

London Plan Team  
Greater London Authority  
City Hall  
The Queen's Walk  
London  
SW1 2AA

2<sup>nd</sup> March 2018

Dear Sir/Madam

**RE: THE DRAFT LONDON PLAN DECEMBER 2017**

**Introduction**

This letter sets out representations made by Biffa Waste Services ('Biffa') which are submitted in response to the consultation on the draft London Plan December 2017 ('draft Plan'). These comments are made as a member of the waste and resources industry with interests in London, adjoining regions, and on a national level. As we are one of the UK's leading integrated waste management companies, we are in a position to provide the Greater London Authority ('GLA') with valuable market views that will aid in the production of a robust and deliverable plan.

Biffa has also made representations into the consultation on the draft London Environment Strategy ('LES') (August 2017). The draft Plan implements the objectives of the LES and as such we have re-iterated our comments to that consultation where relevant. This representation seeks to bring to the attention of the GLA those parts of the draft Plan that are not in conformity with national planning policies and where it is possible to do so, proposals for amendments are made in order to ensure that those policies are consistent with national planning policies.

In compiling this representation, Biffa has attended workshops organised by the GLA and the London Waste and Recycling Board and we extend our gratitude to those organisations.

**About Biffa**

Biffa is a leading UK integrated waste management company providing collection, recycling, treatment, disposal and technologically driven energy services across four operating divisions. We operate nearly 200 sites across the UK, servicing around 137,000 customers, collecting and processing around 7.2Mt of waste a year from businesses and householders. We are the UK's leading industrial and commercial waste collection service across a range of business sectors including manufacturing, retail and hospitality.

Our UK-wide operational infrastructure focuses on the processing of residual and recyclable materials and the creation of sustainable energy from the processing of waste, together with safe disposal of wastes still requiring that management solution. Our control of a substantial volume of waste arisings in the UK places us at the centre of a dynamic and growing sector

## **Representations into the draft London Plan – Chapter 9 (Sustainable Infrastructure)**

### *Policy SI3*

Please consider our representations in relation to policies SI8 and SI9 set out below. As described in those sections, the draft Plan is underpinned by the delivery of energy from waste infrastructure, which is reflected in policy SI3, and as stated at paragraph 9.8.5 this “[promotes] *local energy generation and benefit Londoners, improving London’s energy security...*”

However other policies of the draft Plan, and the objectives of the draft Environment Strategy which seeks to promote alternatives to incineration, may compromise the delivery of the objectives of policy SI3. Namely, policy SI8 unnecessarily restricts the types of facilities that could be developed based on the Carbon Intensity Floor thresholds. Further detail is provided in our representation to policy SI8 which we request is also considered against policy SI3.

### *Policy SI7 (Part A(3))*

Biffa supports the ambitions of the London Plan to drive waste management up the waste hierarchy. The delivery of a Circular Economy is underpinned by the sustainable waste management principles enshrined within the hierarchy. In order to deliver a holistic approach to the management of waste, the policies of the London Plan must acknowledge that *all* forms of waste management technology will be available in order to meet the waste management needs of London.

The aims of part A(3) of Policy SI7 seek to implement Circular Economy principles, removing waste with a value or contribute to a reduction in carbon emissions from final disposal where that value cannot be captured.

The draft Plan states that landfill facilities that accept London’s waste (including those located outside London) will reach capacity by 2026. The reality is that available landfill capacity may be exhausted before then as shown in the table below published by the Environment Agency:

## Regional picture 2016

Former Planning Region	East Midlands	East of England	London	North East	North West	South East	South West	West Midlands	Yorkshire & the Humber	ENGLAND
<b>Landfill Inputs</b>										
In 2016 (in 000s tonnes)	4,173	10,007	2,271	3,132	3,922	8,036	3,038	5,386	4,750	44,715
<b>Transfer Inputs</b>										
In 2016 (in 000s tonnes)	4,027	5,083	8,469	2,924	6,037	7,022	3,698	4,547	4,878	46,684
<b>Treatment Inputs (excluding metal recycling sector)</b>										
In 2016 (in 000s tonnes)	6,017	9,191	6,327	3,312	15,783	10,353	7,209	5,776	8,451	72,419
<b>Incineration</b>										
Inputs in 2016 (in 000s tonnes)	560	1,190	1,830	779	1,238	2,578	351	1,620	1,494	11,639
Permitted capacity at end of 2016 at operational incinerators (in 000s tonnes)	1,118	1,415	2,175	1,441	1,466	3,203	484	2,268	1,910	15,481
Number of operational incinerators in 2016	6	7	7	4	8	17	9	14	9	81
<b>Landfill Capacity &amp; Life</b>										
Remaining capacity for non haz merchant sites at end 2016 (000s cubic metres)	35,480	35,148	2,931	15,045	33,777	46,624	15,387	42,841	44,626	271,858
Remaining capacity for merchant haz sites at end 2016 (000s cubic metres)	1,040	-	-	6,985	6,481	550	1,748	-	2,514	19,319
Remaining capacity at inert sites at end 2016 (000s cubic metres)	23,524	35,952	518	10,237	6,680	29,795	9,763	14,559	16,747	147,775
Landfill Life 2016 for non haz wastes only based on 2016 inputs (years)	13.6	4.4	1.4	5.5	6.8	6.2	4.7	10.0	9.9	6.8
<b>Hazardous Waste</b>										
Managed in 2016 (tonnes)	461,663	361,480	397,133	527,296	642,261	647,479	386,079	514,438	620,248	4,558,077
Deposited in 2016 (tonnes)	776,053	325,955	170,408	623,817	751,637	455,765	420,689	694,305	706,680	4,925,309
No. of hazardous waste only landfills in 2016	2	-	1	2	6	3	4	3	2	23

Source: Environment Agency

This table demonstrates that landfill within London will be exhausted by mid-2018 and reliance on landfills in the surrounding region will increase, particularly as at present there is insufficient incineration capacity within London.

Biffa operates two major landfill sites in the region: Redhill (Surrey) and Westmill (Hertfordshire). Westmill has planning permission to 31<sup>st</sup> December 2021 for waste, whilst Redhill has permission to 31<sup>st</sup> December 2030. These may be exhausted earlier if input rates increase. Both facilities are regionally significant, and both accept significant quantities of waste from London (we have assumed that these have been considered in developing the draft Plan).

In order to support the increased recycling infrastructure that would be required to meet the proposed objectives of the draft Plan and the LES, infrastructure is also required for the by-products from those processes. Landfill supports these as a method of disposal of non-combustible, non-recyclable wastes, as acknowledged in the Waste Hierarchy and the EU Circular Economy Package. The UK economy is producing waste materials that have to be landfilled, which is beyond the control of the Mayor.

Paragraph 3 of the National Planning Policy for Waste ('NPPW') states that *"in preparing Local Plans, local authorities should...drive waste management up the waste hierarchy (Appendix A), recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal."*

This should be reflected in the policies of the Plan to be consistent with national planning policy. Biffa supports the proposals made by Environmental Services Association ('ESA') for an amendment to part A(3) of policy SI7 and we propose the following wording for consideration that will ensure consistency with the waste hierarchy and national planning policy:

***“Working towards zero biodegradable or recyclable waste to landfill by 2026 while ensuring that adequate provision is provided for those waste streams where landfill disposal is the most suitable method”.***

#### *Policy SI7 (Part A(4))*

Biffa has responded on this proposal in our response to the consultation on the LES. The LES seeks to achieve a 65% recycling rate by 2030, and this objective is implemented by the draft Plan. Appendix 2 (p88) of the LES states that this can be achieved by improving the amount of waste captured in household and non-household collections, and to increase the amount of waste that is taken out of the residual waste stream and recycled. Appendix 1 (p38) acknowledges that *“without interventions to reduce waste and boost recycling performance, waste arisings are expected to rise due to projected population increases and economic growth”.*

The supporting evidence base accompanying the draft LES did not assess the infrastructure needs that would be necessary to support these increased rates, and where that infrastructure would need to be located (albeit the LES stated that this was to be achieved in the new London Plan). Land use issues are a key driver to providing the necessary infrastructure and these should be considered at a strategic level in order that realistic, achievable targets can be set.

The draft Plan, however, does not achieve this. In the accompanying evidence base, the report titled: *“London’s Strategic Infrastructure Requirements – An Evidence Base to Help Deliver the Mayoral Strategies”* states, at section 4.5 (p141) that an additional 4 million tonnes of waste would need to be captured in order to achieve this target but that as the Mayor is not a waste planning authority it cannot identify land for waste management facilities. This will be the responsibility of the Borough Council’s and the relevant apportionment figures set out within the draft Plan. This appears contrary to the LES.

Market conditions are an important consideration in the delivery of recycling infrastructure. For example, on a national level the number of large operational Material Recycling Facilities (MRF’s) has dropped by 14 in just 2 years due to commercial pressures. Yet those remaining MRF’s have reported a 9% increase in the volumes processed. The trend appears to be towards larger, more efficient facilities that provide strategic-level waste management support.

Land-use issues and market forces are therefore key considerations in achieving the ambitions of the Environment Strategy which stated: *“The Mayor, through the new London Plan, will set policies for the identification and safeguarding of waste sites in London to enable 100 per cent of London’s municipal waste to be managed within London by 2026”* (Objective 7.4, p290). The draft Plan is still a land-use planning document and is required to be consistent with national planning policies.

The delivery of policy SI7 part A(4) is already compromised by the lack of discussion around these issues and it is not a sound approach to ensuring that the core principles of sustainable waste management are achieved. Waste is managed in the most economically viable way and this includes accordance with the proximity principle. In many instances the most sustainable location to manage London’s waste may be at facilities outside of its boundaries.

Additionally, waste can travel in more sustainable and economically viable methods, for example by rail (as referenced in the LES). The drive towards 100% net self-sufficiency is therefore not a practical or viable approach nor does it necessarily represent the most logical way to set policies for waste management (this is discussed below).

In order to deliver this objective, the London Plan needs not only to balance the requirements of waste management, but also numerous other land-use issues such as housing provision and growth in commercial and industrial areas whilst considering designations such as the Green Belt. Many such uses are incompatible with waste management uses and will restrict the deliverability of this core objective.

The drive towards 65% recycling would require not simply an improvement in the way with which waste services are procured but also an assessment of the capability of the existing waste management infrastructure to deliver those aims. Such an assessment would therefore lead to analysis of future needs and how that infrastructure can be delivered.

As we state in our 2017 report 'The Reality Gap', although further technology improvements could make recycling collection, sorting or recovery more viable and encompass materials that are currently not economically viable to recycle, as an operator we have seen little development in this area and the emphasis is instead on higher quality.

On a national level, after a period of very strong growth between 2000 and 2010 in recent years municipal recycling rates have plateaued at 45.2% for 2016 (Defra UK Statistics on Waste 2016). This is primarily due to public sector budget cuts and uncertainties around secondary materials markets, on a national and global level.

The draft Plan is rightly seeking to capture as much recyclable material from households as possible. However, the gains in recycling will be modest if there is no such equivalent stimulus to the secondary and recycled materials market. Ensuring that more recyclable waste is captured does not result in improved recycling rates if the materials are disposed of due to insufficient capacity to treat it and if weak or unstable commodity markets exist which will deter further investment from the private sector (the closure of recycling facilities described above is partly a product of that economic environment).

Setting high municipal recycling targets will not alone stimulate private sector investment which will also be reliant on commercial and industrial waste sources to bolster commodity production. The Mayor must recognise that the market is a dynamic and responsive one and commit to working with waste collection contractors in order to recognise the risks and address those before a robust strategy to achieve those recycling aims is presented.

Defra's forthcoming Resources and Waste Strategy will set out their approach to reducing waste and improving recycling rates. The draft Plan may therefore be premature ahead of a more comprehensive National strategy.

### Paragraph 9.7.5

Paragraph 9.7.5 states that when it is intended to export waste outside of London it will be necessary to demonstrate that the receiving Authority has the capacity to deal with waste over the life time of the development. Certain waste streams are able to be transported over greater distances than others. For example, contaminated soils (categories as CD&E waste), are already transported by rail for treatment. This is also the case with other hazardous wastes such as asbestos which are disposed of by landfill. Biffa's Redhill landfill includes a regionally significant hazardous waste disposal operation which receives wastes from London. This will eventually be exhausted and replacement capacity will need to be generated (as acknowledged at paragraph 9.8.15).

It is not clear in paragraph 9.7.5 what the aim of this requirement is. Many adjoining local authorities are currently reviewing their Local Plans and planning for sufficient capacity to meet their needs (and a proportion of waste from London, although this is politically sensitive in many cases). As stated in the NPPG, waste is a strategic issue which should be addressed through co-operation between authorities particularly where cross boundary movements are being planned for. The NPPG states that such discussions may include:

- *“gathering, evaluating and ensuring consistency of data and information required to prepare Local Plans. This may include joint commissioning of studies or the joint preparation of an evidence base*
- *engaging actively in dialogue, particularly on those types of wastes or waste facilities that will impact most on neighbouring authorities*
- *active engagement, where necessary, with planning authorities wider than just those who are their more immediate neighbours, particularly if dealing with waste streams for which there is a need for few facilities*
- *jointly monitoring waste arisings and capacity.”*

The draft Plan and accompanying evidence base does not demonstrate that any of those measures have yet been undertaken. In order to satisfy the Duty to Cooperate, those authorities should be engaged at the Plan making stage.

### Policy S18 (Part A)

The draft Plan rightly emphasises the Mayor's ambitions to move towards a Circular Economy and the proposals in the draft Plan reflect this through a drive towards more challenging recycling targets.

The LES stated that *“landfill and incineration are undesirable, costly and an inefficient use of resources”* (p252). The emphasis of the strategy of the carbon emissions of incineration gives the impression throughout the document that incineration is an inherently 'dirty' treatment process which does not represent the true efficiency of modern facilities. This position has been exacerbated by the recent statements by the London Environment Committee, and the publication titled *“Waste: Energy from Waste”* dated February 2017.



Appendix 1 (p43) of the LES stated that “London’s local authority collected waste sent to landfill releases around 300,000 tonnes of CO<sub>2</sub> equivalent each year” and p265 of the LES stated that incineration produced “around 560,000 tonnes of CO<sub>2</sub>e emissions”. Appendix 2 (p80) further states that “Most exported waste goes to landfills, mainly in the South East. Along with it goes the economic value of recovered materials for reuse, recycling or energy generation”.

Appendix 2 (p89) continues: “Sending high embodied carbon materials like plastics and textiles to incineration generates CO<sub>2</sub> emissions, whereas recycling these materials avoids CO<sub>2</sub> emissions.” This is a very simplistic statement. All waste management activities will generate CO<sub>2</sub> emissions, either through direct processing or through supporting functions such as transport.

The LES and accompanying evidence base does not acknowledge the gains that are made with carbon capture from landfill through on-site management of landfill gases. In the UK landfill gas engines generate circa >5,000 gigawatt hours of electricity which is fed directly into the national grid, which is nearly a quarter of all electricity from bioenergy sources in the UK. This in itself is becoming more efficient, through the use of battery systems for the storage of energy and this is recognised as an important technology for ensuring London’s energy needs are met (LES p246). Waste going to landfill is proven therefore to have value both in economic and environmental terms.

Nonetheless, both the LES and the draft Plan are reliant upon incineration technology in order to ensure that the strategy can achieve 100% net self-sufficiency by 2026. Policy SI8(D) part 3 includes a requirement for waste management facilities – in particular EfW – to meet the minimum CIF target of 400g of CO<sub>2</sub> per kilowatt hour. Paragraph 9.8.11 states that EfW proposals without suitable heat off-take will be effectively ruled out as a result.

### *SI8 (Part C(3))*

Paragraph 3 of the NPPW states that “waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams.” National planning policy is therefore technology neutral, and this approach is also supported in the Waste Management Plan for England (2013). In its current form, policy SI8 part C(3) is not consistent with national policy and should be amended to reflect that position.

Biffa proposes that a more suitable form of wording in the part 3 would be as follows:

***“Utilise waste as a resource to generate renewable, baseload energy through a range of appropriate energy from waste technologies.”***

This would ensure that the policy meets the requirements of national planning policies in this regard.

### *Policy SI8 (Part D)*

As we stated in our response to the consultation on the LES, the important factor to consider is how emissions are managed. In the case of incineration, facilities are required to operate within strict emissions limits prescribed in an Environmental Permit. In cases where the utilisation of heat is not possible or feasible, then maximising power production as a valuable low carbon, decentralised energy benefit is logical.

Whether a facility can provide heat will be dependent on whether heat off-take markets exist. This does not mean that a facility is inefficient, however if demand does not exist (by house builders or industrial customers), then power production is the appropriate focus. Therefore, CIF targets set out within Policy S18 part D do not recognise this value. The challenge will be, therefore, to ensure that such facilities are co-located with other land uses and this should be an objective of the London Plan as the over-arching land-use planning document for London.

It is therefore proposed that the following is considered for inclusion within Policy S18 part D:

***“In considering the obligations of part 3) proposals for the co-location of appropriate energy from waste facilities with residential, industrial and commercial land-uses will be supported where that facility is able provide suitable heat off-take to such developments and is consistent with other policies the Plan.”***

#### *Tables 9.1 and 9.2 and Waste Forecasts*

As stated in our response to policy S18 part D, the draft Plan in its current format does not adequately plan for the management of waste within London since it does not make provision to manage all waste arisings. As such, it is our view that the Plan has underestimated the amount of waste that will be required to be managed throughout the Plan period and is based on an evidence base that is not sufficiently robust.

The NPPG states that “*The Local Plan relating to waste should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste up the hierarchy.*” However, Local Plans need to plan for all wastes at all levels of the waste hierarchy whilst aspiring to achieve this ambition.

The NPPG lists the types of waste that authorities should plan for to achieve the sustainable management of waste. Table 9.1 of the draft Plan only provides forecasted waste arisings for household and commercial and industrial wastes, contrary to the NPPG. Furthermore, the evidence base used to determine the figures for Table 9.1 (Waste Forecasts & Apportionments – Task 1, SLR March 2017) does not consider a wide range of indicators that can be used to determine waste forecasts, instead relying only on the number of occupants per household (section 2.3.3).

At section 2.3.1 of the Task 1 document, SLR acknowledge that a marked decline in per capital waste generation was coincident with the onset of the 2008 recession. It is therefore evident that other factors have an effect on waste generation over and above household size (the projections for which will vary greatly over time).

Consequently, it is our view that the draft Plan does not account for all of London’s waste arisings since those that are described are minimum targets. As such the waste management infrastructure requirement for London may be significantly underestimated. Whilst the draft Plan is – and should – plan for waste reduction measures, it should also ensure that it will be able to apply sufficient contingency by using more robust data.

There is also concern that the evidence base is not utilising current national planning policy. The document titled “Task 4 – Updating the Apportionment Method” produced by SLR (August 2017) surprisingly references PPS10 as justification for limiting the waste types that should be considered. PPS10 was superseded by the NPPW, and guidance contained within the NPPG.



The draft Plan cannot, therefore, be considered ‘sound’ when tested against paragraph 182 of the NPPF. We urge the GLA to review the policy justification within the evidence base.

#### *Table 9.3*

The assumptions set out within table 9.3 are contrary to the objectives of policy SI8 part A, since it considers that there would be zero waste exported out of London from 2026 onwards. In order to achieve net self-sufficiency there would always be an allowance for cross-boundary waste movements since the draft Plan is planning to manage “*the equivalent of*” 100% of London’s waste arisings. There is also acknowledgement that waste exports are anticipated at paragraph 9.8.3.

As demonstrated above, certain waste streams are more appropriately managed at regional facilities that are situated outside of London (e.g. asbestos) whilst other wastes can be transported via rail for treatment at other suitable sites (e.g. contaminated soils). It is not necessarily the case that all wastes can be suitably managed within London, certainly not without more substantial investment in infrastructure and that investment is underpinned by the targets of the draft Plan, which are based on an incomplete evidence base (see response to Tables 9.1 and 9.2).

This position is exemplified by facilities such as the London Rail Hub at the Greenwich Peninsula, which is a high profile site for the export of material for remediation outside of London. It is not clear that such facilities have been given weight in the forecast of wastes to be managed, since that material is not publicly available, however we have assumed that this is the case given the strategic importance of such facilities.

#### *Paragraph 9.8.4*

Whilst not part of the policy wording, paragraph 9.8.4 determines when waste is deemed to be managed in London. Reference is made to sorting and bulking of wastes, and the production of RDF and SRF with the inference being that those mechanisms will contribute to waste management targets and net self-sufficiency. This is not the case. It is right to recognise the supporting role RDF export is currently playing to help compensate for the shortfall of EfW capacity in the UK, but these operations should be considered as an intermediate step towards waste treatment and should not be considered against the waste management targets of the draft Plan.

#### *Paragraph 9.8.5*

Paragraph 9.8.5 recognises that waste can make a contribution to the energy needs of London. As demonstrated in our response to SI8 part A, the waste management objectives of the draft Plan are underpinned by reliance upon energy from waste technologies. However, the draft Plan does not provide any policy guidance for provision of such facilities in order to meet its policy aspirations and those of paragraph 9.8.5. In any event, the draft Plan has not considered the impact of existing RDF and SRF exports (currently in the region of 3 million tonnes per annum) nor does it propose any mechanisms (land-use or otherwise) for ensuring that it would be utilised within London for the Plan period.

### *Policy S19*

Biffa supports the inclusion of a robust policy that seeks to safeguard waste management facilities within London and we welcome the positive approach being adopted through policy S19, and the recognition of the importance of existing waste infrastructure in paragraph 9.9.1. This approach is consistent with national planning policy (NPPW, paragraph 8).

We propose that background text within paragraph 9.8.17 is included within the policy wording itself, as follows:

- A Following the Agent of Change principle, developments adjacent to waste management sites should be designed to minimise the potential for disturbance and conflicts of use.***
- B Existing waste site should be safeguarded and retained in waste management use;*
- C Waste facilities located in areas identified for non-waste related development should be integrated with other uses as a first principle where they deliver clear benefits;*
- D Waste plans should be adopted before considering the loss of waste sites. The proposed loss of an existing waste site will only be supported where appropriate compensatory capacity is made within London that must at least meet, and should exceed, the maximum achievable throughput of the site proposed to be lost.*

### *Paragraph 9.9.2*

We support the objective of providing compensatory waste capacity if loss of existing capacity is unavoidable. The existing wording does not state that there would be no overall net-loss of capacity within London, and as such this should be incorporated to ensure consistency with policy S19.

### *Paragraph 9.9.3*

The draft Plan should be cautious about an over reliance on increasing capacity at existing locations to meeting the waste management apportionments defined in the draft Plan. There are numerous land-use constraints within London which have already resulted in existing sites becoming restricted, particularly when considering encroachment from residential uses and the future demand for housing provision. Policy S19 will provide some additional mitigation in this regard. It should be borne in mind that operators will always seek to maximise the potential of existing assets, but that these constraints can be prohibitive in realising such potential.



## Summary

This representation seeks to bring to the attention of the GLA those parts of the draft Plan that are not in conformity with national planning policies and where it is possible to do so, proposals for amendments are made in order to ensure that those policies are consistent with national planning policies.

We would welcome the opportunity to discuss the matters raised in this representation. Should you require clarification on any of the information set out within this letter, then please do not hesitate to contact me on .

Yours faithfully  
**For Biffa Waste Services**

**James Stewart-Irvine**  
**Planning Manager**

