East London Joint Waste Plan
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Date: 24 July 2024

Dear Planning Policy Teams,

East London Joint Waste Plan Regulation 19 Submission Plan

Thank you for consulting us on the East London East London Joint Waste Plan (ELJWP) Regulation 19 consultation on 19 May 2025, delivered collaboratively by the London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge.

We have reviewed the ELJWP Regulation 19 submission and associated documents and have examined the challenges opportunities and key policy themes presented, in consideration of the environmental constraints within our statutory remit.

We have divided our response into the following sections:

- **General Comments**
  - Water Environment
    - Risk to Groundwater
    - Water Quality
    - Flood Risk
    - Climate Change and Resilience
    - Biodiversity and the Natural Environment
  - Management Capacity for Hazardous Waste
  - Sites for Waste Management
  - Sustainability Standards
  - TE2100
- **ELJWP Policies**
  - Policy JWP2: Safeguarding and Provision of Waste Capacity
  - Policy JWP2B: Wastewater Treatment Capacity
  - Policy JWP4: Design of Waste Management Facilities
  - Policy JWP5: Energy from Waste
  - Policy JWP6: Deposit of Waste on Land

We hope that you find our comments useful, and we would be pleased to meet with you to discuss in more detail any issues or queries you may have.

Our aim is to assist you in preparing and implementing a sound, robust and effective

plan that is reflective of national and local policy. We hope that this collaborative process leads to a plan that delivers sustainable development, contributes to a stronger economy and safeguards the environment for future generations.

Water Environment

Risk to Groundwater

We are satisfied that our previous comments have been incorporated. No further comments are necessary at this time.

However, for clarity on development types that we would object to in areas of groundwater sensitivity (e.g. Source Protection Zones), we recommend that the Plan refers to Position Statements E1 and F1 of the Environment Agency's Approach to Groundwater Protection, as previously outlined in our Regulation 18 response.

Water Quality

Sections 2.21–2.23 acknowledge the presence of water bodies under the Water Framework Directive (WFD) and their current failure to meet "Good" status. However, the Plan lacks a direct policy addressing:

- How the ELJWP might risk further deterioration of these water bodies.
- How such risks could be mitigated.
- How the Plan could actively contribute to improving water body status.

We strongly recommend the inclusion of a dedicated policy or a strengthened cross-reference within existing policies to address these issues. This should include:

- A clear commitment to avoid deterioration of WFD water bodies;
- Requirements for developments to assess and mitigate impacts on water quality;
- Opportunities for waste infrastructure to contribute to WFD enhancement objectives, such as through improved drainage, pollution control, or habitat restoration.

To support this, we recommend inserting a new paragraph (2.24) into the Plan as follows:

"Under regulation 33 of the Water Framework Directive (WFD), the Boroughs have a legal responsibility to have regard for the Thames River Basin Management Plan, which in turn has a legal responsibility to ensure that there is no deterioration in the ecological status of any RBMP water body or of its associated elements. The Boroughs therefore have a legal responsibility to avoid the deterioration of RBMP water bodies and their associated elements, and to support their enhancement objectives and measures. These Borough responsibilities are reinforced by the London Plan Policy SI 5 D1 (page 356)."

This addition would ensure the Plan aligns with legal obligations under the WFD and supports the long-term resilience of East London's water environment.

The Plan should also consider the potential impacts of uncontrolled airborne particles, leachate, and surface water runoff on nearby watercourses and their WFD status.

Flood Risk
Section 6.118 (Page 100) discusses the use of inert waste for flood defences. This is acceptable from a flood risk perspective, provided:

- The facility and flood defence are safe for their lifetime.
- There is no increase in flood risk elsewhere.

In line with the National Planning Policy Framework (NPPF, paragraph 170), inappropriate development in flood-prone areas should be avoided. Where development is necessary, it must be made safe without increasing flood risk elsewhere.

The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit for any activity:

- Within 8 metres of a main river (16 metres if tidal).
- Within 8 metres of a flood defence or culvert (16 metres if tidal).
- Within 16 metres of a sea defence.
- Involving excavation or quarrying within 16 metres of any main river, flood defence, or culvert.
- In a floodplain more than 8 metres from the riverbank, culvert, or flood defence (16 metres if tidal), where planning permission is not already in place.

Climate Change and Resilience
We welcome the inclusion of climate adaptation measures such as SuDS, green roofs, and drought-resistant landscaping. However:

- Planning approvals must align with EA permit requirements (e.g. impermeable surfaces vs. soakaways).
- Water-reliant dust suppression systems should be supported by adequate on-site water storage and pressure to reduce reliance on public water supply.

Biodiversity and the Natural Environment
We support the Plan's recognition of biodiversity but recommend stronger integration of aquatic systems and river corridors as ecological networks.
Suggested additions include:

- Avoiding fragmentation of ecological corridors.
- Enhancing riparian zones with native planting.
- Requiring BNG watercourse unit uplift for sites within 10m of riverbanks.

To strengthen paragraph 2.10, we suggest the following amendment;

"As well as green spaces, river systems run through each borough and function as crucial networks for ecological connectivity and biodiversity. Many waterbodies across the catchment are designated Sites of Importance for Nature Conservation, Sites of Metropolitan Importance for Nature Conservation, and SSSIs. As rivers provide critical habitat and migration paths for multiple species, these aquatic systems are crucial to support. There is a need for continued preservation and long-term management of both green and

blue areas within the Plan area, as well as consideration of potential effects on sites outside the Plan area boundary."

In addition, Section 6.96–6.97 (Page 93) discusses the integration of biodiversity measures into new buildings. While we support this approach, we recommend expanding paragraph 6.97 to include specific measures for enhancing riparian and aquatic biodiversity, particularly where development is proposed near watercourses.

Suggested amendment to paragraph 6.97:

"Measures to enhance biodiversity should be integrated into new buildings, e.g. biodiverse roofs, swift bricks or boxes, green walls and contribute to the achievement of the Local Nature Recovery Strategy for London. ***If site boundaries fall within 10m from the top of a river bank, an uplift in BNG watercourse units should also be achieved. Improvements to the riparian zone include additional native aquatic planting and removing hard engineering from waterbodies. Depending on the location in relation to protected habitats, and the nature of the proposal, a Habitats Regulation Assessment will need to be submitted. Baseline ecological surveying in the form of an Environmental Impact Assessment will be required to assess the risk of any new sites proposed."***

These additions would ensure that the Plan more comprehensively addresses the ecological value of aquatic systems and the need for their protection and enhancement in the context of waste infrastructure development.

Management Capacity for Hazardous Waste Planning

We note the projected shortfall of approximately 18,400 tonnes per annum (tpa) of hazardous waste capacity by 2041. While the Plan states that there is no borough-level self-sufficiency requirement and no new capacity is proposed, we are concerned that this approach—if adopted across London—could result in a lack of strategic planning for hazardous waste. Although this issue extends beyond the remit of the ELJWP alone, we intend to raise it with the Greater London Authority (GLA) as part of our engagement on the new London Plan. London has not had a new hazardous waste strategy in over a decade, and the issue of contaminated land also requires renewed attention.

Sites for Waste Management

We draw attention to the categorisation of 'safe sites' listed on pages 120–124. In particular, we highlight:

- **Biffa (formerly Renewi) – Jenkins Lane**
- **Frog Island**

These sites are currently out for tender, with permits required by Summer 2027. The ELWA procurement process suggests a potential shift to multiple operators and smaller-scale operations, A 'disaggregated' approach is being taken, meaning that separate contracts will be let for different types of services rather than one fully-integrated contract. The procurement process will be making sites available for bidders to use and will maintain the four existing Reuse and Recycling Centres.

However, the future use of the facilities at Jenkins Lane and Frog Island, which manufacture refuse-derived fuel (RDF) from residual household and commercial waste through mechanical-biological treatment (MBT), will be determined through the procurement process.

Sustainability Standards

We are pleased that the Plan reflects our previous comments by lowering the threshold for requiring a Circular Economy Statement and incorporating Site Waste Management Plans. However, we are disappointed that there is no mention of CEEQUAL (now known as BREEAM Infrastructure). This should be referenced as the appropriate sustainability standard for civil engineering and waste infrastructure projects, ensuring consistency with best practice in sustainable construction.

TE2100 Programme Comments

Lack of Reference to TE2100 Plan
The ELJWP fails to mention the TE2100 Plan, despite its relevance to Barking and Dagenham, Havering, and Newham. This is a critical omission, as TE2100 is the Government-adopted strategy for managing tidal flood risk in the Thames Estuary through to 2100 and beyond.

Underrepresentation of Tidal Flood Risk
Section 2.32 (Page 23) identifies fluvial and surface water flooding but does not meaningfully acknowledge tidal flood risk, which is a major concern for riverside boroughs.

Proximity of Waste Sites to Tidal Defences
Figure 4 (Page 25) shows a concentration of safeguarded waste sites near the Thames. The Plan does not address the implications of this spatial distribution on future defence upgrading, access, or resilience.

Missed Opportunities on Strategic Alignment
The ELJWP omits reference to the TE2100 Plan and does not propose safeguards to ensure that waste infrastructure will not:

- Compromise future flood defence upgrades.
- Prevent access for maintenance.
- Increase vulnerability in high-risk tidal zones.
- Conflict with riverside planning strategies.

Policy Recommendations and Alignment we strongly recommend:

- Incorporating policy text referencing the **TE2100 Plan** and supporting its objectives.
- Safeguarding flood defence infrastructure and ensuring compatibility with future defence raising.
- Aligning with the Joint Thames Strategy (Thames Strategy East) and riverside strategy approaches.

- Embedding tidal flood risk and strategic adaptation into site assessments and policy criteria.

The lack of integration between the ELJWP and the TE2100 Plan is a material weakness. Strengthening the Plan to explicitly recognise tidal flood risk and the TE2100 Plan's strategic implications is essential to ensure that East London's waste infrastructure supports, rather than hinders, the long-term resilience of the Thames Estuary.

Policy Comments

Policy JWP2: Safeguarding and Provision of Waste Capacity (Page 69)
We are disappointed that Barking Eurohub remains listed for release. While it has lost its designation as a waste site, it continues to function as a railhead, which is critical for the sustainable transport of freight, including aggregates. We strongly oppose any future proposals to redevelop this site for housing, particularly given the potential conflict with several key policies in the London Plan 2021:

- **Policy E4**: *Land for Industry, Logistics and Services* – which emphasises the need to retain industrial land, especially where it supports logistics and is well-connected to rail and river transport.
- **Policy E5**: *Strategic Industrial Locations (SIL)* – which seeks to safeguard SILs and promote their intensification, particularly where they are near public transport nodes.
- **Policy T3**: *Transport Capacity, Connectivity and Safeguarding* – which requires the safeguarding of land and infrastructure critical to the transport network, including railheads.
- **Policy SI 10**: *Aggregates* – which supports the safeguarding of railheads and wharves for the sustainable movement of construction materials.

Retaining railheads like Barking Eurohub is essential to achieving modal shift, reducing reliance on road-based freight transport, and supporting broader sustainability and emissions reduction goals. Redevelopment for housing would undermine these strategic objectives and compromise London's long-term infrastructure resilience.

Policy JWP2B: Wastewater Treatment Capacity and Sludge Management (Page 81)

We are pleased to see the introduction of Policy JWP2B which introduces a new section on sludge management, which falls within the remit of wastewater infrastructure. We emphasise the importance of ensuring that any future sludge treatment capacity is aligned with the Thames Water Drainage and Wastewater Management Plan. It is essential that such infrastructure does not compromise environmental protection or operational resilience, particularly in areas of high population growth and increasing wastewater demand.

Together, these policies must ensure that both strategic transport infrastructure and wastewater treatment capacity are safeguarded and planned for in a way that supports long-term environmental and operational sustainability across East London.

Policy JWP4: Design of Waste Management Facilities (Page 91)

We note that there have been no changes to the wording of Policy JWP4 since the previous consultation. We reiterate the following key points and provide further recommendations to strengthen the policy's alignment with environmental protection standards and regulatory requirements.

Definition of "Local Environment"
The "Purpose of Policy" section refers to protecting and enhancing the "local environment." However, this term is not defined. We expect that groundwater is explicitly included within the scope of the "local environment," given the sensitivity of the area and the potential risks posed by waste management activities.

Sustainable Drainage Systems (SuDS) and Groundwater Protection
Part A5 of Policy JWP4 discusses the use of SuDS at waste sites. We reiterate our advice that the Plan should reference Section G of the Environment Agency's Approach to Groundwater Protection, particularly:

G11 – Discharges of surface water run-off to ground at sites affected by land contamination, or from sites used for the storage of potential pollutants, are likely to require an environmental permit. This is especially relevant for sites handling hazardous substances (e.g., garage forecourts, lorry parks, metal recycling facilities). These sites must be subject to risk assessment and appropriate effluent treatment.

G13 – The Government expects SuDS to be implemented in new developments wherever appropriate. The Environment Agency supports this expectation. Where infiltration SuDS are used for surface run-off from roads, car parks, or public areas, they should:

- Be suitably designed;
- Meet the Government's non-statutory technical standards for SuDS, used alongside the National Planning Policy Framework and Planning Practice Guidance;
- Use a SuDS management treatment train to ensure robust pollution control.

Where infiltration SuDS are proposed in Source Protection Zone 1 (SPZ1) for anything other than clean roof drainage, a hydrogeological risk assessment must be undertaken to ensure no unacceptable risk to groundwater sources.

Alignment with EA Permitting Requirements
We welcome the inclusion of water efficiency, climate adaptation, and SuDS in Policy JWP4. However, designs must align with Environment Agency permitting requirements. For example, a SuDS area intended for soakaway drainage may not be permissible if the EA permit requires an impermeable surface. The Plan should include a reference to EA permitting stipulations when considering site design and drainage strategies.

We also recommend that the Plan address:

- The need for dedicated water storage and pressure systems for dust suppression during droughts, to reduce reliance on the public water supply;
- The potential impact of airborne particles, leachate, and surface water run-off on nearby watercourses and their WFD status.

Sustainability Standards and Environmental Permits
We support the requirement for the design of waste management facilities to address the efficient use of energy and water. We advise the application of CEEQUAL standards (now BREEAM Infrastructure) for the development or redevelopment of waste sites, as BREEAM 'Excellent' is often not applicable to such facilities.

Waste management facilities are likely to require an Environmental Permit. Operators should consult GOV.UK guidance to determine specific permit requirements and undertake appropriate risk assessments. The position statement and supporting text in Section F of the Environment Agency's Approach to Groundwater Protection should also be followed.

Biodiversity Net Gain (BNG) and River Basin Management Plan (RBMP) Objectives
We support the inclusion of BNG in Policy JWP4 but recommend the following additions to ensure alignment with RBMP objectives:

- "Avoiding any deterioration in the ecological status of RBMP water bodies or of their associated elements, and contributing to RBMP water body enhancement objectives and measures; and,"
- "Ensuring development of new waste management facilities shall sit well outside of the 8m buffer zone measured between the top of a riverbank and the development red line boundary, with no materials stored within the buffer zone; and,"
- "Avoiding fragmentation of ecological corridors between open green spaces, between waterbodies and of rivers and their floodplains."

Policy JWP5: Energy from Waste (Page 95)

We are surprised by the assertion in the ELJWP that there is no need for additional Energy from Waste (EfW) capacity in the area. This conclusion appears inconsistent with the current situation, where refuse-derived fuel (RDF) from the East London Waste Authority's (ELWA) mechanical-biological treatment (MBT) plants is exported to the continent. With the existing contract due to expire in 2027, future waste may

be redirected to the new Belvedere incinerator, which meets the London Plan's carbon intensity benchmarks.

While the strategic direction of waste disposal is primarily the responsibility of the disposal authority, we believe the ELJWP should play a role in encouraging consistency in carbon performance criteria for waste treated outside of London. This would ensure alignment with regional climate objectives and the principles of sustainable waste management.

We also note the inclusion of EfW as a key component of the waste strategy. We recommend that the policy be strengthened to explicitly require EfW proposals to:

- Demonstrate how they will deliver combined heat and power (CHP) or equivalent energy recovery;
- Minimise emissions and environmental impacts in line with Best Available Techniques (BAT).

Additionally, while point 5 of the policy stipulates operation as a 'heat and energy' plant, it does not require applicants to explain how this will be achieved. We suggest that an additional criterion be added to section 6.7 requiring EfW proposals to clearly set out their energy recovery strategy, including how heat and/or power will be utilised and distributed.

These enhancements would ensure that EfW developments contribute meaningfully to the circular economy and climate resilience goals of the Plan.

Policy JWP6: Deposit of Waste on Land (Page 97)

Section 6.77 should include flood defences as a valid engineering use for inert waste. The Plan should follow the Environment Agency's Approach to Groundwater Protection, particularly Position Statement E1, which outlines objections to landfill in SPZ1 and criteria for risk assessments in other areas.

Final comments

Thank you again for seeking our representation on the East London Joint Waste Plan Regulation 19 Consultation. We trust that the comments presented in this letter are clear and informative and would welcome the opportunity to meet with you to discuss in more detail any issues or queries you may have.

Should you have any queries regarding this response or require additional information or guidance on any of the points raised, please do not hesitate to contact me.

Yours sincerely,

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