

## ELJWP Inspector MIQs – ELBs Response

### Matter 1: Legal and procedural requirements

Ref.	Question
<b>Issue (i)</b>	<b>Does the Sustainability Appraisal (SA) contained within the Integrated Impact Assessment (IIA) comply with the requirements of the 2004 Act, the Strategic Environmental Assessment Directive (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations); have equality implications been taken into account?</b>
<b>1(i).1</b>	<b><i>Has the SA process complied with the requirements of the SEA Directive and the SEA Regulations?</i></b>
	Yes. The East London Joint Waste Plan Integrated Impact Assessment (CD03, February 2025) (IIA) sets out how the SA process has been undertaken in accordance with Directive 2001/42/EC (the SEA directive) and the SEA Regulations. The ELJWP IIA undertook a single appraisal process, combining the SA with the requirements of the SEA Regulations, EqIA and HIA. Chapter 1 of the IIA includes a section highlighting the requirements of the SEA Regulations and signposting where they are met in the report (CD03, pp. 18-22).
<b>1(i).2</b>	<b><i>Is the approach to SA compliant with the advice set out in the ‘Strategic environmental assessment and sustainability appraisal’ and ‘Waste’ PPG and based on an appropriate methodology?</i></b>
	Yes. The methodology for the IIA has been formulated in accordance with the ‘Strategic environmental assessment and sustainability appraisal’ and ‘Waste’ PPG. The full methodology is set out in Chapter 2 of the IIA (CD03, pp. 23-36).
<b>1(i).3</b>	<b><i>Has the SA process been genuinely iterative and carried out in step with the stages of plan preparation?</i></b>
	Yes. The development of the SA has been undertaken iteratively throughout the course of the East London Joint Waste Plan’s development. Figure 2.1 of the IIA (CD03, p. 24) sets out the main stages of the plan-making process and shows how these correspond to the IIA process. Paragraphs 2.3-2.31 then describe the IIA work carried out at each of these plan-making stages. This iterative process allowed the Councils to take into account the findings of the IIA during plan-making. The Councils had regard to the key issues identified in the IIA Scoping Report in preparing the plan, including by identifying alternative policy approaches to addressing each issue, prior to drafting the policies within the Regulation 18 draft plan. The IIA report for the Regulation 18 draft plan also provided recommendations in relation to the emerging policies that were considered by the Boroughs in the preparation of

	<p>the Regulation 19 proposed submission plan. Examples of changes made to the ELJWP that reflect recommendations in the Regulation 18 IIA are provided at paragraph 5.67 of the Regulation 19 IIA (CD03, p. 96).</p> <p>The iterative IIA process also provided opportunities for the Council’s to take account of stakeholder views on the IIA process and the reasonable alternatives being considered. The East London Boroughs undertook consultation with the statutory consultees on the intended scope and level of detail of the IIA by consulting on the IIA Scoping Report (CD05) between March and April 2024. The consultation comments received and how these were taken into account are set out Appendix B of the IIA (CD03, pp.208-213). As part of the Regulation 18 consultation on the ELJWP, which took place between July and September 2024, the first draft of the IIA (May 2024) (LPA04) was consulted on. Appendix B of the IIA lists the comments that were received on the Regulation 18 version of the IIA and how each comment was addressed (CD03, pp.207-208).</p> <p>Additional comments to those listed in Appendix B were received during the Regulation 18 consultation from the London Borough of Tower Hamlets. These comments set out that Tower Hamlets would, in future consultations, support the assessment the additional reasonable alternative of taking on some of the waste apportionments of neighbouring boroughs (such as Tower Hamlets) that are unable to meet their own requirements within their boundaries. These comments repeat those same concerns raised by the London Borough of Tower Hamlets during the Regulation 19 consultation, and are responded to in Appendix 3 of the <a href="#">Regulation 22 Consultation Statement (CD08)</a>.</p>
<b>1(i).4</b>	<b><i>Are the alternatives considered by the SA clear and sufficiently distinct to highlight the different sustainability implications of each?</i></b>
	<p>Yes. Chapter 5 of the IIA (CD03, pp. 114-127) includes a section that discusses the reasonable alternatives to the Joint Waste Plan policies considered by the East London Boroughs. Reasonable alternatives to the policies are clearly described, along with their likely effects in relation to IIA sustainability objectives, as compared to the proposed policy approaches. In response to the Regulation 19 consultation, the London Borough of Tower Hamlets has raised concerns regarding reasonable alternatives assessed in the IIA. The East London Boroughs’ response to these concerns is provided in the Regulation 22 statement accompanying the plan (CD08, pp. 17-20 &amp; 132-135).</p>
<b>1(i).5</b>	<b><i>Does the SA realistically take into account the objectives of the ELJWP in relation to the alternatives?</i></b>

	<p>Yes. The ELJWP’s Vision and Strategic Objectives drew on Local Plans and strategies in East London as well as the London Plan and national policies and strategies. Its policies are linked to the Vision and Strategic Objectives to ensure that development that affects the way waste is managed and produced will occur in a manner that helps achieve the Vision and Strategic Objectives. For each of the ELJWP’s policies, the IIA describes whether and why reasonable alternatives were considered to exist, the likely effects of any such alternatives compared to those of the proposed policy, and the reasons for selecting the proposed policy over any alternatives.</p> <p>The IIA sets out that due to the strategic and high-level nature of the vision and objectives, it was considered that there are no reasonable alternatives to appraise (CD03, p. 114). This is consistent with guidance and case law, which confirm that the focus of SA of alternatives should be on assessing alternative ways of meeting a plan’s objectives.</p>
<p><b>1(i).6</b></p>	<p><b><i>Has the preparation of the SA considered the potential for cumulative effects with other Plans with regard to the release of waste sites and the absence of allocations for any new waste sites in the ELJWP area?</i></b></p>
	<p>The effects of the ELJWP policies alone are set out in Chapter 5 of the IIA with the likely effects of Policy JWP2: Safeguarding and Provision of Waste Capacity summarised in Table 5.2 and described in relation to each IIA objective in the following paragraphs (CD03, pp. 97-114). The IIA of this policy finds that since it will maintain a network of waste sites in the plan area that is sufficient to meet future waste management capacity requirements, this will result in a range of positive effects, including in relation to sustainability on climate change (IIA1), treatment of waste (IIA2), the economy (IIA3), sustainable transport (IIA5) and mineral resources and soils (IIA12). Mixed positive and negative effects are identified in relation to most of the other IIA objectives with no significant negative effects identified. In coming to these conclusions, the IIA relies on the evidence on future requirements for waste management capacity summarised and referenced in chapter 4 of the ELJWP (CD01, pp. 52-54).</p> <p>Chapter 6 of the IIA then brings together these effects of the individual ELJWP policies to describe the total effects of the ELJWP, and its cumulative effects with other plans (CD03, pp. 133-144). The IIA finds that, given there are no proposals for additional waste allocations within the ELJWP, it is likely that any in-combination effects with the London Plan and relevant Local Plans will be minimal or relatively minor in scale (CD03, pp.141-143). Chapter 6 of the IIA does not directly reference the cumulative effects of the release of waste sites. This is because the cumulative assessment is</p>

	<p>necessarily high level and the effects of the proposed approach to both site safeguarding and site allocation have already been described for Policy JWP2 in chapter 5 of the IIA, as outlined above.</p> <p>It should also be noted that the IIA is concerned with assessing the effects of what the ELJWP policies propose individually, in total and cumulatively with other relevant plans. The effects of other approaches the ELJWP policies could have taken, such as safeguarding more waste sites or allocating new waste sites, are a matter for the appraisal of alternatives rather than the appraisal of the plan alone or cumulatively. Appraisals of reasonable alternatives to Policy JWP2: Safeguarding and Provision of Waste Capacity, including making provision for additional waste management capacity above the London Plan apportionment and alternative approaches to safeguarding are set out in Chapter 5 of the IIA (CD03, pp. 116-118).</p>
<b>1(i).7</b>	<p><b><i>Is there clear evidence to indicate why, having considered reasonable alternatives, the Plan’s strategy is an appropriate one?</i></b></p>
	<p>Yes. The IIA has adequately and appropriately assessed the likely effects of the ELJWP and reasonable alternatives in conformity with the requirements of the SEA Regulations. The IIA of the ELJWP’s vision and strategic objectives finds that their likely effects are almost all positive (significant or minor), with no significant negative effects identified (CD03, pp. 84-94).</p> <p>As described in response to Q6. above, the IIA also finds that the proposed approach to safeguarding and provision of waste capacity, as set out in Policy JWP2, will result in a range of positive effects and no significant negative effects. The ELJWP’s approach to safeguarding and release has been informed by the plan’s evidence base, which shows that the plan area has more capacity than required for its needs and the additional needs of its neighbours (CD03, paragraph 5.166, p. 119). This assumption is based on total capacity, including the limited release of safeguarded waste capacity proposed through the Joint Waste Plan.</p> <p>Table 6.1 and chapter 8 of the IIA summarise the findings of the assessment (CD03, p. 134 and pp.150-151). Overall, the Plan was found to a range of minor and significant positive effects. Many of these are mixed with potential minor negative effects and are subject to uncertainty, reflecting that effects will partly depend on the extent and location of waste development proposals coming forward over the plan period. No significant negative effects were identified for the plan as a whole (CD03, paragraphs 8.2-8.3).</p>

	<p>Chapter 5 of the IIA (CD03, pp. 114-127) includes a section which assesses the reasonable alternatives to the Joint Waste Plan policies considered by the East London Boroughs and compares these to the effects of the proposed policies. None of the alternatives considered was found to be clearly more sustainable than the proposed approach across the range of IIA objectives. This chapter also sets out the East London Boroughs’ reasons for choosing the proposed approach in light of the alternatives.</p> <p>Full details of the assessment findings for the proposed approach and reasonable alternatives are set out in chapters 5 and 6 of the IIA (CD03, pp.77-144).</p>
<b>1(i).8</b>	<b><i>Has the Plan been informed by a robust assessment of its potential equality impacts?</i></b>
	Yes. These criteria are embedded in the IIA objectives and assessed accordingly. Conclusions are set out through paragraphs 5.176 and 5.177 of the IIA (CD03, p.127).
<b>Issue (ii)</b>	<b>Is the Plan supported by a robust approach to Habitats Regulation Assessment (HRA)?</b>
<b>1(ii).1</b>	<b><i>Is the approach to HRA adequate and how has the Plan taken account of its findings?</i></b>
	<p>Yes. Chapter 3 of the HRA sets out the screening and appropriate assessment methodology, which is in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended), and relevant case law.</p> <p>Consultation of the HRA was undertaken as part of the ELJWP Regulation 18 consultation in summer 2024. Comments received during the Regulation 18 consultation are set out in Appendix C of the HRA (CD06, pp. 78-79). These comments were addressed in the regulation 19 HRA which was consulted on at Regulation 19 stage.</p> <p>The Appropriate Assessment at Regulation 19 stage concluded that, with safeguards provided by Policy JWP4 and Policy JWP5, along with environmental permitting requirements for industrial emissions and water abstraction, adverse effects on the integrity of Habitats Sites will be avoided. No changes were required to the Plan as a result of the HRA findings. (CD06, p. 49). Natural England’s Regulation 19 consultation response accepted this HRA conclusion (Regulation 19 Representations, document reference 36).</p>
<b>Issue (iii)</b>	<b>Has consultation on the Plan been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) and the Boroughs’ Statements of Community Involvement (SCI)?</b>

<b>1(iii).1</b>	<b><i>Are the Boroughs’ SCIs up to date in accordance with Regulation 10A(1)(b) of the 2012 Regulations?</i></b>
	<p>Yes. The Boroughs’ SCIs were up to date during both regulation 18 (29<sup>th</sup> July – 16<sup>th</sup> September 2024) and regulation 19 (19<sup>th</sup> May – 30<sup>th</sup> June 2025) consultations.</p> <p>The Boroughs’ SCIs were adopted as follows:</p> <ul style="list-style-type: none"> <li>• Barking and Dagenham SCI: August 2020</li> <li>• Havering SCI: November 2021</li> <li>• Newham SCI: September 2022</li> <li>• Redbridge SCI: December 2020</li> </ul> <p>The Town and Country Planning (Local Planning) (England) Regulations 2026, which came into force on 25<sup>th</sup> March 2026, removes the requirement for a Statement of Community Involvement to be updated every 5 years from the date of adoption.</p>
<b>1(iii).2</b>	<b><i>Has the consultation on the Plan been carried out in accordance with the SCIs of the East London Boroughs?</i></b>
	<p>Yes. As laid out in the Regulation 22 consultation statement (CD07), a jointly agreed ELJWP Consultation Protocol (SD03 and SD04) was prepared setting out the Boroughs’ approach to consultation on the ELJWP. This Consultation Protocol was informed by, and aligned with, each Borough’s Statement of Community Involvement.</p>
<b>1(iii).3</b>	<b><i>Have the publication, advertisement and availability of the Plan followed the procedures set out in the 2004 Act and 2012 Regulations?</i></b>
	<p>Yes. Chapter 3 of the consultation statement (CD07) details the consultation undertaken at regulation 18 and regulation 19 including but not limited to; who was notified of the consultation, how they were engaged, consultation advertisement, and availability of plan documents online and in-person.</p> <p>All Plan documents were made available online to view and download at each stage of consultation. During regulation 18 consultation, hard copies of all documents were also made available to view in person at principal offices, Dagenham Library, and libraries in Newham, in accordance with regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the boroughs’ SCI requirements. During regulation 19 consultation, hard copies of the ELJWP Regulation 19 Submission Plan (CD01), Policies Map (CD02), Integrated Impact Assessment (CD03), IIA Non-Technical Summary (CD04), HRA (CD06), Consultation Statement (CD07), and statement on the availability of ELJWP documents (CD17) were made available at the same locations.</p> <p>A notice was placed in local newspapers within each Borough during regulation 18 and regulation 19 consultation, detailing the consultation period, how to make comments and where to view documents, in line with Borough SCI requirements. During both regulation 18 and regulation 19,</p>

	notification was sent to a variety of stakeholders and interested parties (detailed in CD07, pg.9) in accordance with the 2012 Regulations.
<b>Issue (iv)</b>	<b>To what extent has the production of the Plan complied with the Boroughs' published Local Development Schemes (LDS)</b>
<b>1(iv).1</b>	<b><i>Is the scope of the Plan accurately described in the Boroughs' LDSs?</i></b>
	<p>Yes. The scope of the ELJWP is accurately described and consistently reflected across the Local Development Schemes (LDS) of the participating Boroughs. The ELJWP will form part of the Development Plan for the East London Boroughs and updates and replaces the adopted 2012 East London Waste Plan, taking account of the changes set out in the Plan and covering the period to 2041.</p> <p>The Plan does not seek to address matters beyond those identified in the LDSs, ensuring it remains within the legal parameters set out at the commencement of the plan-making process.</p>
<b>1(iv).2</b>	<b><i>Has the timing of the production of the Plan followed the timetable set out in LDSs?</i></b>
	<p>Yes. The production of the ELJWP has substantially followed the timelines established in the respective Local Development Schemes (LDS) of the participating Boroughs.</p> <p>There are several stages in preparing a Local Plan which are prescribed in legislation and national policy. The way in which these stages are being applied to the preparation of the ELJWP is outlined in Table 1 of the Plan. These stages correspond with the key milestones identified in the Boroughs' LDSs.</p>
<b>Issue (v)</b>	<b>To what extent does the Plan contain policies designed to secure that the development and use of land in the Boroughs contribute to the mitigation of, and adaptation to, climate change?</b>
<b>1(v).1</b>	<b><i>To what extent does the ELJWP contain policies designed to secure that the development and use of land in the Boroughs contribute to the mitigation of, and adaptation to, climate change?</i></b>
	<p>The ELJWP is fundamentally designed to ensure that waste related development and use of land in the Boroughs contribute to the mitigation and adaption of climate change through its focus on sustainable waste management, the waste hierarchy, and the transition to a circular economy.</p> <p>Section 3.2 of the ELJWP sets out the Plan's vision to ensure that the principles of the circular economy will be fully integrated into all forms of development within East London by 2041, and Section 6 sets out relevant policies for development proposals in East London to achieve the overarching vision and objectives. Policy JWP1 requires that development reduces waste production and increases emphasis on repair, refurbishment and reuse, including that associated with built structures. This supports climate change mitigation by reducing resource consumption and lifecycle carbon emissions.</p>

	<p>In Section 3.2, the Plan embeds sustainable waste management as part of East London’s regeneration, ensuring that facilities will be located to protect and enhance communities and the natural environment and be resilient to climate change. Policy JWP4 requires waste to be managed efficiently by maximising existing capacity of facilities, releasing underutilised or poorly located sites, minimising transportation and using infrastructure established for alternative means of waste movement, in particular via the River Thames. This principle contributes to both climate change mitigation and adaptation.</p> <p>Policy JWP2 requires development to demonstrate that waste is managed in accordance with the waste hierarchy and seeks to achieve net zero in waste management in East London through an understanding, and reduction, of lifecycle carbon impacts and incorporating renewable energy in waste management and transportation. Policy JWP6 outlines that sending waste to landfill will be a last resort, occurring only in exceptional circumstances, and any landfill in East London will be considered a strategic resource with carefully managed capacity.</p> <p>The ELJWP’s approach to climate change is informed by the evidence base documents including the Circular Economy Topic Paper SD07 and Climate Change Topic Paper SD08, which justify the Plan’s policies.</p>
<p><b>Issue (vi)</b></p>	<p><b>Is the Plan compliant with Regulations 5 and 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations)?</b></p>
<p><b>1(vi).1</b></p>	<p><b><i>Is the Plan period to be covered by the ELJWP clear and unambiguous for the purposes of Regulation 5(1)(a)(i) of the 2012 Regulations and in the context of the Framework and the NPPW?</i></b></p>
	<p>Yes, the ELJWP does include a clear plan period within the context of the regulatory and planning policy framework. The plan period is referenced throughout the ELJWP document within different areas of the overall strategic approach towards managing waste in East London. It is specifically stated in the plan’s Strategic Objectives.</p> <p>Chapter 1 ‘<i>Introduction and Background</i>’ of the ELJWP at para. 1.10 states that: ‘<i>The new plan, known as the ‘East London Joint Waste Local Plan’ (ELJWP) (‘the Plan’) updates the East London Waste Plan, by taking account of [policy] changes... and covering the period to 2041.</i>’ This chapter essentially gives an overview of the development and use of land that the plan aims to encourage, in line with Regulation 5(1)(a)(i) of the 2012 Regulations and sets out the plan period. This is a 15-year plan period considering that adoption of the Plan is being sought in 2026, in line with the National Planning Policy Framework (Dec 2024), chapter 3 para. 22.</p> <p>Chapter 3 ‘<i>Vision and Objectives</i>’, at para. 3.1 states that ‘<i>The Vision... describes how the Boroughs envisage how waste, including wastewater, will be managed in East London by 2041.</i>’ The text for the ELJWP Vision states ‘<i>By 2041, the principles of the circular economy will be fully integrated into</i></p>

	<p><i>all forms of development within East London resulting in reduced waste production and increased emphasis on repair, refurbishment and reuse including that associated with built structures.</i>’ Again, the plan period is stated within the context of Regulation 5(1)(a)(i) of the 2012 Regulations, encouraging sustainable waste management land uses during a specified period. The plan period up to 2041 is also mentioned in Strategic Objectives 1, 2 and 5 of the ELJWP (pages 50 and 51).</p> <p>It is considered that the ELJWP plan period of 2026-2041 could be made more explicit by including it within the executive summary and introduction and background chapter of the document, and as part of the title on the document cover.</p>
<b>1(vi).2</b>	<b><i>For the purposes of Regulation 8(5) of the 2012 Regulations, and in the context of paragraph 16(d) of the Framework, is the fact that the Plan intends to supersede other policies in the development Plan stated in a clear way?</i></b>
	<p>Yes. Regulation 8(5) of the 2012 Regulations states that <i>‘Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy’</i>. The ELJWP does this at appendix 5 of the document <i>‘Replacement of Policies in the East London Waste Plan’</i>. The appendix provides a schedule of the 2012 East London Waste Plan Policies and shows the policies replacing them in the ELJWP in the column to the right and provides text stating clearly <i>‘The table below shows how the polices in the 2012 East London Waste Plan are replaced by those in the East London Joint Waste Plan’</i>. Appendix 5 is clearly listed in the table of contents at the start of the document and is referenced at para 2.63 in the ELJWP.</p>
<b>1(vi).3</b>	<b><i>Are all superseded policies identified?</i></b>
	<p>Yes. As stated in the response to question 2, all superseded policies have been identified in appendix 5 Replacement of Policies in the East London Waste Plan. This appendix includes a schedule showing all the policies from the previous 2012 waste plan and the policies that will replace them.</p>
<b>1(vi).4</b>	<b><i>Is the Plan otherwise consistent with the adopted development plans for the Boroughs (per Regulation 8(4) of the 2012 Regulations)?</i></b>
	<p>Regulation 8(4) of the 2012 Regulations states that: <i>‘Subject to paragraph (5), the policies contained in a local plan must be consistent with the adopted development plan.’</i></p> <p>As part of the research and evidence preparation for the ELJWP a study/review of the East London Borough’s local plans, other DPDs, SPDs and guidance was undertaken, to ensure that waste management policies within the ELJWP would not conflict with policies within existing borough plans. In chapter 2 on page 44 of the Plan, under the title <i>‘Local Policy’</i>, a summary of the key waste management related policies within borough local plans and other guidance is provided from paragraph 2.113 to 2.123 and also includes a summary of related policy and guidance within the London Legacy Development Corporation Local Plan within Newham. The Local Policy</p>

	<p>section of Chapter 2 also states that <i>'Policies in this Plan are to be considered alongside relevant policies in the Local Plans'</i>.</p> <p>It is considered that as a result of the review of the East London Borough's local plans the ELJWP is consistent with the adopted development plans for the East London Boroughs and in line with Regulation 8(4) of the 2012 Regulations.</p>
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