

Statement of Common Ground

Between

**BeFirst on behalf of the London Borough of Barking and Dagenham,
the London Borough of Havering, the London Borough of Newham
and the London Borough of Redbridge ('the East London Boroughs')**

And

London Borough of Tower Hamlets

Stage: East London Joint Waste Plan Examination

September 2026

1. Executive Summary

- 1.1. It is a statutory requirement for waste planning matters to be managed through a DPD (Development Plan Document). A 'Waste Local Plan' helps to set out how and where waste will be managed.
- 1.2. Policies in Waste Local Plans are used to determine planning applications affecting the management of waste. The London Borough of Barking and Dagenham, the London Borough of Havering, the London Borough of Newham and the London Borough of Redbridge ('the East London Boroughs') are currently updating the East London Waste Plan (2012) by preparing a replacement East London Joint Waste Plan.
- 1.3. A statement of common ground is a written record of the progress made by plan-making authorities during the process of planning for strategic cross-boundary matters. It documents the strategic matters where effective cooperation has led to cross-boundary challenges and opportunities being identified, whether there is agreement between bodies in how these should be addressed, and how the strategic matters have evolved throughout the plan-making process. It is also a way of demonstrating at examination that plans are deliverable over the plan period and based on effective joint working across local authority boundaries.
- 1.4. This Statement of Common Ground (SoCG) addresses key strategic matters between the signatories, BeFirst on behalf of the London Borough of Barking and Dagenham, the London Borough of Havering, the London Borough of Newham and the London Borough of Redbridge ('the East London Boroughs' or 'ELBs') and the London Borough of Tower Hamlets (LB Tower Hamlets) as relevant to:
 - the examination of the East London Joint Waste Plan (ELJWP) Regulation 19 Submission Plan.
- 1.5. A separate SoCG has been prepared in the relation to the emerging Tower Hamlets Local Plan which includes waste planning policies. Both Plans are progressing at similar timescales.
- 1.6. Strategic matters relevant to other organisations will be addressed in other SoCGs, to streamline the process of reaching agreements with each party. Where key strategic issues overlap between different organisations with whom the ELBs have signed SoCGs, these interrelationships are summarised in the Duty to Cooperate Statement of Compliance Submission Version (2025).
- 1.7. This document is intended to be 'live', updated as circumstances change. A first version of this statement of common ground was signed in February 2026, covering the East London Joint Waste Plan Regulation 19 Submission Plan. The Statement of Common Ground is now being updated following the conclusion of the East London Joint Waste Plan hearings, specifically in relation to capacity sharing.
- 1.8. Please see the Governance Arrangements section of the statement for more details on circumstances under which this Statement of Common Ground will be reviewed.

2. Parties Involved

- 2.1. Barking and Dagenham Council, the Local Planning Authority for the London Borough of Barking and Dagenham, is an outer London Borough in East London. Barking and Dagenham covers an area of approximately 3,611 hectares and is bordered by the London Boroughs of Newham,

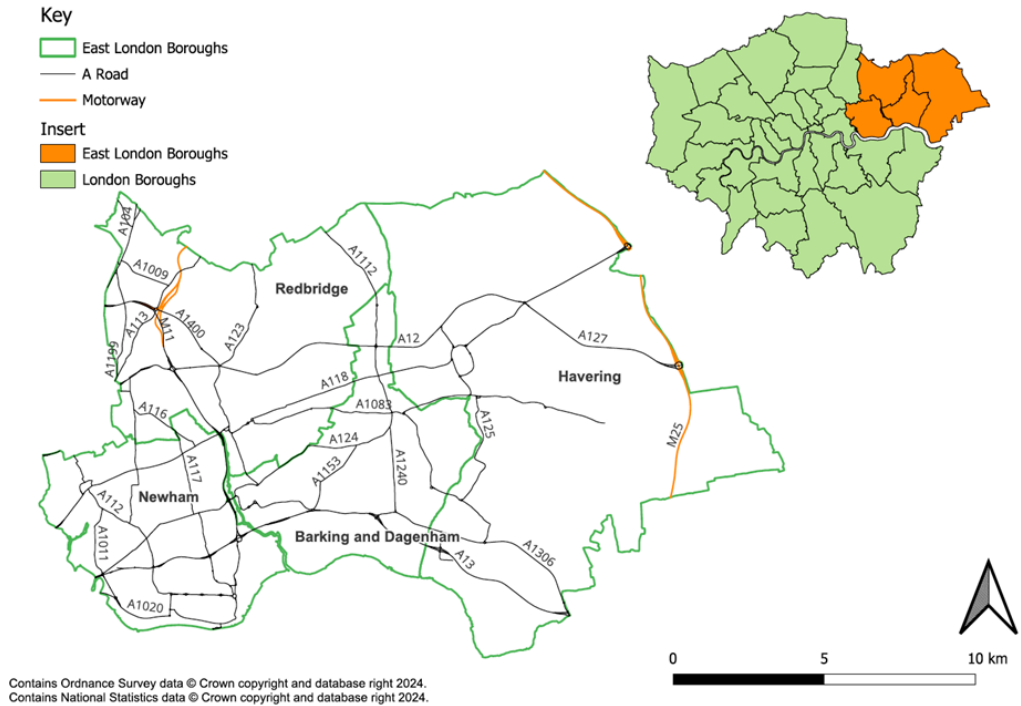
Redbridge and Havering, and sits across the River Thames from the Royal Borough of Greenwich and the London Borough of Bexley.

- 2.2. Newham Council, the Local Planning Authority for the London Borough of Newham, is an inner London Borough in East London situated between three rivers: the Lea to the west, Thames to the south and Roding to the east. London Borough of Newham is bordered by several other London Boroughs, including Tower Hamlets, Hackney, Waltham Forest, Redbridge, and Barking and Dagenham. Across the River Thames lies the Royal Borough of Greenwich. Newham's administrative boundaries also contained 65% of the former London Legacy Development Corporation (LLDC) area, which acted as the planning authority for the Queen Elizabeth Olympic Park and surrounding area until the return of planning powers to the boroughs on 1st December 2024. Newham contains three Opportunity Areas: the Olympic Legacy (which also includes parts of the other Host Boroughs) Poplar Riverside (which crosses the boundary with LBTH) and Royal Docks and Beckton, which is also the home of London's only Enterprise Zone and Europe's largest regeneration area.
- 2.3. Redbridge Council, the Local Planning Authority for the London Borough of Redbridge, is an outer London borough in the northeast, extending approximately 22 sq. miles. The borough sits entirely within the M25, north of the river Thames, and the City of London is approximately seven miles to the west. Redbridge shares boundaries with four other London boroughs: Waltham Forest (to the west), Newham (to the south), Barking and Dagenham (to the south-east) and Havering (to the east). Redbridge also adjoins the County of Essex (to the north-west) and Epping Forest District (to the north). Ilford Metropolitan Town Centre is the borough's primary centre, which lies within the south of the borough, and is designated as an Opportunity Area in the 2021 London Plan. Ilford Town Centre is also located within the Crossrail corridor, which also includes the smaller centres of Seven Kings, Goodmayes, and Chadwell Heath. All four centres have Elizabeth Line railway stations.
- 2.4. Havering Council, the Local Planning Authority for the London Borough of Havering, is an outer London Borough situated in northeast London. Over 50% of Havering is Green Belt. It borders the London Boroughs of Redbridge, Barking and Dagenham, the Essex authorities of Epping Forest District Council, Thurrock and Brentwood Boroughs, and on the other side of the River Thames, the London Borough of Bexley. Romford is the borough's only metropolitan town centre and also one of two Opportunity Areas in the borough, alongside London Riverside.
- 2.5. Tower Hamlets Council, the Local Planning Authority for the London Borough of Tower Hamlets, an inner London Borough situated in central London. Tower Hamlets borders five other London boroughs and the City of London: Hackney to the north, Newham to the east, Southwark, Lewisham and Greenwich to the south across the River Thames, and the City of London to the west. Tower Hamlets is a unitary waste planning authority, meaning that the borough is responsible, as far as possible, for meeting its waste apportionment on sites within its boundaries. Tower Hamlets is known for its diversity, multiculturalism and numerous historical and modern landmarks, including the Tower of London and Canary Wharf. Tower Hamlets is required to deliver London's highest housing target. The borough also has four opportunity areas: City Fringe, Poplar Riverside, Isle of Dogs and Olympic Legacy. From 2011 to 2021, the population of Tower Hamlets increased by 22.1% from 254,100 to 310,300. This marks a significant proportional increase and represents the fastest population growth of any local authority in England. This population increase together with the overall size of the

borough has Tower Hamlets being recorded as the most densely populated local authority area in England.

3. Strategic geography

3.1. The map below identifies the administrative area/areas of the plan-making authority/authorities.



4. Background to the East London Joint Waste Plan (ELJWP) Process

- 4.1. The Draft ELJWP (July 2024) was consulted on under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 between 29th July and 16th September 2024.
- 4.2. The ELBs prepared the ELJWP Regulation 19 Submission Plan and published it for consultation between 19th May and 30th June 2025. This was the version of the plan that the ELBs considered to be 'legally compliant' and 'sound'.
- 4.3. A Duty to Cooperate Statement of Compliance (DtC Statement) was published as part of the ELJWP's Regulation 19 consultation, which amongst other matters, provided a summary of the ELBs' engagement with LBTH, as a duty to cooperate partner, as part of the preparation of the ELJWP. The table below presents an extract of the relevant key strategic matters identified as part of this process and the corresponding pages in the DtC Statement (2025).

Key Strategic Matter	Activity	Page of DtC Statement
Sharing East London's Surplus Capacity	Invitations sent to London Boroughs to request reliance on surplus capacity in East London for meeting unmet waste management requirements in their areas. Meetings with LBTH to discuss sharing capacity. Written correspondence concerning sharing capacity.	20-21

- 4.4. The ELJWP Regulation 19 Submission Plan was submitted to the Secretary of State on 30 January 2026. Examination hearings took place between 15th and 16th June 2026. LBTH participated in the hearings on both sitting days.
- 4.5. The national policy context forming the background to this SoCG is also detailed in the DtC Statement (2025), under '2: What is the Duty to Cooperate?'.
- 4.6. This SoCG reflects the remaining key strategic matters not agreed with LB Tower Hamlets following the conclusion of the examination hearings for the ELJWP.
- 4.7. As part of the duty to cooperate process, the ELBs and LB Tower Hamlets agree that:
- discussions around the sharing of capacity have taken place throughout the preparation of the ELJWP.
 - there are outstanding strategic matters related to the approach to the sharing of surplus capacity with other boroughs and the release of safeguarded waste sites.

5. Key Strategic Matters

Approach to sharing waste capacity with other London boroughs and site release

- 5.1. The ELBs have a significant surplus of waste management capacity, with between c.0.68 Mtpa (without Mechanical Biological Treatment) and c.1.2Mtpa of apportioned waste surplus and 0.98 Mtpa of C, D & E waste management capacity surplus projected at 2041.
- 5.2. The London Plan at paragraph 9.8.6 states that boroughs with a surplus of waste sites should offer to share these sites with those boroughs facing a shortfall in capacity, before considering site release. As per the DtC Statement (2025), the ELBs contacted all London Boroughs inviting requests for surplus capacity in East London to meet unmet waste management requirements in their areas. LB Tower Hamlets is the only borough that directly requested a proportion of East London's capacity surplus. LB Tower Hamlets is requesting a transfer of 192,370 tonnes per annum (tpa) of Household, Industrial and Commercial (HIC) qualifying waste management capacity and 56,953tpa of Construction and Demolition (C&D) waste management capacity.
- 5.3. This includes 26,353tpa of HIC waste capacity formerly managed at the Hepscott Road site located in the former LLDC area of LB Tower Hamlets, which was granted planning permission for a redevelopment and de-designation as a waste site in February 2018 by the London Legacy Development Corporation. The planning application identified that capacity from Hepscott Road could be accommodated by a site on River Road in LB Barking and Dagenham. This was a commercial decision of the operator as the sites were under shared ownership, albeit the operator of the River Road site has subsequently changed. However, there was no consultation with LBBD in relation to the transfer of apportionment, and no capacity sharing agreement was formalised at this time. The Greater London Authority supported the application on the grounds of the wider regeneration benefits, while acknowledging that the re-provision of capacity at the River Road site would not count towards the LBTH's waste apportionment target. LBTH is therefore seeking further clarification from the GLA on the matter of whether this compensatory provision outside Tower Hamlets should be accounted for in its future apportionment. Notwithstanding these ongoing discussions, the lost capacity from Hepscott Road forms part of LBTH's current shortfall against adopted London Plan apportionments and therefore is included in the request for capacity sharing.
- 5.4. Paragraphs 4.11 and 4.12 of the ELJWP Regulation 19 Submission Plan set out that capacity sharing agreements with any other London boroughs to meet unmet needs would be through Statements of Common Ground (or similar), which would cover a specified period which may be less than the Plan period.
- 5.5. To inform this process, and in the absence of guidance from the GLA for London as a whole as to how requests for capacity ought to be assessed, the ELBs formulated a methodology for assessing capacity sharing requests, and this is proposed to be included via a main modification as an appendix to the plan (see appendix 1). This methodology has primarily been informed through the London Plan policy SI 8 and SI 9 requirements. While LB Tower Hamlets retain concerns about the proposed methodology (see table at paragraph 5.13), they have provided evidence that they satisfy the criteria proposed by the ELBs (Appended to [Matter 2 Written Statement - LB Tower Hamlets](#)). This evidence was submitted in February 2026.

5.6. LB Tower Hamlets responded to the Regulation 19 consultation on the Submission Draft ELJWP, raising several concerns particularly in regard to:

- procedural aspects and legal compliance and with regards to meeting the Duty to Cooperate; and
- soundness concerns regarding the ELBs approach to capacity sharing and release of safeguarded waste sites, and how alternatives were assessed in the Integrated Impact Assessment.

5.7. Full details of the London Borough of Tower Hamlets consultation response and subsequent areas of disagreement prior to examination of the plan are available on [the East London Joint Waste Plan examination webpage](#):

- [Regulation 19 Representations](#): Representation reference 30
- [Tower Hamlets Statement of Common Ground](#): Document reference SD28.

5.8. LB Tower Hamlets is a unitary waste planning authority and as such, policies in their emerging Local Plan aim to fulfil its waste planning obligations. LBTH consulted on the Proposed Submission Local Plan (Regulation 19) in Autumn/Winter 2024, with a further focused consultation in Summer 2025. The ELBs responded to both consultations. A separate Statement of Common Ground between the East London Boroughs and London Borough of Tower Hamlets in relation to Tower Hamlets' emerging draft plan, which includes policies relating to waste planning has also been prepared¹.

5.9. As a result of the draft ELJWP examination, the ELBs and LB Tower Hamlets have suggested proposed approaches as to how capacity sharing agreements should be agreed:

- The East London Boroughs have proposed main modifications to the wording of the plan (see appendix 1 – note these are in draft form and have not yet been agreed by the Inspectors appointed to examine the plan).
- The East London Boroughs have also shared a draft Statement of Common Ground as an accompaniment to the modifications suggested, to demonstrate how they envisage a capacity sharing agreement (see [Examination documents](#) – Document reference LPA08).
- LB Tower Hamlets have submitted proposed modifications to Policy JWP2 and Chapter 4 of the plan (Examination documents – Representor Document 4). These modifications have been put forward to ensure that LB Tower Hamlets' outstanding request is incorporated into the policy text, which LB Tower Hamlets considers to be a requirement of national policy (which is set out within Representor document 5 - [Examination documents](#)), to enable the draft ELJWP to be found sound.

Record of agreements and/or disagreements:

5.10. The following table provides a summary of key outstanding areas of disagreement. Full commentary on the London Borough of Tower Hamlets position is provided on the East London Joint Waste Plan examination website ([Examination documents](#) – Representor Document 5).

¹ Available in the Tower Hamlets Local Plan examination library:

<https://towerhamlets.app.box.com/s/kfbrwkmghzhg9ym29k0n15imjzjwolia/file/2133797531890>

5.11. Commentary from the GLA on the approach proposed by the East London Boroughs is also provided on the East London Joint Waste Plan examination website ([Examination documents](#) – Representor Document 6). The GLA considers the ELBs' proposed capacity-sharing approach is overly restrictive and inconsistent with the London Plan objective of achieving net waste self-sufficiency. It objects to limiting capacity sharing by reference to site releases or existing waste flows and considers the ELJWP should explicitly provide for sharing surplus capacity, including with LB Tower Hamlets, before safeguarded waste sites are released.

ELBs position	LB Tower Hamlets position
ELBs' surplus waste management capacity at 2041 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 this would reduce to 0.64Mtpa-1.2Mtpa and 0.56Mtpa respectively.	Noted. LBTH notes the ELJWP evidence identifies a substantial surplus of waste management capacity across the ELBs which significantly exceeds LBTH's identified shortfall. LBTH considers this surplus is capable of accommodating the entirety of its unmet waste management need.
LBTH's unmet waste management 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. LB Tower Hamlets produced a Waste Topic Paper (February 2026) to support their request for assistance from neighbouring boroughs in meeting LBTH's waste apportionment.	Partially Agreed. LBTH welcomes the ELBs' acceptance that its unmet waste management need cannot be accommodated within the borough and that capacity sharing is required. However, LBTH's position remains that provision for this unmet need should be secured through the ELJWP itself and reflected within its strategic policies rather than deferred to a separate Statement of Common Ground. Not Agreed. LBTH does not agree that its Statement of Common Ground with the Southeast London Joint Waste Planning Group demonstrates that a future capacity sharing agreement with that WPA is possible. The SELJWPG has not updated its capacity evidence and has not agreed to any capacity sharing, noting at paragraph 6.3 of the Statement of Common Ground that it “would be reluctant to assume formal responsibility for waste capacity apportioned in the London Plan for LBTH in any of the development plans of the waste planning group”. Although capacity sharing discussions are ongoing with both the SELJWPG and the authorities preparing the West London Waste Plan, LBTH maintains that the most appropriate option to meet its shortfall is

Having reviewed the most recently shared Waste Topic Paper (February 2026), the East London Boroughs agree that this waste management unmet need cannot be met through suitable sites in Tower Hamlets boundary. Therefore, while the broad principle of capacity sharing between the LB Tower Hamlets and the ELBs is therefore agreed, the ELBs also consider that Tower Hamlet's duty to cooperate evidence demonstrates that a capacity sharing agreement continues to remain possible between LB Tower Hamlets and the Southeast London Joint Waste Planning Group (Representor document 2 - rep-2-socg-between-lbth-and-seljwpg.pdf – paragraph 4.2). This would therefore continue to be a relevant consideration under points 2.f and 3 of the proposed draft capacity sharing methodology noting the demonstratable flows between these two waste planning areas (Appendix 1 – MM27).	currently through the ELJWP. This position reflects the advanced stage of plan preparation, the known surplus within the ELJWP area, and the objective of managing waste in the most sustainable manner, including adherence to the proximity principle set out in the Waste (England and Wales) Regulations 2011.
Release of safeguarded waste sites The ELJWP proposes the release of four existing safeguarded waste sites, as shown in Table 9 of the Regulation 19 Submission ELJWP. These sites together offer the following management capacity: • 38,125 tpa HIC waste • 425,316 tpa CD&E waste Submission Documents SD05 and SD06 contain detailed information on the ELBs' rationale for site release. The ELBs intend to offer the capacity offered by the release of these sites to boroughs for capacity sharing (see 'Quantity of capacity to be shared' row below).	Not agreed. Before releasing sites, available surplus capacity should be offered to boroughs with identified shortfalls in accordance with London Plan policy. In addition, LBTH agrees with the GLA that there is no policy basis for restricting the capacity sharing to that of sites proposed for release when there is identified surplus capacity on sites which remain safeguarded. LBTH position on this is set out in full below (see 'Methodology for assessing requests for capacity sharing' subheading row below).

Sites identified for potential future release In addition to the four sites identified in the Plan for release, Appendix 4 sites are additional existing waste sites which are considered to offer potential for redevelopment for non-waste uses in future. Noting each of the ELBs are at different stages of the plan-making process (through which industrial land boundary changes could be made), Appendix 4 earmarks those sites that the relevant borough may seek to release through the allocation of sites in emerging updated Local Plans. This approach seeks to reflect: i. paragraph 22 of the NPPF, which states that “Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities.”; and ii. the London Plan supporting paragraph 9.8.10, which states that "Plans or agreements safeguarding waste sites should take a flexible approach. They should be regularly reviewed and updated to take account of development that may lead to the integration of waste sites or appropriate relocation of lost waste sites." This capacity will also need to be considered in discussions with other London boroughs around sharing capacity, noting the need to ensure the ELBs do not undermine future strategic planning aspirations alongside maintaining east London’s waste management capacity surplus.	Not agreed. LBTH considers that there is no justification for capping capacity sharing agreements at that of sites proposed for release. The capacity to be offered should be based on the total identified surplus for all waste sites, regardless of whether they are proposed for continued safeguarding or for release. Therefore, LBTH does not agree the capacity of sites identified in Appendix 4 of the Plan should only be offered in the future if they are known to have surplus capacity now.
Methodology for assessing requests for capacity sharing The ELBs have proposed a methodology for assessing capacity sharing requests, to be included as an appendix to the plan. This is proposed as a draft modification in appendix 1 (MM27).	Not agreed. LBTH supports the principle of including capacity-sharing criteria within the ELJWP to ensure a consistent approach to future requests. However, it raises concerns that some criteria exceed London Plan requirements, particularly those requiring detailed forecasting of future need, identification of specific sites within donor boroughs, or reliance on existing waste flows and operational relationships. LBTH

This methodology requires: - robust evidence of the area's unmet waste management needs (for household, commercial and industrial, construction and demolition, and hazardous waste) using the same methodology applied in the ELJWP capacity assessment. - It must also demonstrate that all opportunities to meet this need locally have been fully explored. - It must show evidence of significant waste flows and operational relationships between the source authority and the ELJWP area, including comparisons with other potential donor authorities and the outcomes of any requests made to share waste management capacity. The ELBs consider that these requirements provide a proportionate and transparent basis for assessing requests for capacity sharing and ensure consistent treatment of all authorities seeking access to surplus capacity. The methodology recognises that capacity-sharing requests should be informed not only by identified need but also by established operational relationships, proximity considerations and evidence that alternative options have been explored. The ELBs note that the emerging Draft London Plan consultation documents identify existing waste flows and relationships between authorities as relevant considerations when assessing future capacity-sharing arrangements.	considers these requirements could unduly restrict the ability to achieve London-wide net self-sufficiency and potentially lock in less sustainable patterns of waste management where existing flows are to facilities that are further away from the source WPA. References to "demonstrable" or "established" relationships in the criteria should also be clearly defined.
Quantity of capacity to be shared The London Plan through paragraph 9.8.6 sets out: <i>Boroughs are encouraged to collaborate by pooling their apportionment requirements. Boroughs with a surplus of waste sites should offer to share these sites with those boroughs facing a shortfall in capacity before considering site release.</i>	Not agreed. LBTH does not consider it appropriate to limit the amount of shared capacity to the capacity of sites proposed for release from safeguarding. LBTH considers London Plan policy requires boroughs with surplus capacity to share that surplus with boroughs facing a shortfall and does not cap sharing at the capacity of released sites. LB Tower Hamlets consider the requirement in London Plan paragraph 9.8.6 to offer to share sites that are proposed to be released is a distinct requirement, separate to the general requirement that boroughs with

The ELBs consider that London Plan paragraph 9.8.6 specifically relates to the sharing of capacity associated with sites proposed for release from safeguarding ("these sites") rather than creating a general requirement to share all surplus waste management capacity. The ELBs also note the plan wording uses the term “encouragement”, and do not consider this can be relied on as a general conformity issue. The ELBs therefore consider it appropriate to use the capacity of sites proposed for release as the starting point for assessing the scale of any capacity-sharing arrangement. Existing waste flows provide an evidence-based indicator of established operational relationships between waste planning authorities and are therefore a reasonable factor in determining the scale of capacity-sharing arrangements. This approach also balances support for neighbouring boroughs with the need to retain flexibility to respond to future changes in waste arisings, waste infrastructure requirements and emerging London Plan policy. Currently, those sites that the ELBs are seeking to release from safeguarding 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. The ELBs do not consider that London Plan Policy SI8 or supporting paragraphs 9.8.6 and 9.8.7 require boroughs with surplus capacity to make all surplus capacity available to any authority with an identified shortfall. Rather, the London Plan encourages collaborative working and provides flexibility regarding how capacity-sharing arrangements are agreed. The ELBs note that apportionment pooling is encouraged rather than required by Policy SI8B(3), and that no prescribed methodology is provided within the London Plan for determining the quantum of	surplus capacity should share that capacity with other boroughs facing a shortfall in capacity.
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capacity to be shared where multiple future competing demands may arise.

As per the proposed methodology for assessing requests for capacity sharing, the ELBs have analysed strategic flows between LB Tower Hamlets and the ELBs. 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 2 for the breakdown of the 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 ELBs consider the quantum of capacity being shared should be limited to that offered by the sites for release, within which the reported established flows may be maintained.

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. This is subject to the conclusion of the examination on whether the principle of the release of the below capacity is supported.

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	
This capacity sharing arrangement is based on the assumptions that: • The capacity identified 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 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 would 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 would 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, changes to the London Plan apportionments).			

The ELBs further consider that limiting the proposed capacity sharing arrangement to the capacity associated with sites proposed for release represents a fair and proportionate response to LBTH's request. It allows established waste management relationships to continue whilst avoiding the sterilisation of a wider strategic surplus that may be required to meet future needs across east London, respond to future London Plan reviews, accommodate changes in waste management technology or support requests from other authorities whose plan-making timescales may not currently align with the ELJWP.	
Mechanism for capacity sharing The ELBs maintain that sharing capacity via a Statement of Common Ground is the most appropriate mechanism for capacity sharing. The plan wording includes provisions to assess requests to share capacity under paragraphs 4.11 and 4.12 (see also appendix 1 – MM5), which seek to positively meet the needs of other London boroughs unmet need through the Duty to Cooperate process. The ELBs note that London Plan paragraph 9.8.7 identifies a range of mechanisms through which pooled apportionments may be demonstrated, including joint development plan documents, joint evidence papers and bilateral agreements. The London Plan does not express a preference for any particular mechanism. Accordingly, the ELBs consider that a Statement of Common Ground represents a policy-compliant and effective approach, particularly as it allows capacity-sharing arrangements to be monitored, reviewed and updated in response to changing circumstances over the plan period. A similar agreement has been utilised in southeast London through periodical updates to the 'Southeast London joint waste planning technical paper'.	Not agreed. LBTH's primary position is that capacity sharing should be addressed through the ELJWP itself and reflected in strategic policy, consistent with the NPPF requirement for plans to be positively prepared and plan-led. Although LBTH supports plan-led capacity sharing agreements being supported by Statements of Common Ground or Memoranda of Understanding, LBTH considers reliance on standalone Statements of Common Ground to be unsound where capacity sharing requests have been made during the plan-making process. LBTH's position on the soundness of this approach is set out in paragraphs 7-12 of Examination Document Rep 5 - LBTH comments on proposed modifications. The Memorandum of Understanding which guides the joint working between the Southeast London boroughs is not a capacity sharing agreement but instead represents an agreement between those boroughs that they will manage waste across their individual Local Plans. Within the Southeast London group, LB Bexley has reached an agreement to assume responsibility for the City of Westminster's apportioned waste. That agreement is set out in the Bexley Local Plan and supported by a bilateral agreement – this is the plan-led approach that LBTH suggests should be followed in the case of the ELWP.

The ELBs also consider that reliance on a Statement of Common Ground avoids unnecessarily constraining future decision-making where waste arisings, apportionments, site capacities, market conditions or London Plan requirements may change following adoption of the ELJWP.	Having regard to the requirements of national policy, the London Plan supports unmet needs being addressed when possible through strategic policies rather than deferred to statements of common ground or other agreements. LBTH's proposed modifications to the main policy text of Policy JWP2 are in line with this support and the priority given in national policy to a plan-led approach, whereas the ELBs proposed approach is not. While a SoCG can evidence cooperation, LBTH considers it should not be the primary mechanism through which unmet waste management needs are accommodated where requests have been made during plan preparation. If a SoCG is pursued, LBTH considers it should acknowledge the full extent of available ELB surplus capacity and provide greater flexibility to respond to future changes in waste arisings, apportionment requirements and waste flows. Whilst LBTH acknowledges that there is potential for apportionments to change over the plan period, the plan can be drafted such that it captures the current context whilst also providing the necessary flexibility for any changes to be captured, monitored and, if required, reflected in an updated supporting Statement of Common Ground. Extracts from the NPPF and London Plan that support this position are provided in full in Examination documents – Represor Document 5
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- 5.12. To inform discussions on capacity sharing following the examination hearings The East London Boroughs have also shared a draft Statement of Common Ground as an accompaniment to the modifications suggested, to demonstrate how we envisage a capacity sharing agreement to look (see [Examination documents](#) – Document reference LPA08).
- 5.13. A summary of Tower Hamlets' concerns regarding LPA08, and the ELBs response is provided below. Tower Hamlets full response to the draft SOCG is provided here: Represor Document 5 - [rep-5-lbth-comments-on-proposed-modifications.pdf](#)

LBTH comments on SOCG draft (LPA08)	ELBs' response
The draft SOCG does not recognise the existing flows from the ELBs to LBTH.	The ELBs do not consider that basing the capacity shared on flows will impact net self-sufficiency, as East London will continue to safeguard capacity above the proposed capacity sharing agreement. This safeguarded capacity counts towards London achieving net self-sufficiency (net self-sufficiency is a capacity-based metric, not a flows-based one). To suggest net self-sufficiency might be at risk, suggests that HIC waste from LBTH is managed outside London in significant quantities, which is not the case (see Tower Hamlets Waste Data Study [Representor Document 3] Appendix C:Exports Tables LBTH RWE02 Waste Data Study (2023)) and that a commensurate inward flow does not occur (which is not the case either and assumes net self-sufficiency is a flow based metric and not a capacity based one). Moreover, even if this were the case, any capacity sharing agreement would not by itself guarantee that waste that may be managed outside London would be managed at facilities within London (as where waste is managed is, in most cases, down to the market).
Focusing capacity sharing on existing waste flows is not aligned with the wider strategic objective of achieving London-wide net self-sufficiency. Without an agreement in place with other WPAs which currently manage flows with LBTH such as the SELJWPG and West London WPAs, the ELJWPG offer exposes LBTH to a potential situation whereby there is insufficient capacity within these WPAs to manage their own arisings and any uplift in apportionment as well as continuing to accommodate the existing flows from Tower Hamlets.	
it is unnecessarily restrictive to base capacity sharing decisions on existing flows when opportunities exist to reach agreements through which waste can be processed closer to its source.	
If 'donor' WPAs carry out waste capacity assessments that only take into account existing flows with other WPAs, there is a significant risk they will fail to accurately account for shortfalls in other London WPAs with which they do not currently have existing flows, potentially leading to release of sites which could be used to address some or all of those shortfalls.	
The approach by the ELBs also fails to consider potential changes within source WPAs, e.g. policy changes or the potential limitations of existing waste sites, and the wider impacts this may have on waste capacity management during the plan period.	

Paragraph 3.2 of the proposed SoCG states that LB Bexley, '*in its recently adopted Local Plan indicates the availability of additional capacity for the management of apportioned HIC waste*'. However, the extract from the Bexley Local Plan attached to the proposed SoCG is incomplete:

- paragraph 6.83 provides that 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*"; and
- no information is provided as to whether Bexley continues to have spare capacity.

LBTH have had ongoing discussions with LB Bexley on behalf of the SELJWPG post adoption of their Local Plan. To date no confirmation of available surplus capacity has been provided, and the SELJWPG has indicated that updated capacity evidence will only be produced once the draft London Plan apportionments are known. Paragraph 6.3 of the SoCG with the SELJWPG indicates the group's reluctance to assume responsibility for waste apportioned to LBTH in the development plans of the constituent authorities.

[Tower Hamlets Waste Data Study](#) (2023) shows significant waste flows from LB Tower Hamlets to Bexley (who form one of the Southeast London Joint Waste Planning Group - SELJWPG).

ELBs consider that Tower Hamlet's duty to cooperate evidence demonstrates that a capacity sharing agreement continues to remain possible between LB Tower Hamlets and the Southeast London Joint Waste Planning Group (Representor document 2 - [rep-2-socg-between-lbth-and-seljwpg.pdf](#) – paragraph 4.2). Now the Draft London Plan has been published the ELBs would expect these Duty to Cooperate discussions with the SELJWPG to continue.

In terms of the mechanism for capacity sharing in Bexley's Local Plan, the ELBs note the Bexley Local Plan does not include an explicit commitment in terms of tonnage of apportioned HIC waste from particular WPAs "transferred" as advised by London Plan Para 9.8.7. It is also the ELBs understanding that the City of Westminster has approached the West London Waste Plan making authorities to share capacity, suggesting that the arrangement as stated in the Bexley Local Plan supporting text is not fixed for the duration of the Bexley Local Plan period.

6. Governance agreements

6.1. This statement of common ground will be reviewed:

- i. Whenever agreement is reached on any outstanding matters. Or
- ii. At key milestones in progress towards addressing strategic matters. Or
- iii. At each subsequent key stage of the plan making process, as it progresses towards adoption.

6.2. The SoCG will be updated at the request of either party to reflect new evidence, revised higher order policy or other relevant factors.

6.3. Alongside the above, the parties involved will continue to engage on waste matters through the London Waste Planning Forum, which meets up to four times per year to discuss waste matters affecting London.

7. Signatories

7.1. We confirm that the information in this statement and referred to documents reflects the joint working to date undertaken between the ELB and LB Tower Hamlets towards addressing the identified strategic matters.

Signed on behalf of London Borough of Barking and Dagenham:  Name: Date: 15.9.26 Position: Head of Planning and Assurance	Signed on behalf of London Borough of Tower Hamlets:  Name: Natalya Palit Date: 07/09/2026 Position: Plan-making manager
Signed on behalf of London Borough of Havering:  Name: Kevin Waters Date: 09/09/2026 Position: Assistant Director of Plannin	
Signed on behalf of London Borough of Newham:  Name: Ellie Kuper Thomas	

Date: 09/09/2026

Position: Policy Manager

Signed on behalf of London Borough of Redbridge:



Name: Robert Lancaster

Date: 14/09/2026

Position: Director for Planning & Building Control

Appendix 1 – Draft modifications proposed by the East London Boroughs relevant to capacity sharing

The below table sets out proposed main modification wording, prepared by the East London Boroughs for the Inspectors' consideration. These modifications are in draft form and may be subject to change depending on the Inspectors conclusions on the proposals for capacity sharing.

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the East London Joint Waste Plan submitted for examination on 30th January 2026, and do not take account of the deletion or addition of text. Page numbers and paragraph numbering will be updated as additional modifications to ensure they are presented sequentially.

Ref	Page	Policy / Paragraph	Main Modification
MM5	54	4.11 and 4.12	4.11 The London Plan expects Boroughs with existing waste management capacity which exceeds their management needs (as prescribed by the London Plan), <u>that are considering release of sites from waste use,</u> to offer to share the <u>capacity provided by these sites</u> surplus with other London Boroughs that may be facing a shortfall when planning to meet the waste management needs of their <u>respective</u> Plan areas, before considering release of sites from waste use. In light of the identified surplus in C, D & E waste and apportioned HIC waste management capacity, <u>this Plan's release of sites from safeguarding (see Table 9) and potential planned release (Appendix 4)</u> the Boroughs <u>are open to requests from</u> invited other London boroughs to <u>share that capacity where consider whether the surplus in East London might offer an opportunity for their unmet needs <u>have been identified to be met.</u></u> <u>When considering such requests, the Boroughs will apply the criteria in Appendix 6 to determine whether an unmet need genuinely exists and that provision of capacity available within East London is the most appropriate means by which such an unmet need should be met. The quantum of capacity to be shared will be based on the capacity of sites considered for release by this Plan (see Table 9) and of those that may be released in future (see Appendix 4) and recent or known future flows from the source WPA to facilities in East London safeguarded by this Plan. It should be noted that the most recent dataset for 2023 shows significant tonnages of waste that arise from outside the ELJWP area are managed at facilities located within the ELJWP area (hence the existence of the identified capacity surplus).</u> 4.12 <u>The mechanism for sharing capacity is via the preparation of</u> Any agreements, on sharing capacity will be formalised in a Statement of Common Ground, (or similar) to which all the East London Boroughs party to the ELJWP, and the Borough (or other Plan making entity) seeking to share <u>the</u> East London <u>site</u> capacity will be signatories. Such agreements would cover a specified period (which may be less than the period of this Plan) and <u>then</u> be subject to review and renegotiation, including as part of future reviews of the ELJWP. Such agreements will be <u>monitored and</u> reported in the East London Boroughs' Authority Monitoring Reports <u>published annually.</u>
MM27	n/a	New appendix following appendix 5	<i>Insert new appendix:</i> <u>Appendix 6 - Information Requirements for Capacity Sharing Requests in the event of future site release</u> <u>In advance of the future release of safeguarded waste sites through a waste plan review or a borough local plan, the ELBs will invite requests to share capacity of those sites.</u>

Ref	Page	Policy / Paragraph	Main Modification
			<u>Any requests to share capacity made by London Waste Planning Authorities (WPAs) will be assessed on a case-by-case basis taking into consideration the waste management context of the ELJWP area and 'source' Plan area at the time. In particular the quantum of flows between the source WPA area and East London.</u> <u>Factors to be considered include:</u> 1. <u>The provision of robust evidence that demonstrates the predicted quantum of unmet need by waste type (HIC, C&D and hazardous) and capacity type in the source WPA(s). This should be demonstrated using the same methodology as used to calculate waste capacity for this Plan set out in the ELJWP, Assessment of Existing Capacity.</u> 2. <u>In addition, the provision of relevant information including:</u> a. <u>assessed capacity at existing waste sites located in the source WPA and how adopted waste planning policy promotes proposals to maximise said capacity (as per London Plan Policy SI 8 A.3))</u> b. <u>that all existing waste sites (including those safeguarded via the London Plan by virtue of being subject to Environment Agency permits) are being safeguarded subject to appropriate release criteria (as per London Plan Policy SI 8 A.2))</u> c. <u>whether any waste sites have been lost in the source WPA, and if so, how compensatory capacity has been secured (as per London Plan Policy SI 9 C.)</u> d. <u>an assessment of Strategic Industrial Locations, Locally Significant Industrial Sites, non-designated industrial sites, safeguarded wharves and existing waste and secondary material sites present within the WPA Plan area that may be suitable to accommodate additional capacity as per London Plan Policy SI 8 B 4) b) and any proposals promoted by the source WPA to release such land for non-industrial uses via its Local Plan</u> e. <u>whether any planning applications that would increase capacity sought in the source WPA area have been refused, and if so the reasons for that refusal</u> f. <u>demonstrating that all options have been explored to identify suitable locations to accommodate additional capacity within the source WPA(s) area (consistent with national policy[1] and the London Plan Policy SI 8) and in any other London WPA Plan areas with which a demonstrable relationship exists. This should include the results of any Call for Sites and Site Assessment exercise and how any decisions not to allocate land that may meet the need for which capacity is being sought, were reached.</u>

Ref	Page	Policy / Paragraph	Main Modification
			3. <u>The existence of significant recent or known future flows of waste between the source authority area and the ELJWP area which will be used to determine the quantum of capacity that may be shared. To include comparisons with any other London WPA(s) with which the source WPA area has an established relationship and if a request to share capacity has been made to that potential donor WPA and if so, the outcome and basis of the donor WPA's response.</u> <u>The London Plan is expected to be updated during the ELJWP period. Updates to capacity-sharing or changes to apportionments brought about by the updated London Plan will be considered when assessing the evidence.</u> <u>Specific references to parts and policies of the London Plan 2021 in the above text, should be taken to relate to the corresponding sections in the subsequent versions of the London Plan, where applicable.</u> <i>[1] Insert new footnote:</i> <u>In particular, see sections 4 and 5 of National Planning Policy for Waste (October 2014) & Para 28 NPPF (December 2024)</u>

Monitoring Framework

Theme	Indicator	Targets / Milestones	Trigger threshold	Consequential Action	Related Objective	Related Policy	Responsibility	Source	Frequency
Safeguard existing waste management capacity	Number of safeguarded sites/ <u>amount of safeguarded capacity</u> lost to alternative development <u>where not properly justified</u>	No net loss of safeguarded waste management sites/ capacity	<u>Loss of 1 site or more offering 500tpa plus capacity without compensation</u>	<u>Review awareness of and barriers to implementation of policy by DM officers.</u> <u>Review effectiveness of policy to require compensatory capacity</u>	SO6	JWP2, JWP2B,	LPAs, Development Industry <u>Waste Industry</u>	Planning Applications	Annual

	Percentage of safeguarded sites operating at full capacity	95% of safeguarded sites operating at full capacity	<u>Less than 95% of safeguarded sites operating at full capacity</u>	<u>Review reasons for apparent excess capacity including whether additional excess capacity is being permitted.</u>	SO6	JWP2, JWP2B, JWP3	LPAs, Waste Industry	Planning Applications, WDI	Biannual
	Waste management capacity by waste category and position on the waste hierarchy (recycling / other recovery / disposal)	Surplus capacity to be maintained at least equivalent to that of sites identified with potential for future release (Appendix 4)	<u>Loss of 1 site or more offering 500tpa plus capacity without compensation</u>	<u>Review awareness of and barriers to implementation of policy by DM officers. Review effectiveness of policy to assess adequacy of compensatory capacity</u>	SO2, SO5, SO6, SO8	JWP2, JWP5, JWP6	LPAs - <u>DM function, Development Industry</u> Waste Industry	Planning Applications, WDI	Biannual
	<u>Requests for apportionment transfers and other capacity sharing agreements (waste types and quantities)</u>	<u>All apportionment transfers and other capacity sharing agreements are in accordance with criteria in Appendix 6</u>	<u>Any apportionment transfer or other capacity sharing agreements not in accordance with criteria in Appendix 6</u>	<u>Review reasons and seek to modify Appendix 6 at next Plan review if it appears criteria are not functioning as expected</u>	<u>SO4</u>	<u>JWP2</u>	<u>LPAs</u>	<u>LPAs</u>	<u>Annual</u>

Appendix 2 - 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