Planning Inspectorate

London Borough of Barking and Dagenham, London Borough of Havering, London Borough of Newham, London Borough of Redbridge

Examination of the East London Joint Waste Plan

Post-Hearings Letter, 13 October 2026

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Inspectors appointed by the Secretary of State

Dear London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge,

Introduction

1. Further to the hearing sessions for the East London Joint Waste Plan (ELJWP or the Plan) and following progress on actions arising from them, we are writing to confirm the next steps for the Boroughs in relation to the Examination.

2. The Examination is not yet complete and will remain open until the consultation on Main Modifications (MMs) has concluded and our report is issued to the Boroughs. It follows that the contents of this letter are without prejudice to our final conclusions on the overall legal compliance and soundness of the ELJWP, which will be set out in our final report.

3. As we set out during our hearing sessions, the ELJWP is not sound and main modifications will be needed to address our concerns. At the close of the hearing sessions, we indicated that we would reflect on whether any further main modifications, other than those already discussed, might be necessary. The outcome of our deliberations in these respects is outlined below. In short, we consider that further main modifications are necessary.

4. In what follows, any examination library document references are given in square brackets [ ].

5. Aside from where specifically indicated, we are not inviting, nor do we expect to accept, any other correspondence in relation to this letter.

National Planning Policy Framework

6. A new version of the National Planning Policy Framework (the Framework) was published in August 2026 following the close of the hearings. However, this retains the transitional arrangements set out in the version of the Framework published in December 2024. The upshot of this is that the December 2024 Framework remains the 'relevant previous version' for the purposes of this examination.

The emerging London Plan

7. The ELJWP is required to be 'in general conformity' with the London Plan. We note that after the hearings on the ELJWP closed the Mayor of London published a draft of the emerging London Plan with supporting documentation (on 16 July 2026). Whilst the emerging London Plan is available in draft, it is subject to change through the consultation process. It follows that the London Plan published in 2021 remains the relevant one for the purposes of an assessment of general conformity.

8. In what follows in some instances we have found that the ELJWP is not in general conformity with the London Plan. Where we have reached this conclusion, the general conformity issues relate to the London Plan's fundamental approach to waste planning within Greater London. In our view, the London Plan remains the appropriate planning tier to address these fundamental issues, and its ongoing preparation and forthcoming examination exercises allow for that approach to be developed and appropriately tested.

Sharing waste management capacity

9. The Boroughs can demonstrate considerable surplus management capacity from the ELJWP's safeguarded sites over and above that needed to meet both the apportionments relating to household, industrial and commercial waste set out in the London Plan and the assessed arisings of construction, demolition and excavation waste for the Plan area. Sustainability appraisal [CD03] has been carried out on the Plan's approach to safeguarding, and the resultant amount of management capacity, where it performed favourably against a number of reasonable alternatives considered. In contrast, the London Borough of Tower

Hamlets (LBTH), which adjoins the London Borough of Newham, has a demonstrable shortfall of waste management capacity. Engagement has been ongoing through the plan-making process between LBTH and the Boroughs on this issue. However, as submitted, the ELJWP does not include provision to share some of its waste management capacity with LBTH.

10. The Framework establishes (at paragraphs 24 to 28) that effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered; and that any unmet needs from neighbouring areas are provided for where this is consistent with the presumption in favour of sustainable development. Further, in order to be positively prepared, a plan's strategy should accommodate unmet need where it is practical to do so. In addition, in preparing plans, waste planning authorities should work collaboratively in groups to provide a suitable network of facilities to deliver sustainable waste management (per paragraph 3 of the National Planning Policy for Waste).

11. The London Plan anticipates that 100% of London's waste should be managed within London (with the exception of excavation waste) and encourages boroughs to collaborate by pooling apportionment requirements (per Policy SI 8 (A)(1) and (B)(3)). It sets out 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 (paragraph 9.8.6). The London Plan also recognises that it may not always be possible for boroughs to meet their apportionment within their boundaries and in such circumstances boroughs will need to agree the transfer of apportioned waste, and are expected to demonstrate how pooled targets will be met (at paragraph 9.8.7).

12. Taking these things together leads us to the view that, as submitted, the Plan's approach to LBTH's unmet need for capacity for both its apportionments and construction, demolition and excavation waste arisings is not in general conformity with the London Plan, is not positively prepared and is inconsistent with national policy. It follows that main modifications are required to address this issue.

13. The London Plan sets out (at paragraph 9.8.7) several potential mechanisms where 'pooled apportionments' could be identified. These include bilateral agreements or joint evidence papers, which, in our view, may provide a means to address these issues in between plan-making cycles. In this case, LBTH raised this issue during the preparation of ELJWP, and provided the further detailed evidence sought by the Boroughs on the matter during that period. Against this background, to defer the ELJWP's approach to providing capacity for LBTH to a statement of common ground or similar would not result in the genuinely plan-led approach to development, or the clear and unambiguous policies that the

Framework expects (at paragraphs 15 and 16). Accordingly, in order to provide an effective approach, the level of unmet capacity that is to be managed in the Plan area should be reflected in the ELJWP.

14. Turning to the issue of the amount of ELJWP's capacity that should be shared with LBTH, as Policy SI 8 of the London Plan expects net self sufficiency to be achieved and that capacity of existing waste sites should be optimised, we are not persuaded that the wording of the London Plan's reasoned justification (9.8.6) caps this figure at one equivalent to the capacity of any sites that a plan intends to release from waste use. Neither do we consider it justified for the ELJWP to take on all of LBTH's capacity shortfall in the context of the proximity principle and the national policy expectation that plans should promote a sustainable pattern of development (per paragraph 11 of the Framework). This is because waste flows data supplied by LBTH in its Waste Data Study [REP03] (in Tables 7.3 and 7.4) show notable exports of waste to London Boroughs outside of the ELJWP area, which are nevertheless of comparable proximity to LBTH as some of the ELJWP Boroughs.

15. Furthermore, redevelopment of a site at Hepscott Road in LBTH pursuant to a planning permission granted by the London Legacy Development Corporation when it was the local planning authority for that part of the borough resulted in re-provision of 26,353tpa of waste capacity to a site in Barking and Dagenham. Whilst this is characterised (in the Statement of Common Ground [LPA09]) as a 'commercial decision' of the relevant operator, which had interest in both sites, it nevertheless points to provision of compensatory capacity relating to the loss of the LBTH site within the ELJWP area.

16. Taken together, these considerations lead us to the view that the amount of ELJWP's capacity to be shared with LBTH should include the following elements:

- An amount based on the proportion of the overall capacity shortfall relative to existing waste flows to the East London Boroughs;
- 26,353tpa arising from the Hepscott Road relocation.

17. Accordingly, we now invite the East London Boroughs to work together with LBTH to reach an agreed methodology and resulting capacity figures along the lines set out above. Updates to the information included in Tables 7.3 and 7.4 of the Waste Data Study [REP03] to include the latest available data could inform this. These agreed figures should form the basis for main modifications which would see the approach to capacity sharing clearly reflected in the ELJWP. This work should be undertaken in a timely manner to ensure an efficient timetable for the latter stages of the examination.

18. In the interests of effectiveness, a main modification is also needed to set out how the Boroughs will assess any other requests for capacity sharing agreements between plan-making cycles. The Boroughs' suggested modification (included in the Statement of Common Ground between the Boroughs and LBTH [LPA09]), which would see an appendix added to the Plan containing this information should form the starting point for this, but will need to be amended in line with the considerations set out above to provide a justified approach which is in general conformity with the London Plan.

Release of sites from waste use through the ELJWP

19. Policy SI 9 of the London Plan is clear that the proposed loss of existing waste sites will only be supported where compensatory capacity is made within London that must be above or at the same level of the waste hierarchy and at least meet, and should exceed, the maximum available achievable throughput of the site proposed to be lost. Capacity increases at waste sites to maximise their use where appropriate could provide compensatory capacity over a Plan period (per paragraph 9.3.9 of the London Plan).

20. Table 9 of ELJWP identifies two sites at Barking Eurohub to be released from safeguarding, but does not identify compensatory capacity to facilitate these releases, instead relying on the general surplus in management capacity that remains safeguarded across the Plan area. However, this surplus is based on assessed, rather than increased, capacities of the remaining safeguarded sites. Moreover, it is unclear whether the remaining safeguarded sites would manage waste at the same level of the hierarchy as the sites included in Table 9 or not. The approach is thus inconsistent with the London Plan and main modifications need to be made which either:

- identify how compensatory capacity would be provided for the Barking Eurohub sites to achieve general conformity on this issue; *or*
- in the absence of compensatory capacity, identify the Barking Eurohub sites as safeguarded ones, and delete references to them from Table 9.

21. To be clear, we consider that removal of safeguarding from the Old Bus Depot site remains justified due to the specific circumstances relating to its environmental permit. Furthermore, the removal of safeguarding from Connellys Yard is also justified on the basis that the Newham Local Plan requires compensatory capacity for the anticipated loss of waste uses from the site.

Longer term development options

22. The Plan identifies a number of waste sites as 'longer term development options'. These are set out at Appendix 4 of the ELJWP. It is anticipated that these sites could be released from waste use pursuant to future plan-making activity including through individual Boroughs' local plans. The timing for the release of these sites is unclear, and neither does the ELJWP set out the need to provide compensatory capacity for the loss of the waste sites as part of a plan-led process. As a consequence, the approach is not in general conformity with the London Plan (Policy SI 9 and paragraph 9.9.2) and is inconsistent with national policy (per paragraph 16(d) of the Framework). Main modifications are therefore needed which would see the longer term development options removed from the Plan.

Other losses of waste uses

23. Policy JWP2 contemplates situations where development would lead to the loss of capacity of waste sites. However, this is inconsistent with the London Plan which is clear that such changes should be plan-led rather than done on an ad hoc basis. Main modification is therefore necessary which would see the deletion of Policy JWP2(B) and its related reasoned justification to achieve general conformity with the London Plan on this point. In arriving at this view, we have taken into account the example of a decision relating to the London Legacy Development Corporation where an 'ad hoc' and not a plan led approach to release of waste uses has been taken. However, the operation of section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) allows for a broad consideration of an individual proposal's planning merits as happened in the London Legacy Development Corporation case. Accordingly, we consider that the effectiveness of the Plan would not be impaired by the removal of Policy JWP2(B) and related reasoned justification.

Sustainability Appraisal, Habitats Regulations Assessment and the policies maps

24. The Boroughs should consider whether the main modifications to the Plan will require further Sustainability Appraisal and Habitats Regulations Assessment work. As part of this work, the Boroughs may wish to consider the value in testing quantifiable reasonable alternatives in relation to taking on LBTH's unmet need to inform the approach to capacity sharing. If this work should be necessary, it should be progressed in step with the production of, and consulted on at the same time as, the final main modifications schedule.

25. At the hearings we discussed what changes might be necessary to the Boroughs' policies maps as a result of ELJWP and any necessary main modifications. The policies map is not a development plan document and as such, Inspectors do not

have the power to recommend main modifications directly to it. Nevertheless, it has a role in providing geographical illustration of the policies in the Plan. To ensure fairness, therefore it would be prudent to consult on any proposed changes to it alongside the main modifications schedule. The Boroughs should consider how best to progress this and liaise with us through the programme officer with their views.

Conclusion and next steps

26. Assuming that the Boroughs would be content to adopt the Plan on the basis of the recommendations set out above, we would be grateful if you would indicate the timescale necessary to address the identified actions, and to provide detailed wording of main modifications for our consideration.

27. In summary, we are of the view that the following actions are necessary:
    - Joint work between the ELJWP Boroughs and LBTH to agree capacity-sharing figures (see paragraph 17 above)
    - Main modifications to the Plan which appropriately reflect the agreed capacity-sharing figures (see paragraph 17 above)
    - Revision of the wording of the Boroughs' suggested modification relating to how capacity sharing requests would be assessed (see paragraph 18 above)
    - Main modifications which would secure an approach to sites removed from safeguarding that is in general conformity with the London Plan (see paragraph 20 above)
    - Main modifications which secure a soundly based approach to the 'longer-term development options' (see paragraph 22 above)
    - Main modifications to Policy JWP2 and its reasoned justification to secure general conformity with the London Plan (see paragraph 23 above)
    - Any necessary Sustainability Appraisal and Habitats Regulations Assessment work (see paragraph 24 above)
    - Any necessary amendments to the Boroughs' policies maps (see paragraph 25 above).

28. As ever, please do not hesitate to contact us via the Programme Officer if you require clarification on any of the above points.

Yours sincerely,

Thea L Davis and G J Fort

INSPECTORS