the governance and review mechanisms that apply. The agreed capacity quantum to be shared is as follows:
 - HIC waste: 38,125 tpa
 - C,D&E waste: 56,953 tpa

2. Parties Involved

- 2.1 **The East London Boroughs (ELBs).** The London Borough of Barking and Dagenham, the London Borough of Havering, the London Borough of Newham and the London Borough of Redbridge are the four waste planning authorities responsible for the preparation of the East London Joint Waste Plan. In doing so they have agreed to pool the tonnages of HIC waste each has been apportioned by the London Plan (2021) to provide qualifying management capacity for. This amounts to 1,497,000 tonnes per annum of HIC waste in 2041. They have also agreed to pool capacity for the management of C,D&E waste and that available for the management of hazardous waste.
- 2.2 **London Borough of Tower Hamlets (LBTH).** LBTH is an inner London unitary waste planning authority. Tower Hamlets is the most densely populated local authority in England. Its intensively developed character and acute pressure on industrial land severely constrains the borough's ability to provide sites within its own boundary capable of providing qualifying capacity for the management of the tonnage of Household, Industrial and Commercial (HIC) waste the London Plan (2021) apportioned of 207,000 tpa. Similarly it is also constrained in providing capacity for the management of the full amount of C,D&E (Construction, demolition and excavation) waste forecast to arise through to 2041 in accordance with the management targets set out in Policy SI 7 (Reducing waste and supporting the circular economy) of the London Plan.

3. Strategic Geography

- 3.1 LB Tower Hamlets shares a boundary with the following London Boroughs:
- LB Newham, one of the four ELBs.
 - City of London a signatory to a SoCG with the South East London Waste Planning Grouping
 - LB Hackney, a member of the North London Waste Planning Grouping
 - LB Southwark, a member of the South East Waste Planning Grouping
 - LB Lewisham, a member of the South East Waste Planning Grouping
 - LB Greenwich, a member of the South East Waste Planning Grouping

It should be noted that while the shared boundary with the LB Newham means that waste management sites in Newham in particular are geographically well placed to serve certain Tower Hamlets' needs when waste is transported by road, the bulk of HIC waste exported from LBTH is transported across the River Thames (via Northumberland Wharf in LBTH) to the Belvedere energy from waste facility located in LB Bexley, which forms part of the South East Waste Planning Group.

- 3.2 It is also noted that LB Bexley in its recently adopted Local Plan indicates the availability of additional capacity for the management of apportioned HIC waste (see Appendix 2).

4. Background and Policy Context

4.1 National Policy

The National Planning Policy Framework (NPPF) currently requires strategic policy-making authorities to prepare and maintain Statements of Common Ground to document cross-boundary matters and progress in cooperation. Paragraph 36(c) of the NPPF requires plans to be effective — that is, deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred.

4.2 London Plan 2021

The London Plan (2021) states that London should aim to achieve waste net self sufficiency by 2026 in all waste streams except for hazardous and excavation waste (Policy SI8). The London Plan requires London Boroughs to allocate sufficient land and identify waste management facilities to provide qualifying capacity to manage the tonnages of HIC waste apportioned through the London Plan (Policy SI8). The London Plan acknowledges that it may not always be possible for boroughs to meet their apportionment within their boundaries and in such circumstances, boroughs will need to agree the ‘transfer of apportioned waste’ (Para 9.8.7).

Paragraph 9.8.6 also sets out the expectation that boroughs with a surplus of existing waste sites (that would be subject to safeguarding) should offer to share those sites with boroughs facing a shortfall in capacity, before considering release of such sites.

The London Plan (2021) is currently subject to review and it is expected that the updated London Plan will include revised tonnages of waste apportioned to each Borough to plan for.

4.3 East London Joint Waste Plan

The East London Joint Waste Plan is currently at the examination stage of its preparation. The Submission Draft ELJWP identifies that the East London has qualifying management capacity over and above that needed to manage the tonnages of HIC waste apportioned through the London Plan. Paragraphs 4.11 and 4.12 of the ELJWP set out the ELBs' policy approach to sharing that surplus capacity with other London boroughs, including through Statements of Common Ground.

The ELJWP also proposes to not include a limited number of existing waste sites in the safeguarded site listing in Appendix 2. Table 9 of the Plan shows these sites together offer the following management capacity:

- ~38,125 tpa HIC waste
- ~425,316 tpa CD&E waste

Given the London Plan Paragraph 9.8.6 expectation cited above, this is considered to define the capacity that should be offered as a minimum to other London WPAs with an unmet need, before release.

5. Evidence Base

5.1 ELBs' Surplus Capacity.

The evidence base prepared to support the ELJWP demonstrates that the ELBs have a surplus of waste management capacity at 2041 of between approximately 0.68 Mtpa and 1.2 Mtpa of qualifying capacity for the management of HIC waste (the range reflecting scenarios with and without Mechanical Biological Treatment facilities) and approximately 0.98 Mtpa of Construction, Demolition and Excavation (CDE) waste management capacity surplus. After the release of the limited number of sites (as set out in paragraph 4.3 above) this would reduce to: 0.64Mtpa-1.2Mtpa and 0.56Mtpa respectively.

5.2 LBTH's Unmet Need.

LBTH has undertaken and published evidence demonstrating its unmet waste management need, including a Waste Topic Paper and an assessment of its Strategic Industrial Location (SIL) and Locally Important Industrial Location (LIL) sites to establish whether any suitable sites within the borough could accommodate waste management uses. LBTH has identified an unmet need for qualifying capacity to manage 192,370 tpa of HIC waste apportioned by the London Plan and capacity for the management of 56,953tpa of C,D&E waste forecast to arise through to 2041.

5.3 Existing Waste Flows.

The Environment Agency Waste Data Interrogator (WDI) indicates that over the last 5 years, mean waste flows from LBTH to sites located in the ELJWP area were as set out below (excluding permanent disposal to land which does not class as qualifying capacity or contribute towards the London Plan management targets) - see Appendix 1 for breakdown of five year data.

- ☐ **~15,000 tpa** HIC waste (exclusively to LB Newham)
- ☐ **~52,500 tpa** CD&E waste (to LB Barking & LB Havering)

As the quantum of existing waste flows from LBTH to sites located in the ELJWP area are less than the capacity of the sites being released, the quantum of capacity being shared is limited to that offered by the sites for release, within which the reported established flows may be maintained.

6. Agreed Capacity Sharing Arrangement

6.1 Quantum of Capacity to be Made Available

- 6.1 The ELBs agree to share the amount of capacity offered by existing waste sites to be released from safeguarding through the ELJWP set out in Table 1 below.

Table 1: ELJWP Shared with LBTH

Component	HIC Waste	C,D&E waste
Capacity to be lost through ELJWP site release	38,125	425,316
LBTH Request	192,370	56,953
ELB Capacity Shared with LBTH	38,125	56,953

6.2 Conditions of the Arrangement

The capacity sharing arrangement set out in this SoCG is subject to the following conditions:

- The capacity identified in section 6.1 above is ‘reserved’ by the ELBs so that LBTH may rely on it to demonstrate the soundness of its Local Plan. This will be recorded in the ELBs’ Authority Monitoring Report.
- LBTH accepts that the capacity made available under this SoCG is to be counted towards meeting its unmet needs, informed by the London Plan 2021, and shall reflect this through its Local Plan Monitoring Framework and associated Authority Monitoring Reports.
- The arrangement does not preclude LBTH from:
 - continuing to seek to identify additional waste management capacity within its own boundary;
 - determining applications for such capacity favourably, should any come forward, and;
 - making further capacity sharing agreements with other boroughs.
 - Seeking an updated agreement with the ELBs should the London Plan apportionment change.
- Any permissions and capacity sharing agreements that provide capacity of the type to which this SoCG relates, will be taken into account at the review of this SoCG.
- The ELBs retain the right to review this arrangement if the capacity pool is materially reduced through circumstances outside their control (e.g. site closure, change of use consent granted on appeal).

6.3 Duration

This SoCG takes effect from adoption on the East London Joint Waste Plan and shall remain in force until a review of the East London Joint Waste Plan, or a significant change in circumstance as laid out in paragraph 8.1.

7. Matters Agreed

7.1 The following table sets out the matters agreed between the parties and any residual matters.

Strategic Matter	ELBs Position	LB Tower Hamlets Position	Common Ground Agreed?
ELBs' surplus waste management capacity at 2041	Confirmed surplus for the management of HIC waste and CDE waste above ELBs' identified needs after site release.	ELBs have a significant surplus of capacity after site release.	Yes
LBTH's unmet waste management need	LBTH has a management capacity need that cannot be fully met within its own boundary	Confirms unmet need of 192,370 tpa HIC waste and 56,953 tpa CDE waste.	Yes
Quantum of capacity to be shared	38,125tpa of qualifying capacity for the management of HIC waste and 56,953 tpa of capacity for the management of CDE waste		tbd
Duration and review mechanism	Agrees duration and review provisions set out in section 6.3		tbd
Reflection in respective Local Plans	ELBs to note this SoCG in ELJWP AMRs and any future plan review and monitor availability of capacity within East London		tbd

8. Governance and Monitoring

- 8.1 The parties agree to review this SoCG jointly following any significant change in circumstances, including:
- material changes to the pool of capacity available in East London;
 - adoption of a review of the ELJWP or the LBTH Local Plan;
 - revisions to the London Plan waste apportionment figures, revision to definition of qualifying capacity and introduction of additional management requirements; or
 - significant changes to waste arisings in either area.
- 8.2 Both parties will report on the status of this capacity sharing arrangement in their respective Authority Monitoring Reports.
- 8.3 Either party may give written notice to the other requesting a formal review of the SoCG, if a significant change in circumstance is identified as laid out in 8.1.
- 8.4 Any updated version of this SoCG shall be agreed in writing and signed by authorised representatives of both parties before taking effect.

9. Signatories

Both parties confirm that this Statement of Common Ground is an accurate and agreed record of the matters set out herein.

Signed by BeFirst, on behalf of London Borough of Barking and Dagenham: Name: Date: Position:	Signed on behalf of the London Borough of Tower Hamlets: Name: Date: Position:
Signed on behalf of London Borough of Havering: Name: Date: Position:	
Signed on behalf of London Borough of Newham: Name: Date: Position:	
Signed on behalf of London Borough of Redbridge: Name: Date: Position:	

Appendix 1: 5 year breakdown of actual flows from LBTH to sites located in East London (WDI)

	Hhold/Ind/Com (HIC)				Inert/C+D (CDE)				Totals ex Landfill	
Year	Landfill	MRS	Transfer	Treatment	Landfill	MRS	Transfer	Treatment	HIC	CDE
2024	53	267	15,056	231	26,620		2,985	37,485	15,555	40,470
2023	529	63	14,081	129	55,378	23	8,400	19,608	14,272	28,031
2022	493		14,316	473	15,617	64	10,278	27,579	14,789	37,920
2021	619	49	14,994	733	45,679	102	20,919	51,690	15,775	72,711
2020	705		14,307	868	0	160	29,515	53,354	15,175	83,030
5yr mean									15,113	52,432

Appendix 2: Extract of London Borough of Bexley Local Plan (adopted April 2023)

Bexley Local Plan – Part 1: strategic and non-strategic policies

- 6.83 Waste management capacity in the borough exceeds the apportionment assigned to Bexley in the London Plan. Because of this, Bexley has formally accepted responsibility for meeting the waste management capacity for London Plan waste apportionment requirements identified for the City of London and City of Westminster. Therefore, Bexley brings a higher apportionment requirement into its collaborative working with the other southeast London waste planning authorities.
- 6.84 In addition, the Council may enter into joint waste planning arrangements with other London boroughs, as appropriate, to make the most efficient use of any surplus capacity after London Plan apportionments have been applied. This can happen unilaterally or in partnership with the Southeast London Joint Waste Planning Group.