

## ELJWLP MIQs

### Matter 4: Proposals for new waste uses

Ref.	Question
<b>Issue (i)</b>	<b>Is the Plan's approach to proposals for new waste uses effective, consistent with national policy and in general conformity with the London Plan?</b>
<b>4(i).1</b>	<b><i>Are the Plan's policies effective in terms of how proposals for new waste uses at new and existing waste sites would be considered?</i></b>
	<p>Yes. The Plan's policies provide a coherent basis for considering proposals for new waste uses at both new sites and existing safeguarded sites in East London.</p> <p>Policy JWP2 safeguards existing capacity, limits unnecessary additional capacity, and identifies the circumstances in which new or reconfigured waste uses may be supported. When read with Policies JWP3, JWP4 and JWP5, the Plan provides an effective decision making framework for proposals for waste management capacity and provides a clear signal to the market for the type of development that would likely attract support.</p> <p>In its representation on the Submission Draft Plan, the GLA confirmed that the Plan is in general conformity with the London Plan and, in particular, did not raise any concerns in relation to the Plan's approach to proposals for new waste uses at new and existing waste sites.</p>
<b>4(i).2</b>	<b><i>Is Policy JWP2 effective in distinguishing between the considerations to be applied to proposals for new waste developments, and those to be applied to the intensification and/or expansion of existing sites?</i></b>
	<p>JWP2 does not distinguish between the considerations to be applied to proposals for new waste developments, and those to be applied to the intensification and/or expansion of existing sites because the considerations are the same regardless of whether a proposal is located on a new site or an intensified/expanded existing site. Where appropriate this is made clear within the policy, in particular Clause D states (with emphasis added): <i>"Subject to criterion C above, proposals for waste management uses, including changes to the operation and layout of safeguarded waste sites, will be permitted where it is demonstrated that:..."</i></p>
<b>4(i).3</b>	<b><i>Are Policies JWP2 (particularly criteria C(4) and F) and JWP2B(D) justified and do they avoid unnecessary duplication of policies applying to the area (per paragraph 16 of the Framework)?</i></b>
	<p>Yes. Policy JWP2 is justified as the waste specific criteria follow requirements in the National Planning Policy for Waste and address matters that are not fully captured by general local plan policies, including safeguarding, waste hierarchy, wastewater treatment, and waste specific locational considerations. References to the need for proposals to be consistent with all other policies in criteria C(4) and F) and JWP2B(D) are not essential and the Boroughs would be happy to propose a modification to remove such references. This is also discussed in response to Q4(i).4 below.</p>
<b>4(i).4</b>	<b><i>In requiring certain sorts of proposals to be consistent with "all other policies in the Development Plan" is Policy JWP2(D)(6) justified (with reference to R v Rochdale Borough Council ex parte Milne [2000] EWHC 650 and R. (on the application of Laura Cummins.) v Camden London Borough Council [2001] EWHC (Admin) 1116)?</i></b>

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	The requirement for certain sorts of proposals to be consistent with "all other policies in the Development Plan" was inserted to signpost that the Development Plan as a whole needs to be considered when proposals for waste related development are being formulated and decisions on those proposals are being made. The inclusion of this clause is not essential to the meaning of the Policy and the Boroughs would be happy to propose a related modification.
<b>4(i).5</b>	<b><i>Would the wording set out in paragraph 6.68 ("Other policies in the Development Plan for the area in which any development is located will also apply") provide the basis of a main modification to address any soundness concerns emerging in response to questions 3 and 4 above?</i></b>
	Yes. As noted above, inclusion of this text in Policy is not considered essential to the effectiveness of the policy.
<b>4(i).6</b>	<b><i>Is the Plan clear, effective and justified insofar as the consideration of proposals for waste uses relating to minerals sites (including the processing of secondary aggregates, and in terms of site restoration) is concerned, (noting that the 'Assessment of Existing Waste Management Capacity' (SD10) identifies a shortfall in management capacity relating to inert waste)?</i></b>
	The production and processing of secondary aggregate on mineral sites is mentioned within the minerals chapter of the NPPF (and the London Plan (Policy SI 10)) rather than National Planning Policy for Waste as, while a waste related activity, it is primarily considered to be a mineral supply operation and so, while it is not expressly addressed in the ELJWP is covered in certain Boroughs' Local Plans. Additional text could be added to the Plan to confirm the position. The London Plan recognises that net self-sufficiency in the management of inert excavation waste is unlikely to be achieved within London due to the lack of opportunities (including mineral sites requiring restoration) for the management of such waste, however this matter is specifically addressed by Policy JWP6 B.
<b>4(i).7</b>	<b><i>Is the Plan positively prepared insofar as hazardous waste is concerned and is it in general conformity with the London Plan (see in particular paragraph 9.8.18) in these terms?</i></b>
	Yes. The Plan is positively prepared in relation to hazardous waste. The Plan (and associated evidence base <sup>1</sup> ) quantifies hazardous waste arisings and existing capacity in East London, the Plan safeguards identified existing hazardous waste management capacity, and its policies (specifically JWP2) do not preclude new hazardous waste facilities coming forward where justified. The evidence related to cross-boundary movements of hazardous waste <sup>2</sup> and related Statements of Common Ground <sup>3</sup> further demonstrate that the Boroughs have planned for hazardous waste in the manner contemplated by London Plan paragraph 9.8.18, namely through safeguarding, evidence and cooperation to develop regional facilities rather than by assuming that all provision is to be made within the Plan area.
<b>4(i).8</b>	<b><i>How is suggested modification SM3 (see attached Schedule) intended to secure soundness and/or legal compliance, and would the wording achieve general conformity with the London Plan (in particular Policy SI 8) in requiring waste to</i></b>

<sup>1</sup> See SD11: Baseline & Forecast for Hazardous Waste Arising in East London to 2041, January 2025, BPP Consulting LLP

<sup>2</sup> See SD13: Identification of Strategically Significant Cross Boundary Waste Movements, February 2025, BPP Consulting LLP

<sup>3</sup> See CD09: Duty to Cooperate Statement of Compliance, Submission Version, 08.10.25

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	<b><i>be dealt with further up the hierarchy where capacity increases at existing sites are proposed?</i></b>
	<p>Modification SM3 is intended to simplify and clarify the application of Policy JWP2 rather than change the outcomes envisaged by the policy and so is not essential to the soundness of the Plan.</p> <p>The purpose of this element of the policy is to ensure that, in circumstances where East London already has surplus capacity, increases in capacity at existing sites will only be supported where they deliver a clear benefit, consistent with the Plan's overarching objective of moving waste management further up the hierarchy consistent with Policy SI 8 of the London Plan.</p>
<b>4(i).9</b>	<b><i>Is the wording of SM3 internally consistent with criterion D(1) of Policy JWP2?</i></b>
	Yes, the wording of SM3 is internally consistent with criterion D(1) of Policy JWP2 however there is a degree of duplication which could be resolved by a modification to avoid confusion and improve clarity of the Plan.
<b>4(i).10</b>	<b><i>Is Policy JWP2 D(3) in general conformity with the London Plan (in particular Policy SI 8) and internally consistent with Policy JWP2 D(1)?</i></b>
	<p>Yes. Policy JWP2(D)(3) is consistent in principle with Policy SI 8 of the London Plan because it allows a reduction in site throughput only where waste would be managed further up the hierarchy, thus supporting a more sustainable waste management outcome.</p> <p>Unlike Policy JWP2 D(1), Policy JWP2 D(3) specifically addresses decreases in throughput and is specifically intended to address the question of whether compensatory provision might be needed.</p>
<b>4(i).11</b>	<b><i>Suggested modification SM4 (see attached Schedule) would include a reference to safeguarded wharfs. Why is this necessary to achieve soundness?</i></b>
	The reference to safeguarded wharves was added in response to a representation from the Port of London Authority and while it is not strictly necessary to achieve soundness, its inclusion is justified as a clarification because safeguarded wharves are expressly identified in Policy SI 8 of the London Plan and in the Waste Management Topic Paper <sup>4</sup> (SD090) as potentially suitable locations for waste management uses, alongside their other uses for which they are safeguarded.
<b>4(i).12</b>	<b><i>Does Policy JWP2B support wastewater treatment investment as expected in Policy SI5 of the London Plan and does it do so in a justified and effective way?</i></b>
	Yes. Policy JWP2B supports wastewater treatment investment in a justified and effective way by safeguarding existing wastewater treatment facilities from loss or encroachment and by supporting new or expanded wastewater treatment capacity where need is demonstrated and relevant development management criteria are satisfied. That approach is in general conformity with London Plan Policy SI 5.
<b>4(i).13</b>	<b><i>Does the Plan set out a justified and effective basis for the consideration of proposals for energy from waste facilities?</i></b>

<sup>4</sup> See paragraph 5.36

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	<p>Yes. Policy JWP5 is intended to ensure proposals for energy from waste will result in genuine recovery of waste and only utilise feedstock comprised of waste that cannot practically be managed by a means further up the waste hierarchy. In addition, the policy addresses impacts that may arise from such development due to the production of by-products; proximity to waste sources; and transport of waste, and seeks establishment of Combined Heat and Power and non-biogenic carbon emission minimisation or capture. Together with the supporting text, the Policy (along with other relevant policies of this Plan and the development Plan as a whole) provides a coherent decision making framework which is consistent with national policy and the objectives of the Plan, in particular promotion of the waste hierarchy and decarbonisation of the waste sector against which proposals for such facilities may be determined.</p>