

ELJWP Inspector MIQs – ELBs Response

Matter 3: Safeguarded sites and sites to be released from waste use

Ref.	Question
Issue (i)	Is the Plan in general conformity with the London Plan in terms of the types of site considered to be in waste use for the purposes of safeguarding?
3(i).1	<i>Is the description of waste sites set out in paragraphs 6.30 to 6.33 and Policy JWP2 justified, effective and in general conformity with the London Plan?</i>
	<p>Yes - As set out in the section of the Plan headed "<i>Safeguarding of existing waste management capacity</i>" (Paragraphs 6.27-6.42), the ELJWP safeguards land with lawful waste uses confirmed by planning permission or lawful use status, excludes some permit only sites (that may be unlawful in planning terms) and excludes sites under 500 tonnes per year unless they provide specialist capacity. While the definition deviates slightly from the definition set out in the London Plan, it is considered that there is a sufficient degree of overlap between the set of sites proposed to be safeguarded by the ELJWP and those that would be safeguarded via strict application of the London Plan definition, and sufficient capacity provided through the safeguarding of those sites alone to ensure the Plan's objectives will be met in terms of capacity provision such that it can be said that the safeguarding of sites can be deemed to be in general conformity (i.e. reflecting the spirit or intention) with the London Plan. This is confirmed by the fact that the GLA in its representation on the Regulation 19 version of the Plan, did not expressly identify this matter as an issue of general conformity, instead it states "<i>A reference to the possible update of the waste site definition (in the London Plan) within the ELJWP would be welcomed.</i>"</p> <p>Moreover, as set out in Paragraph 6.32, the ELBs consider that safeguarding sites on the basis of being subject to Environmental Permit alone (as expected by the London Plan) would result in perverse outcomes when it comes to assuring that waste uses are lawful under land-use planning. An example of this is a recent Appeal decision against an Enforcement Notice issued by LB Havering against a waste use where the fact the site was subject to a permit, and therefore safeguarded through the London Plan for a waste use, was cited by the appellant as justification for continuation of the use, despite it being unlawful under land-use planning (site ref: HV03 & HV34 PINs Ref: APP/B5480/c/21/3227645 See Para 76-77¹). Hence the inclusion of the following clause in Para 6.33 of the Submission Plan:</p> <p><i>"Finally, where a site is subject to planning enforcement action against the continued use, safeguarding will not take effect/is held in abeyance until the matter has been resolved regardless of permitted status."</i></p> <p>It is considered that it is not necessary for each and every existing waste site safeguarded under the definition included in the current version of the London Plan to</p>

¹ "*The retention of the waste recycling centre on Plot 6 has policy support and is afforded substantial weight.*"

Ref.	Question
	also be safeguarded through the new ELJWP. In that regard it should be noted that the proposed list of safeguarded sites includes 65 sites which nearly triples the number of existing waste sites safeguarded through the current adopted ELWP (26 sites listed in Schedule 1).
3(i).2	<i>As the London Plan is part of the development plan, and in the context of s38(5) of the 2004 Act, would suggested modification SM2 (see attached Schedule) be necessary to achieve soundness?</i>
	<p>SM2 states: Additional sentence to be added to Paragraph 6.32: “Any revised London Plan definition of ‘waste site’ will be taken into account through a subsequent review of the ELJWP.” The addition of this text is proposed in response to the representation made by the GLA and reflects the fact that the London Plan is currently subject to review with a view to it being updated within the Plan period.</p> <p>The additional text is not considered necessary to achieve soundness, but it could be included as an additional modification to provide clarification and acknowledge the forthcoming update to the London Plan.</p>
3(i).3	<i>What is the justification for excluding from safeguarding sites that manage less than 500 tonnes of waste per year that do not provide specialist waste management capacity?</i>
	<p>The primary purpose of safeguarding waste sites, is to ensure that sufficient capacity is available to meet the Plan area’s existing and future needs for the management of waste (and potentially other London Boroughs where unmet needs have been demonstrated) and contribute towards meeting the Plan's Strategic Objectives (and those of the London Plan). As both could clearly be met through the safeguarding of sites listed in Appendix 2, it was considered unduly burdensome and inflexible to place restrictions on the development of every piece of land where some type of waste activity may be taking place on where the capacity provided only makes a very minor (de minimis) contribution to the management of waste in East London. This could, for example, be a single enclosed waste asbestos skip located on a contractor’s yard. In any event, as set out in Para 6.32 of the Submission Plan, these sites would remain safeguarded under the London Plan definition all the time they were subject to environmental permits, but once these permits were surrendered, they could be released without compensatory capacity having to be provided.</p> <p>This confers a degree of flexibility and pragmatism into the ELJWP, so that in some cases, the often-competing needs of waste management capacity and other development may be addressed without resorting to disproportionate control. This more nuanced approach is taken in Waste Local Plans outside London where only sites identified as managing strategically significant quantities of waste are safeguarded (e.g. East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Sites Plan February 2017 Policy SP6).</p>

Issue (ii)	is the safeguarding of individual sites justified; are the capacity assumptions they contain soundly based; and would the stock of safeguarded sites provide
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	sufficient opportunities to meet waste needs?
3(ii).1	<i>How have decisions about the safeguarding of individual sites been reached and has this process been informed by evidence such as the SA and the current established uses of sites?</i>
	<p>As set out in the Capacity Assessment Report (SD10), the basis by which the list of sites in Appendix 2 has been arrived at is as follows:</p> <ol style="list-style-type: none"> 1. Does it provide 500tpa or more of waste management capacity, or less than 500tpa if a specialist use? (if yes proceed to Q2 if no do not safeguard) 2. Is it lawful under land-use planning? (if yes proceed to Q3 if no do not safeguard) 3. Does the site fall within an area identified for redevelopment in a Local Plan? (if no then add to list; if yes do not safeguard) <p>Therefore, it can be said the decision to include sites within Appendix 2 is based on an understanding and assessment of the current established uses of each site. The IIA (CD03) assessed available safeguarding options in Chapter 4 and found in the assessment of Policy JWP 2 that the proposed approach would have a minor positive effect on the whole as compared with following the approach in the London Plan. It also concludes at paragraph 5.161 that taking a London Plan approach is “...likely to have more negative effects than the proposed approach in JWP 2”.</p>
3(ii).2	<i>Are the Plan's safeguarded sites justified and in general conformity with the London Plan?</i>
	<p>Yes. As the primary purpose of safeguarding waste sites is to ensure that sufficient capacity is available to meet the Plan area's existing and future needs for the management of waste (and potentially other London Boroughs), inclusion of all the sites that are lawfully in waste use, save for de minimis sites and sites earmarked for release through Local Plans is justified. These sites together provide more than enough capacity for waste to be managed within East London in accordance with the Strategic Objectives of the Plan (and those of the London Plan including the pooled HIC waste apportionment). Therefore, their inclusion is in general conformity with the London Plan.</p>
3(ii).3	<i>Paragraph 9.8.18 of the London Plan 2021 identifies that, "without sustained action, there remains the risk of a major shortfall in the capacity [of London] to treat and dispose of hazardous waste safely". What action does the ELJWP take to help to address this risk through its approach to safeguarding sites?</i>
	<p>The ELJWP proposes to safeguard all hazardous waste sites regardless of their size or function i.e. the 500tpa threshold does not apply to safeguarding of hazardous waste sites nor the London Plan specific express limitation on release of such sites where the activity involves treatment and/or disposal (Policy SI 9 Clause D). Four sites that contribute capacity for the management of hazardous waste have been safeguarded by the Plan and the Plan does not preclude additional capacity from being developed by application of the criteria-based policies.</p> <p>Policy JWP2 enables hazardous waste capacity to come forward should a specific need emerge.</p> <p>In addition, as per the advice of London Plan at Para 9.8.18 (reproduced at Para 4.7 of the Submission Plan), the key facilities that managed hazardous waste arising in East</p>

	London have been identified in the Strategic Flows assessment (SD13), and the host WPAs contacted to confirm the continued availability of capacity at these facilities over the Plan period. Responses are summarised in Appendix 6 of the DtC Statement of Compliance (CD9).
3(ii).4	<i>Some minerals sites in the Plan area may have the potential to provide waste management capacity but are not safeguarded in the Plan. Is this approach effective, justified and positively prepared?</i>
	Given the purpose of safeguarding is to ensure sufficient capacity is provided, and no shortfalls are identified for the management of HIC waste (apportioned) or CDE waste, it is considered that the sites listed in Appendix 2 are sufficient and there is no in principle requirement to safeguard additional (minerals) sites that might, or might not, provide management capacity for waste uses in future. If a waste use on additional minerals sites becomes lawful under land-use planning and involves the management of quantities of waste in excess of 500tpa then they may be added to the safeguarded site listing through the mechanisms set out in Para 6.50 of the Plan (CD01).
Issue (iii)	is the Plan's approach to releasing sites from waste use or reducing their capacity justified and in general conformity with the London Plan?
	<i>Sites released from safeguarding</i>
3(iii).1	<i>Paragraph 9.8.6 of the London Plan expects that Boroughs with surplus of waste sites should offer to share these sites with those Boroughs facing a shortfall in capacity before considering site release - is the Plan's approach in general conformity with this expectation?</i>
	<p>The ELBs acknowledge the expectation of the London Plan at Paras 4.11 and 4.12 of the Submission Plan and have engaged all London boroughs in this matter. See Section 5 the DtC Statement of Compliance (CD9) and update (SD10).</p> <p>The only borough still expressing an interest is the London Borough of Tower Hamlets (LBTH) and the ELBs are actively engaging with LBTH around the sharing of surplus capacity. At the point of the plan's submission, the ELBs were not satisfied that LBTH had exhausted the possibility of meeting its own needs as set out in page 17 of the Consultation Statement (CD07) and Appendix 3 (p.82) that states: "<i>Currently, the East London boroughs retain concerns with regards to Tower Hamlet's response to the methodology criteria, namely their prioritisation of their Strategic and Local Industrial designations for uses other than waste in their Regulation 19 Local Plan, as well as their lack of duty to cooperate engagement with other London boroughs with which they share established waste management flows.</i>".</p> <p>LBTH has now undertaken detailed analysis of land availability for waste uses in their Strategic and Local Industrial Land; this study indicates that there are no available permanent sites within LBTH's borough boundary to meet their waste capacity needs. The ELBs are satisfied that the study demonstrates that LBTH cannot meet their waste capacity needs within their boundary. The ELBs maintain that Statements of Common Ground are the appropriate mechanism to agree capacity sharing. The Plan wording (CD01, paragraph 4.12, p.54) allows for capacity sharing agreements to be made outside of the plan process. This allows flexibility to account for any updates to the boroughs' apportionment through the imminent review of the London Plan and would allow the</p>

	ELBs to assess other requests for capacity sharing throughout the Plan period. The SoCG mechanism also allows the ELBs the opportunity to review the evidence of LBTH's requests for capacity sharing with neighbouring boroughs and those boroughs with which they share significant waste flows.
3(iii).2	<i>Paragraph 9.8.7 of the London Plan sets out that Boroughs should aim to meet their waste apportionment as a minimum (as set out at Table 9.1 of the London Plan) and will need to agree the transfer of apportioned waste where this is not possible. Within the context of the release of sites, what consideration has been made of Boroughs that are unable to meet their own apportionments?</i>
	Of all the London Boroughs contacted by the ELBs, only LBTH responded with a request for capacity. Meeting this request has been the focus of ongoing discussion as summarised in the Statement of Common Ground submitted to the examination (SD28). Also see above response to 3(iii).1.
3(iii).3	<i>Is the approach of releasing sites from safeguarding in general conformity with the London Plan? Are paragraphs 6.29 and 6.37 of the Plan in general conformity with the approach to site release set out in Policy SI 9 and paragraphs 9.9.2 and 9.9.3 of the London Plan?</i>
	Yes, both paragraphs 6.29 and 6.37 of the Plan are considered to capture and reflect the intention of Policy SI 9 and paragraphs 9.9.2 and 9.9.3 of the London Plan and hence are in general conformity. The Boroughs' current position is as set out in the evidence base document titled <i>Note on Release of Sites for Redevelopment for Non-waste Uses Through ELJWP</i> (SD31) which supersedes SD05 and SD06: <i>"1.2 Release is justified on the basis that each of the sites were identified within Local Plan allocations and the capacity assessment identified a substantial surplus of capacity, such that the objectives of the Plan (and those of the London Plan) would not be compromised by their release"; and,</i> <i>" 1.4 The East London Boroughs party to the ELJWP take the view that release for redevelopment of the sites listed in Table 9, and, in the longer term, sites listed in Appendix 4, is consistent with the expectation that release of existing waste sites be plan-led as set out in Paragraph 9.9.2 of the London Plan 2021 reproduced below: "9.9.2 Any proposed release of current waste sites or those identified for future waste management capacity should be part of a plan-led process, rather than done on an ad-hoc basis."</i> <i>1.5 In that regard it is noted that the GLA response to the Regulation 19 Submission Draft Plan (dated 30th June 2025), while raising some specific concerns, concluded that in principle the release of these sites through the ELJWP did not cause the ELJWP to not be in general conformity with the London Plan."</i>
3(iii).4	<i>Is it clear how compensatory capacity is to be provided for the sites to be released from safeguarding set out in Table 9? Is this approach effective and justified?</i>
	Yes. It is set out in detail in SD31 and is based on the concept of the surplus capacity identified being a 'pool' which meets the management needs for the waste managed at

	<p>the sites identified for release. This approach is consistent with that set out in London Plan paragraph 9.9.3 and avoids a situation where the safeguarded waste sites estate grows perpetually regardless of whether the objectives of the Plan and the London Plan's objective for London to be net self sufficient, are met. Instead, the proposed position recognises that suitable available land in London is finite and therefore ought not be reserved for waste management unless it is needed.</p> <p>Note that SD06 mentioned in footnote 42 of the Plan has been superseded by SD31 (<i>Note on Release of Sites for Redevelopment for Non-waste Uses Through ELJWP</i>) and so the footnote should be updated to reflect this.</p>
3(iii).5	<i>Are the proposed site releases set out in Table 9 of the Plan justified?</i>
	<p>Yes - as set out in detail in SD31, all sites identified for release are located on land that fall within areas identified for redevelopment in the respective ELBs' Local Plans. Each site's contributing capacity has been assessed, and equivalent management capacity has been confirmed as being available through the pool of sites to be safeguarded. Therefore, the release of sites is justified and consistent with the London Plan expectation that site release be part of a "plan-led process" (Paragraph 9.9.2).</p>
3(iii).6	<i>Paragraph 4.5 of the IIA indicates that the sites proposed for release present issues in terms of acceptability in planning terms. Is this an effective approach and is it justified by an assessment of the planning merits of the sites?</i>
	<p>The intention of paragraph 4.5 of the IIA was to comment on the likely sustainability effects of a potential (reasonable alternative) policy criterion of not explicitly safeguarding sites that are subject to an environmental permit but do not benefit from planning permission. The effect identified was that this could allow any such sites to be more easily redeveloped for other uses. This paragraph does not and was not intended to relate to any specific sites proposed for release or to proposed policy JWP 2: Safeguarding and Provision of Waste Capacity (which is separately assessed in chapter 5 of the IIA). In order to reduce the risk that paragraph 4.5 is read as conflating the general principle of not safeguarding sites that are subject to an environmental permit but do not benefit from planning permission with the release of particular sites provided for by the Proposed Submission plan, it is suggested that paragraph 4.5 of the IIA be amended as follows (new text underlined; deleted text struck through):</p> <p><i>"4.5 Option 2 would only safeguard sites with planning permission and would not explicitly safeguard sites that only hold an environmental permit (at any threshold). This would be a departure from the London Plan, but would allow the ELJWP to safeguard sites that have been considered through planning, and have addressed the relevant land use issues. This option could allow for waste sites that are currently operating under an environmental permit, but <u>may</u> would not be considered acceptable in planning terms, to be more easily redeveloped for other uses, in accordance with the relevant local plan. As with option 1, London Plan policy would still apply to sites not explicitly safeguarded for the lifetime of the current London Plan."</i></p>
3(iii).7	<i>What is the status of the Castle Green Masterplan, does it provide an adequate justification for identifying the Eurohub, Box Lane sites, as sites to be released from safeguarding?</i>
	The Plan proposes the release of two sites within the Castle Green site allocation (of the

	<p>LBBB Local Plan 2037) that are part of the Box Lane rail freight site. As set out by Policy SPP2 of LBBB's Local Plan and the Industrial Land Strategy, the regeneration of Box Lane as a major freight hub provides a significant economic opportunity for the Borough and is key to the vision for South Barking. While releasing the sites from safeguarding under the London Plan would not change the site use or prevent the movement of waste on the site, it would enable the regeneration of the area and intensification of rail freight uses that would occur through the reconfiguration of the site. The site would remain Strategic Industrial Land.</p> <p>Although policy development and work on the Masterplan for Castle Green is still ongoing, the justification for the release of the sites is ultimately related to enabling the reconfiguration and intensification of Box Lane.</p>
3(iii).8	<i>When is the occupancy of the Eurohub Sites due to conclude and what factors are relevant to the timetable for this?</i>
	<p>Discussions with site occupiers are currently ongoing to confirm the expiry dates of the relevant leasehold interests, and further updates will be provided during the examination.</p> <p>A temporary 3 year planning permission (REF: 25/01341/FULL) has recently been granted to one of the leaseholders. This permission was granted on a time-limited basis to ensure that the proposed development does not prejudice the aspired future redevelopment of the site, in accordance with Section 72(2) of the TCPA 1990.</p>
3(iii).9	<i>Is the Environment Agency advice relating to the Old Bus Depot, Perry Road (as referenced in paragraph 1.13, 3 of the 'Note on Release of Sites for Redevelopment for Non-waste uses through the Reg 19 Submission Draft ELJWP) available and could it be made available to the examination?</i>
	<p>Yes. The Environment Agency (EA) advice is available in the form of supporting documentation associated with the site and has been submitted to the examination as document LPA03.</p> <p>In its response to the planning application (Ref: 22/01177/FULL) for the erection of an industrial building for the separation of waste for recycling dated April 2023, the EA confirmed that it had revoked the Environmental Permit. The EA considered that, given the site conditions and problems with local receptors, it would be difficult for any applicants to secure a new permit authorising waste activities on this site.</p>
3(iii).10	<i>Is the compensatory capacity secured for Connolley's Yard, Thames Road in LB Havering safeguarded by the Plan?</i>
	Yes, the site to which the operator has relocated is identified as HV13 in Appendix 2 of the Plan.
3(iii).11	<i>Does the compensatory capacity secured for Connelley's Yard meet the maximum achievable throughput of the site to be removed from safeguarding?</i>
	<p>As set out in Table 1 of evidence base document SD31, the capacity of the existing Connelley's Yard has been assessed to be 34,958tpa of C,D& E waste.</p> <p>The site to which the Connelley's operation has relocated is identified in Appendix 3 of evidence base document SD10 as providing 22,127tpa of qualifying capacity for apportioned waste and 11,915tpa for C,D&E waste management. This is based on a total</p>

	<p>throughput of 171,786tpa (5yr peak plus 15%). Operations at the site at that time principally involved receipt of mixed waste in skips for processing which resulted in a significant amount of waste requiring disposal (after sorting) and so the recovery rates achieved were assessed to be c20%.</p> <p>The permitted capacity is 250,000tpa (varied by the Environment Agency in 2022). Given that the Connelley operation is a metal recycling operation, and such operations achieve much higher rates of recovery c100% (see top 5 entries of Appendix 3 of SD10), this means there is a reasonable expectation that the capacity assessed as contributing towards recovery will increase significantly. Hence it is indicated that the site should provide sufficient capacity to retain that proposed to be safeguarded through the Plan under Andrews Waste Management's occupation (c.34,000tpa) and accommodate the lost capacity of c35,000tpa at Connolley's previous site.</p>
	<i>Longer-term development options</i>
3(iii).12	<i>Is the Plan clear and unambiguous to decision-makers regarding the process for releasing the Longer-term development options from waste use?</i>
	<p>Yes. To ensure the London Plan requirement for release of existing waste sites to be 'plan-led', any release would initially be considered through Local Plan in the first instance, and then if allocated it would then either be followed up through review/update of the Joint Waste Plan or consideration of a planning application depending on timings.</p> <p>This is reflected in Paragraph 5.4 of the Plan which sets out the conditions for release as follows:</p> <p><i>"The Plan also identifies additional existing waste management sites which might make good candidates for redevelopment for non-waste uses in future. These sites are listed in Appendix 4. The capacity assessment shows sufficient surplus to allow release of these sites, without the objectives of the Plan or that of the London Plan being compromised and on this basis the host boroughs may plan for the release of these sites through the allocation of sites in updated Local Plans. The assessed capacity of these sites is approximately 310,000 tpa in total (see Appendix 4 for capacity split) and so a surplus of at least this quantity will be safeguarded as compensatory capacity to facilitate their future release."</i></p> <p>So, the Plan is clear that the next step would be for the sites to be assessed as part of a Local Plan making process, and providing that sufficient surplus capacity remains, they may be identified for release through the respective Local Plan, each of which would undergo the necessary consultation processes during their preparation. If the sites are retained after completion of this process, their actual release may either be through a review of the ELJWP, or through the development management process.</p>
3(iii).13	<i>Is the identification of Off Crow Lane, Romford (HV11) as a Longer-term development option justified in the context of "the risk of a major shortfall in [London's] capacity to treat and dispose of hazardous waste safely" per paragraph 9.8.18 and Policy SI 9 (D) of the London Plan?</i>
	The clause of the London Plan cited needs to be read within the overall context of Paragraph 9.8.18 which refers to the main requirement "for sustained action" being "..for

	<p><i>sites for regional facilities to be identified."</i> As Table 6 of the Note on Release of Sites for Redevelopment for Non-waste Uses Through ELJWP (SD31) identifies, the principal source of hazardous waste managed at the Off Crow Lane facility is reported in the WDI as being Essex (1,727t). Further analysis of this possible strategic reliance established that the specific hazardous waste type was lead acid batteries from vehicles, and that the tonnage managed at the site represented around a quarter of the total tonnage of that waste type reported as arising from Essex managed at permitted sites in 2023. WDI 2023 also shows that waste from Off Crow Lane principally went on to sites in East Sussex 1,574t and Manchester 497t and so, as Off Crow Lane is only an intermediate site, it is odd that such waste should travel into East London for management to then subsequently be managed outside London, and, as explored in the Note (SD31), it is highly likely that the attribution to Essex is a data entry error, with the waste actually arising in East London itself.</p> <p>As the Crow Lane facility is not permitted to undertake processing of lead acid batteries it is solely acting as a transfer point for hazardous waste and hence Policy SI9(D), which relates to the safeguarding of capacity for <u>treatment or disposal</u> of such waste, does not apply.</p>
<p>3(iii).14</p>	<p><i>Is the identification of Land at York Road, Rainham (HV04) and Ilford Recycling Centre as Longer-term development options, justified and in general conformity with the London Plan?</i></p>
	<p>Yes - as set out in Table 4 of SD31, Land at York Road is to be assessed as part of the new Havering Local Plan and future site allocations, and for Ilford Recycling Centre redevelopment to be considered if the site is not required to service future East London Waste Authority waste management contract.</p> <p>Actual release will only be contemplated where sufficient compensatory capacity is proven to exist, and each site has been assessed to be suitable for redevelopment in the manner proposed at that time.</p>
	<p>Compensatory capacity: Longer-term development options and other potential releases</p>
<p>3(iii).15</p>	<p><i>Is the approach to compensatory capacity for the Longer-term development options clear and unambiguous, in general conformity with the London Plan, and otherwise justified and effective?</i></p>
	<p>Yes – please see response to 3(iii).12 above.</p> <p>It is proposed to take the same approach as is proposed to justify site release through this ELJWP. That is through reliance on the pool of capacity provided by the safeguarded sites that together provide sufficient capacity to compensate for the loss given Plan area net self sufficiency is not compromised.</p>

3(iii).16	<i>Would it be clear and unambiguous to a decision-maker how to react to development proposals which seek to demonstrate that the loss of a facility will not compromise the ability to meet the London Plan objective of net self-sufficiency for London?</i>
	<p>Yes - Paragraph 5.4 of the Plan sets out the approach and Appendix 4 sets out the specific capacity requirements.</p> <p>Primary responsibility for monitoring whether London Plan objectives of net self-sufficiency is being met must fall to the GLA. The ELBs understand that, as part of its review of the London Plan, the GLA commissioned a report assessing the status of waste management in London as a whole which will include an assessment of the achievement of net self-sufficiency, and this report is to be released in late Summer. Once published, this should help provide the context against which individual site release decisions may be made in accordance with Paragraph 9.9.3 of the London Plan, providing it has been undertaken with the appropriate degree of granularity by capacity type and waste managed.</p>
3(iii).17	<i>Is the Plan's approach to the provision of compensatory capacity relating to sites outside of the Plan area (set out at paragraph 6.41) in general conformity with the London Plan and otherwise justified? Would the approach be clear and unambiguous to a decision-maker given its location in the reasoned justification rather than in policy?</i>
	<p>Paragraph 6.41 sets out clear criteria for a proposal outside the Plan area, requiring compensatory capacity, to meet before it may be considered through the development management process.</p> <p>These criteria further clarify the requirements of the criteria in Section C of Policy JWP2 and on that basis could be inserted within the Policy itself.</p> <p>While Policy SI 9 C of the London Plan states provision of appropriate compensatory capacity ought to be made within London, it is considered entirely appropriate for more locally focussed plans to restrict provision of compensatory capacity which is sought to allow development outside the Plan area. This is consistent with the expectation of national policy that WPAs should seek to meet their own waste management needs within their own area.</p>
	<i>Proposals resulting in a reduction of capacity</i>
3(iii).18	<i>Is the Plan's approach (set out in Policy JWP2 (D)(3) and at paragraph 6.42) to a consideration of proposals resulting in reduction of throughput at sites justified and in general conformity with the London Plan? Is it clear how a decision-maker should react to such development proposals given the location of the considerations in the Plan's reasoned justification (at paragraph 6.42) rather than its policies?</i>
	<p>Yes - Criterion A1) of Policy SI 7 Reducing waste and supporting the circular economy states that waste planning authorities, working with industry and the Mayor, should: "1) promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible"</p> <p>And Criterion A2) of Policy SI 7 states:</p>

"2) encourage waste minimisation and waste prevention through the reuse of materials and using fewer resources in the production and distribution of products"

Hence it is a strategic priority of the London Plan to move waste / manage materials/products as far up the hierarchy as possible. This is also in compliance with the Waste Hierarchy Regulations² (which make compliance a legal requirement) and national policy for waste³.

Given the above imperative, it is considered appropriate for allowance to be made for site capacities to reduce in favour of management of waste further up the hierarchy. Such a trade-off for the hierarchy benefit needs to be provided for because management of waste in the upper tiers is often significantly more time consuming and labour intensive. For example, the retention of furniture or appliances for repair and resale will significantly reduce the annual capacity of a site previously used for storage of items prior to material recycling (such as metal recycling or wood recycling). Similarly, the use of a site to compost green waste will take more time for a tonne of waste to be processed than simple transfer. Decision makers will need to assess such proposals on a case by case basis, and the fact that there is significant surplus capacity within the Plan area gives a high degree of flexibility to promote the use of sites for such purposes necessary to support the development of a more circular economy.

While criteria C2 and 3 together allow for the possible loss of capacity under these circumstances, and require, as a minimum, that a life cycle assessment be included to demonstrate that a method of management further down the hierarchy is justified, it is considered that the inclusion of the criteria set out in Paragraph 6.42 into the Policy itself would confirm the specified information is required.

² Waste (England and Wales) Regulations 2011

³ NPPW 2014