

## ELJWP Inspector MIQs – ELBs Response

### Matter 2: The approach to meeting London Plan apportionments and any other arisings

Ref.	Question
Issue (i)	<b>Are the Vision and Objectives of the Plan appropriate and justified and do they provide a sound basis for the management of waste in the Plan area?</b>
2(i).1	<p><b><i>With reference to the relevant statutory duties of the Planning (Listed Building and Conservation Areas) Act 1990 and national planning policy, is the description of the overarching approach of the Plan in the Executive Summary, and Strategic Objective 3 justified insofar as they state that capacity should be designed in a way that protects and enhances communities and the natural and historic environment? Is it consistent with the NPPW (paragraph 5), which references "significant adverse impacts on environmental quality"? Would use of this phrase elsewhere in the plan (for example the Purpose of Policy blocks) be justified?</i></b></p>
	<p>The wording in the Executive Summary and Strategic Objective 3 is intended to set an overarching and aspirational direction, whereas Policy JWP4 provides the development test by requiring proposals to protect the historic environment by avoiding and/or mitigating adverse effects. The use of 'protects and enhances' in the Executive Summary and Strategic Objective 3 is not inconsistent with the statutory heritage duties or paragraph 5 of the NPPW or indeed policy JWP4.</p> <p>The wording in question was added to the Plan following consultation on the draft ELJWP (SD01) in response to the following comments made by Historic England at that time:</p> <p><i>"Our comments are made in the context of the principles relating to the historic environment and local plans within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guide (PPG). In particular, we would stress the requirement set out in paragraph 196 of the NPPF that plans should provide a positive strategy for the historic environment."</i></p> <p><i>"We consider that the following amendments to the draft are therefore necessary to ensure appropriate consideration of any related issues, as well as to ensure that the historic environment is treated in the same was as the natural in the Plan.</i></p> <p><i>Firstly, we consider that the overarching approach of the Plan as set out on pages 4 and 5 should also include a reference to historic environment. This could be included at bullet point 5 in relation to projects designed to increase or upgrade waste management capacity. Similarly, we would suggest that Strategic Objective 3 within the Vision for the Plan on pages 41 and 42 should also refer to the historic as well as natural environment. Finally, a further reference to the historic environment should be introduced within clause A of policy JWP4. This could be along the lines of 'Any adverse impacts on the historic environment, including measures to avoid and/or mitigate effects.'</i></p>

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	<p><i>Historic England considers the above are necessary to reflect the requirements of the NPPF and to ensure appropriate consideration of historic environment issues as and when they may arise.”</i></p> <p>In its representation on the Submission Draft Plan (CD01), Historic England noted that it welcomed and supported the amendments made (see CD08, pg 101).</p>
<b>2(i).2</b>	<p><b><i>Is the Plan's vision clear and unambiguous and thus consistent with paragraph 16 of the Framework insofar as it requires "hazardous properties [to be] virtually eliminated in construction and demolition waste"?</i></b></p>
	<p>Yes. It is considered that the wording is clear and unambiguous. It is worth noting that the wording aligns with the Government's stated ambition of “the near elimination of biodegradable municipal waste to landfill” for example.</p> <p>In any event it would be wrong to imply the Vision 'requires' this. Rather the Vision sets out the aspiration/ambition of the Plan making bodies, from which the Strategic Objectives flow and delivery of which the Plan Policies are intended to achieve. That is to say, there are a number of steps between the Vision statement to actual implementation.</p>
<b>2(i).3</b>	<p><b><i>With reference to paragraphs 2.22 to 2.26, would the vision, objectives and policies of the Plan be effective insofar as they relate to water quality?</i></b></p>
	<p>Yes. Paragraphs 2.22 to 2.26 are supported by the vision, objectives and policies of the Plan. The vision and strategic objective 3 expect waste management facilities to be located to protect and enhance communities and the natural environment.</p> <p>Policy JWP2B concerns the safeguarding and development of wastewater treatment infrastructure and Policy JWP4 relating to the design of proposals requires at Clause A criterion 2. measures to avoid associated risks to the environment (including the water environment) to be designed into their construction and operation as well as water efficiency (criterion 4), and climate resilience (criterion 5).</p> <p>Taken together, these provisions are considered to provide an effective basis for protecting water quality.</p>
<b>Issue (ii)</b>	<p><b>Whether the methodology used to identify waste arisings (other than those identified in the London Plan) over the plan period is justified on the basis of a robust analysis of the best available data and information?</b></p>
<b>2(ii).1</b>	<p><b><i>Is the methodology used to identify construction, demolition and excavation (CDE) waste arisings justified, up to date and consistent with the 'Waste' PPG; and does it provide a robust basis for the Plan's policies in this regard?</i></b></p>
	<p>Yes. The methodology set out in SD12 uses the best available data, following the national methodology for estimating C,D &amp; E waste arisings<sup>1</sup>. It also goes beyond solely focussing on waste attributed explicitly to East London in the Environment</p>

<sup>1</sup> Methodology for estimating annual waste generation from the Construction, Demolition and Excavation (CD&E) Sectors in England  
<https://assets.publishing.service.gov.uk/media/5a814ac540f0b62305b8e273/CDE-generation-methodology.pdf>

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	<p>Agency Waste Data Interrogator (WDI), by apportioning the substantial tonnage of C, D &amp; E waste that has not been attributed in the WDI to a source below that of 'London'. In doing so it is going above and beyond a minimum baseline value approach.</p> <p>Planning Practice Guidance (PPG) advises a static growth forecast be adopted as a default and it is this approach that has been taken.</p>
<b>2(ii).2</b>	<p><b><i>Are the methodologies used to identify other arisings justified, up to date and consistent with the 'Waste' PPG; and do they provide a robust basis for the Plan's policies in these regards?</i></b></p>
	<p>Yes. The principal other arising assessed is hazardous waste and the methodology for assessing this is set out in the hazardous waste assessment report (SD11). While PPG advises reliance on the Environment Agency Hazardous Waste Interrogator for estimating arisings, because of known weaknesses with reliance on this dataset alone, other related datasets that overlap have also been referenced in the hazardous waste assessment, thereby arriving at a more robust value.</p> <p>As growth in hazardous waste as a whole is very much a result of how arisings of specific hazardous waste types may change, a more granular approach has been taken to arrive at forecasts as set out in Section 3 of the hazardous waste assessment report (SD11).</p>
<b>Issue (iii)</b>	<p><b>Whether the assessment of site capacities is justified and based on a robust analysis of the best available data and information?</b></p>
<b>2(iii).1</b>	<p><b><i>Is the assessment of site capacities up to date, justified and based on a robust analysis of the best available data and information?</i></b></p>
	<p>Yes. As shown in the Capacity Assessment Report (SD10), the assessment of site capacities has taken all current publicly available data and information into account to enable a detailed site by site assessment of maximum capacity to be undertaken. Reliance on a single data source e.g. the WDI, alone has been avoided to ensure the estimate is robust. This follows advice in national Planning Practice Guidance at Paras 024 &amp; 026 Reference ID: 28-024-20141016</p>
<b>2(iii).2</b>	<p><b><i>Bearing in mind the challenges with data accuracy in relation to HIC and CDE waste in particular, are the assumptions about capacities for individual sites justified and effective?</i></b></p>
	<p>While there is a lack of granularity in the European Waste Catalogue to distinguish between household and commercial waste - both types being classified under Chapter 20 Municipal Waste. However, this is not the case with CDE waste which is primary classified under European Waste Catalogue/List of Waste Chapter 17 - Construction &amp; Demolition Sector. Hence it is relatively straightforward to identify sites accepting HIC waste predominately (and then determine their management capacity) - to which the London Plan apportionments relate - from sites that predominately accept CDE waste (counted as CDE waste management capacity). In addition, the WDI provides a Basic Waste Classification for 'HIC' and 'C+D/Inert' and 'Hazardous' waste which provides a useful screening tool to distinguish inputs to each site by type. In addition, where available reference has been made to planning consents and bespoke</p>

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	environmental permits to establish site capacities, and these specify waste types that may be accepted.
<b>2(iii).3</b>	<b><i>How have the capacities of sites with temporary permission due to expire in the Plan period been assessed?</i></b>
	<p>As stated at Paragraph 4.1 of the Submission Plan <i>"It is important to note that this study did not include existing capacity with temporary planning permission or very small sites and on this basis it may be considered to have underestimated existing capacity."</i></p> <p>This is reinforced by Paragraph 6.33 which states:  <i>"Some sites may have a time limited planning permission for a waste management use and the temporary nature of the permission means that it has been determined that it is not desirable for the use permitted to continue beyond a certain date. For this reason, sites with time limited planning permission are only safeguarded by the ELJWP up to the date on which the permission expires. This is regardless of the status of any related Environmental Permit for the site e.g. if it has been surrendered."</i></p> <p>Five sites in total were found to be subject to temporary planning permissions i.e. due to expire in the next five years, and none of these are listed for safeguarding in Appendix 2 of CD01 (footnote 7 SD10 East London Capacity Assessment Update) and, as noted above, their capacity has not been factored into the determination of capacity in East London.</p>
<b>Issue (iv)</b>	<b>Would the Plan's approach to meeting the London Plan's apportionments and other identified arisings be effective; and is it positively prepared in these respects?</b>
<b>2(iv).1</b>	<b><i>Is the Plan informed by effective and on-going work between strategic policy making authorities?</i></b>
	<p>Yes. The Duty to Cooperate Statement of Compliance (CD09) and the accompanying update for submission (CD10) demonstrate the on-going engagement that has taken place with strategic bodies since the beginning of the Plan making process. This includes the GLA and London Boroughs, among others.</p> <p>Section 5 of CD09 includes a detailed log of all relevant cooperative activities that the Boroughs have participated in, linked to each strategic waste planning matter identified. Since submission, further meetings have taken place with London Borough of Tower Hamlets on 04.03.2026 and 18.05.2026, demonstrating our on-going engagement on the issue of capacity sharing.</p>
<b>2(iv).2</b>	<b><i>How have the Boroughs worked with neighbouring authorities to consider necessary facilities when planning for hazardous waste (per paragraph 9.8.18 of the London Plan)?</i></b>
	<p>Yes. Our engagement with neighbouring authorities on this issue is set out in the Duty to Cooperate Statement of Compliance 2025 (CD09) at paragraphs 3.18-3.19. The East London Boroughs contacted authorities where key facilities were located that received significant quantities of hazardous waste from East London to ascertain if these movements could continue to be relied upon over the plan period. The only host</p>

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	<p>WPA raising this matter as a potential issue was Oxfordshire County Council in their Regulation 19 response.</p> <p>A Statement of Common Ground was signed between the East London Boroughs and Oxfordshire County Council in February 2026 (SD29). This set out that Oxfordshire County Council were satisfied that the Plan does allow for the delivery of future hazardous waste sites, and therefore they no longer considered this to be an outstanding strategic matter. We therefore consider that our engagement accords with the principle of paragraph 9.8.18 of the London Plan.</p>
2(iv).3	<p><b><i>Is the Plan justified, positively prepared and in general conformity with the London Plan (in particular paragraphs 9.8.6, 9.8.7 and 9.8.18) insofar as its approach to unmet waste needs from neighbouring areas is concerned in terms of:</i></b></p>
a)	<p><b><i>London Plan apportionments</i></b></p>
	<p>As stated in Paragraph 4.4 of the Submission Plan CD01 (and shown in Table 7 of the SD10 East London Capacity Assessment Update), a worst case surplus in qualifying capacity for the management of HIC i.e. apportioned waste of c0.68Mtpa at 2041 was identified for the Plan area, after Mechanical Biological Treatment (MBT) capacity is discounted (due to future uncertainties in the ELWA Contract). If MBT is included, the capacity surplus at 2041 has been assessed to stand at 1.1Mtpa. The ELBs consider the minimum surplus to be sufficient to enable sharing of capacity in principle. It is understood this may be achieved by way of the transfer of a tonnage of apportioned waste from one LB to another as set out in Paragraph 9.8.7 of the London Plan in the following terms: <i>"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."</i></p> <p>As set out at Paragraphs 4.11 and 4.12 of the Submission Plan, the ELBs understand that surplus capacity should be offered before the release of sites is considered through the plan-led approach. The ELBs have cooperated with London Boroughs that have responded to the invitation to have a share in the surplus capacity identified above. During these conversations, the ELBs have requested a robust justification of unmet needs for which the Plan is being asked to provide. The principal request subject to these conversations was that made by London Borough of Tower Hamlets, with which the ELBs have signed a Statement of Common Grounds submitted to the Examination as document SD28. Details regarding the latest outcome of duty to cooperate discussions with the London Borough of Tower Hamlets are provided in response to matter 3(iii).1.</p>
b)	<p><b><i>Construction, demolition and excavation waste</i></b></p>
	<p>As stated in Paragraph 4.5 of the Submission Plan (and shown in Table 8 of the East London Capacity Assessment Update (SD10)), a surplus in management capacity for CDE waste of c0.98Mtpa has been identified for the Plan area at 2041. While the ELBs consider this surplus to be sufficient to enable sharing of capacity in principle, it is not apparent by what mechanism this ought to be delivered, as CDE waste is not subject to apportionments in the London Plan in the way that HIC waste is.</p>

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	<p>The ELBs remain open to committing to share a proportion of the surplus capacity and enshrining this into a Statement of Common Ground as per Paragraph 4.12 of the Submission Plan. A Statement of Common Ground between the ELBs and LBTH has been prepared and submitted to the examination (SD28). Details regarding the latest outcome of duty to cooperate discussions with the London Borough of Tower Hamlets are provided in response to matter 3(iii).1.</p>
<b>C)</b>	<b><i>Hazardous waste?</i></b>
	<p>As stated in Paragraph 4.6 of the Submission Plan (CD01) (and shown in Table 11 of the Capacity Assessment Update (SD10)), rather than a surplus in hazardous waste management capacity, a deficit of c18,400tpa was identified in the Plan area. Therefore, there is no scope for the ELBs to offer capacity to meet any unmet needs for the management of this waste type.</p> <p>Moreover, Paragraph 9.8.18 of the London Plan directs LPAs towards the identification of sites for regional facilities which may involve working with neighbouring authorities. These authorities could be within or outside London, and hence there is no expectation that London Boroughs seek to meet their management needs for this waste type within London alone.</p>
<b>2(iv).4</b>	<b>Does the Plan support capacity increases at existing waste sites in a way that is in general conformity with the London Plan, and which would enable a flexible response to currently unanticipated needs?</b>
	<p>Yes. Policy JWP2 as proposed to be amended, is the principal policy relating to provision of additional capacity. At clause C this policy allows for the increase in throughput of existing waste management facilities where the waste to be managed will be dealt with further up the hierarchy (unless a life cycle assessment demonstrates that the method of management proposed is appropriate). Clause D relates to proposals including changes to the operation and layout of safeguarded waste sites which may increase capacity, and Criterion 5 i. of clause D asserts that proposals ought to be on a safeguarded existing waste site in the first instance. Given the focus of the London Plan is on driving waste up the hierarchy, and its emphasis on the intensification of uses of existing waste sites, this Policy can be regarded as being in general conformity with those intentions.</p>
<b>2(iv).5</b>	<b>Are landfill operations at Rainham anticipated to cease within the Plan period, and if so, how has cooperation with planning authorities outside of the Plan area sought to address any demand for non-inert capacity (per paragraph 4.9 of the Plan)?</b>
	<p>Planning permission has recently been granted to extend the term of landfill operations at Rainham, however it is still currently anticipated to cease to operate within the Plan period (end of 2029 and restoration end of 2031). The Environment Agency Remaining Landfill Void dataset shows the site as having just over 1 million m<sup>3</sup> of void remaining (confirmed by Officers Report for Permission P1633.24). As shown in Figure 6 of the Waste Management Topic Paper (SD09), inputs to the site have declined over the years. The WDI 2024 shows the site as having accepted a total of 318,346t of waste in 2024 (267,602t HIC, 48,424t inert), and of this only</p>

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	<p>30,633t is reported as coming from the Plan area. The principal reported source of inputs is London as a whole (99,649t), Essex (68,321t) and Kent (58,517t).</p> <p>In order to assure themselves of the availability of landfill void over the Plan period, the ELBs have reached out to all WPAs hosting landfill sites that received strategically significant quantities of waste from East London in the period 2022-2024 (SD13). The responses have been compiled and are presented in Appendix 1 to the Waste Management Topic Paper (SD09). This demonstrates that there is a spread of landfills with remaining capacity in proximity to East London over the Plan period including the nearby Ockenden Landfill site in Thurrock, which is shown as having over 3 million m3 of void remaining at the end of 2024 in the EA Remaining Landfill dataset.</p>