

London Waste Planning Forum

Response to London Plan consultation

This is the response to the London Plan consultation from the London Waste Planning Forum (LWPF). The LWPF is a forum for local authorities and organisations concerned with planning for waste in London. For the local authorities, this is waste planning under their statutory responsibilities as planning authorities. This is distinct from their separate responsibilities for household waste collection and disposal. The GLA and Environment Agency are among other organisations who are members of the forum, alongside private sector organisations. The Forum exists to enable authorities to engage and cooperate on strategic waste matters that cross administrative boundaries.

We would like to thank GLA officers for continuing involvement in our meetings. In particular GLA officers contributed to discussions on the waste element of the London Plan review in advance of the consultation and we are grateful for that opportunity to contribute to the review of the Plan. We helped GLA officers organise a special LWPF meeting to discuss the changes to the apportionment methodology of the London Plan and we are grateful for the open manner in which that consultation was carried out.

This response was informed by the LWPF meeting held in January 2018 and draft of the response was circulated for comment. The LWPF response does not prejudice the ability of member organisations and waste planning authorities from submitting separate or differing comments on these issues to the GLA.

1 Municipal waste target:

We note the new recycling target for municipal waste. This replaces the recycling target for household waste. London Environment Strategy explains the logic behind the thinking. The London Plan defines municipal waste

Based on the EU definition of municipal waste being household waste and other waste similar in composition to household waste. This includes local authority collected waste and commercial waste.

Municipal waste is therefore comprised of household and commercial waste, but not industrial waste. The Environment Agency's Waste Data Interrogator, which is used by most agencies for waste data, lumps household, industrial and commercial waste together under the 'HIC' category. Consequently it will not be possible for boroughs to monitor how much 'municipal' waste is being recycled. In the absence of any commitment to monitoring from the GLA (see our comment below) this is problematic in terms of how boroughs will know how they are doing against the target.

It also leaves uncertain the expected contribution of LACW to the municipal waste target. The ability to contribute to the recycling target will vary from borough to borough. For some boroughs these targets are very challenging especially inner and central London boroughs with lots of flats and fewer gardens yielding up green waste. Other boroughs will be able to achieve higher recycling levels and it is important that the targets are applied to London as a whole. The LES implied that boroughs would get individual targets for the

achievement of LACW. It would make sense for these targets to be incorporated into the London Plan target. This is another reason why the Mayor needs to commit to monitoring waste arisings and the achievement of targets.

2 Zero biodegradable or recyclable waste to landfill

In principle this target is welcomed. It is difficult to monitor this and the GLA needs to commit to monitoring this for London as a whole.

3 CD&E target and policy

In common with the RTABs for the South East and the East of England, LWPF suggests that the recycling target for CD&E of 95% is amended to a target of 95% for Construction and Demolition waste only and not for Excavation waste. As a consequence Excavation waste should be taken out of the Mayor's commitment for net self-sufficiency by 2026. This is because the target is not achievable for E waste.

As a result of the *Methley* decision, the Environment Agency has had to change its regulations covering waste recovery on land. What was previously considered recycling is now considered landfill and schemes like Wallasea Island which took construction spoil from Crossrail are now less likely to happen as a result. Such operations will be considered landfill from now on. The Technical Report says that in 2015 3.7mt inert waste went to landfill in the wider south east (Task 2 para 2.4.2). This is indicative of how it is difficult at the best of times to recycle E waste.

This change to the target would make London's E waste a strategic issues that needs to be taken up at the wider south east level. The management of E waste should be specifically listed as a topic to be discussed with the WSE RTABs in the last sentence of 9.8.3.

In 9.7.4 the Mayor sets out his suggestions for what boroughs should encourage for CD&E. This could be expanded but also needs to be set within a wider policy approach. Under the NPPW and NPPG, boroughs need to plan for CD&E waste but London Plan doesn't mention this. LWPF suggests a new addition (4) to policy S18 B:

S18 B [Development plans should]

4) set out how construction, demolition and excavation waste and hazardous waste will be managed

London has embarked on a number of big tunnelling projects starting with Crossrail and Thames Tideway Tunnel. There should be a requirement within the London Plan for the Mayor to agree a strategic plan for the waste from the promoters of large infrastructure projects. After 9.7.4 the LWPF suggests an addition relating to excavation waste.

When large infrastructure projects are proposed, such as Crossrail2, the Mayor will ensure that through the supporting environmental statement that the best environmental option practicable for the management of these materials is used.

The Mayor needs to commit to monitor this target.

4 Hazardous Waste

There is very little said about hazardous waste in the London Plan. By its nature, hazardous waste is a wider than local issue but paragraph 9.8.15 gives the responsibility to boroughs to plan for this waste stream but it is not clear how boroughs can do so. It is suggested that, alongside Excavation waste, hazardous waste should be specifically listed as a topic to be discussed with the WSE RTABs in the last sentence of 9.8.3. In addition, 9.8.15 should be amended to acknowledge the wider-than-local nature of hazardous waste movements and include a commitment by the GLA to work with boroughs and the WSE to identify hazardous waste management needs and plan for it.

5 Exports

Excavation waste from large infrastructure projects in London may well end up being exported out of London. The additional text after 9.7.4 proposed in 3 CD&E target and policy above deals with the project level. In terms of the duty to co-operate responsibilities of boroughs, 9.7.5 could be better phrased to describe what needs to go on

9.7.5 When it is intended to **export waste** to landfill outside of London, it will be important for boroughs to show that the receiving authority-authorities haves the capacity to deal with waste over the lifetime of the development-local plan. This will also help receiving authorities plan for future needs.

Table 9.3 does not paint the right picture about exports. The London Plan and technical reports make clear that large amounts of different types of waste will still cross administrative borders even if the net self-sufficiency target is reached. Table 9.3 only refers to household and C&I waste. It should include "net" in the title. It would be useful if the table also contained imports to London. This would give a better picture of what London is able to provide as a balance for exports. It would also be helpful if the supporting text set out what type of facilities London is seeking to help achieve net self-sufficiency and what type of facilities London has already (see comments under 9 Net self-sufficiency below).

6 Circular Economy Statement

LWPF supports the proposed requirement for a "Circular Economy Statement". This has the potential to assist boroughs in their duty to co-operate discussions on movements of waste and inform authorities outside of London how much waste they will receive. Further guidance on this will be key as it is not clear how or what information will be collected, recorded, monitored or accessed by waste planning authorities wishing to utilise this information. The LWPF looks forward to working with the GLA to develop the guidance.

7 Waste reduction

The principle of waste reduction is supported. However the London Plan does not make clear how Development Plans should meet the Policy SI8.B.1) requirement to "*identify how waste will be reduced, in line with the principles of the Circular Economy and how remaining quantum of waste will be managed*". The major part of any waste reduction strategy will take place outside the planning system as part of international, national and local policies. Planning's function would be largely concerned with making sure that new developments take into account the need to move waste up the hierarchy by providing facilities for waste management and collection. There is also a clear link with existing Construction

Management Plans and the proposed Circular Economy Statements. The supporting text should to SI8 should give examples – or the GLA should agree to cover this in the future Circular Economy Statement guidance.

The GLA’s consultants SLR did model an anticipated reduction in waste in the Technical Studies. However it is noted that studies undertaken by Arup for the London Waste and Recycling Board’s circular economy work indicate that that much higher waste reduction levels than those built into the GLA technical studies are possible for London if the circular economy approach is embedded into future development.

8 Waste Projections

The GLA has developed waste projections (displayed in Table 9.1) for London’s C&I waste using a methodology that is no longer used by waste planning authorities. It is still using results from the 2009 Defra Survey which was withdrawn by Defra in 2015. This means the data is currently eight years out of date. Almost all waste planning authorities are using the methodology set out in the Defra Report “*New Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England*” published in August 2014. Using the withdrawn 2009 survey almost certainly overestimates the amount of C&I arisings meaning that waste planning authorities will have to identify more land than is required to meet their waste needs.

In addition, as mentioned above, studies undertaken by Arup for the London Waste Recycling Board’s circular economy work indicate that that much higher waste reduction levels than those built into the GLA technical studies are possible for London if the circular economy approach is embedded into future development. The GLA should carry out sensitivity testing of the data using the 2014 Defra approach to C&I projections and using the Arup circular economy findings to compare the different results.

Tables 9.1 and 9.2 need to be based on the best available data. Subsequent to the publication of the waste technical papers, the Environment Agency have supplied the GLA with ORATS data that covers all data sources within the Agency. The Agency has told us that the ORATS data contains data that was not identified or used in the technical studies. LWPF suggests that the GLA publish an update to the published technical studies and update Tables 9.1 and 9.2 where appropriate.

9 Net self-sufficiency

LWPF considers it is unlikely that London will be net self-sufficient in all wastes in 2026 or any subsequent date while excavation waste remains part of the target. Excavation waste is largely managed outside London and it is unlikely that London will be able to manage the equivalent level of arisings within London to achieve the net self-sufficiency targets. See related comments under 3 CD&E targets above.

The Mayor needs to make clear what is required in terms of treatment facilities, if only in broad terms, to meet the target of net self-sufficiency by 2026. It needs to be built on an inventory of London’s existing treatment facilities and the areas of strength that London has where it manages more than arisings.

10 Apportionment

The apportionment methodology has been overhauled with the involvement of boroughs. However the final decision on content was taken by GLA following up on borough responses from consultation.

The main data source used was industrial land in London which is under pressure from so many uses. The implication was that this land is suitable and available and there was no allowance for historic patterns of waste management. There seems to be no consideration for other policies or strategies which identify this same industrial land for other uses, such as Opportunity Areas. The effect has been to shift apportionment towards the outer boroughs away from the inner boroughs.

In terms of meeting apportionment most boroughs are part of joint waste plan groupings and most progress on waste planning has been made within these groups. However there remains a number of boroughs not within groupings. If the Mayor really wants boroughs to work collaboratively, it is suggested that Policy SI8.B.2 could be strengthened by replacing “boroughs are encouraged to collaborate by pooling their apportionment requirements” with “boroughs should collaborate”. The supporting text in 9.8.7 could then expand on this.

The London Plan needs to be clear about the responsibilities of the boroughs to meet their waste apportionments. Para 9.8.7 states:

Boroughs should examine in detail **how capacity can be delivered at the local level** through site allocations in Development Plans to meet their apportionments, and should aim to meet their waste apportionment as a minimum. However, this may not always be possible and boroughs will need to agree the transfer of apportioned waste.

However, in practice, the boroughs are not able to “agree the transfer of apportioned waste” because it requires one borough to give up likely treasured capacity to another. If the Mayor has in mind a mechanism for further distribution of apportioned waste to reflect the ability of each borough to accommodate waste facilities then the London Plan should clearly state this. If the Mayor wishes boroughs to further re-distribute apportioned waste beyond any pooling of apportionment, the GLA will need to act as a broker.

11 Mayoral Development Corporations and waste

There are currently two Mayoral Development Corporations (MDC) in London, the London Legacy Corporation (LLDC) and the Old Oak and Park Royal Development Corporation (OPDC). They have been set up for particular purposes and are at different stages. They are time limited organisations with fewer powers than a local authority. More MDCs could be created in future. Each MDC is both planning authority and waste planning authority for the defined “development area”. Currently, MDCs are not given an apportionment of waste to plan for.

The role of MDCs and waste is a standing agenda item at LWPF meetings because the co-operation of MDCs is critical to the ability of many boroughs to meet their apportionment targets. It is also significant for joint waste planning groupings in London and WPAs outside of London because it potentially affects the achievement of net self-sufficiency sub regionally within London and also at the London level.

MDCs and the boroughs working with them sometimes have differing views on how MDCs can best contribute towards waste planning. Some boroughs argue at LWPF that MDCs should be given an apportionment target because the MDC areas contain “suitable and available” industrial land for which the MDCs are the planning authority and which are not therefore available to meet the borough’s apportionment without the co-operation of the MDC. The MDC representatives at LWPF do not support being given an apportionment target because MDCs are temporary bodies and therefore it would be difficult to give apportionment to organisations that may not last the full plan period. In addition, it is a challenge to model growth and therefore waste arisings within MDC areas. It is up to the Mayor to decide whether to give the MDCs an apportionment target.

The draft London Plan at 9.8.7 states:

Mayoral Development Corporations should cooperate with boroughs to ensure that the boroughs’ apportionment requirements are met. This could be widened to cover boroughs in the relevant waste disposal authority.

It is suggested the last phrase be changed to “relevant joint waste plan grouping” because the policy is about waste planning not waste disposal.

Paragraph 9.8.7 makes clear that MDCs need to co-operate to help meeting borough apportionments, but the extent of this co-operation is in question because of prevarication in the second sentence of the extract above. To avoid protracted negotiations on this matter, the Mayor needs to further consider MDC’s responsibilities for planning for apportionment targets and other waste streams, and the potential outcomes of each option.

12 Definition of waste management

In 9.8.4 the addition of the production of SRF and RDF is welcomed.

13 Location of waste facilities

The London Plan retains the emphasis on locating waste facilities on existing sites, SIL, LSIS and wharves. Large scale redevelopment areas are included in the text below but it is not clear what type of waste facilities might be most appropriate in these areas, nor who would develop and manage them.

The LWPF is concerned about the policies in the London Plan that imply that greater intensification and co-location of facilities can enable mixed use growth to occur, while retaining existing waste facilities and enabling more to be located in the same areas. There are few successful examples of co-location of waste and other uses. Building housing near waste sites almost always results in lower capacity at those waste sites in order to deal with amenity and regulatory issues.

There is confusion in policy S18 about how boroughs should demonstrate that sufficient land is identified to meet their apportionment. Recent experience in London and the rest of England demonstrates that few landowners and operators put forward sites for waste use as part of a call for sites. As a result it is increasingly necessary for planning authorities to

identify areas of search in which suitable sites for waste use may come forward. It would not be reasonable therefore for the Mayor to insist on the *allocation of sites* to demonstrate that there is sufficient amount of land allocated to future waste management. In 9.8.7 LWPF suggests the following change

Boroughs should examine in detail how capacity can be delivered at the local level through ~~site allocations~~ the identification of suitable land in Development Plans to meet their apportionments, and should aim to meet their waste apportionment as a minimum. However, this may not always be possible and boroughs will need to agree the transfer of apportioned waste. Boroughs should identify suitable additional sites for waste including waste transfer sites where practicable, or otherwise areas of search.

14 Safeguarding and compensatory re-provision

LWPF believes that if a capacity needs to be re-provided (in SI9) because a waste site is lost, it should be necessary to consider the last five years throughputs (para 9.9.2). Where a safeguarded waste site has been out of active use for some time, it should be appropriate to assume a throughput per hectare such as used by the GLA or the borough in their evidence base.

In addition, given that the apportionment system in London relies on every borough playing their part, a surplus of capacity in one area may be a deficit in another. Therefore there should not be release of waste sites except on a London-wide basis. The LWPF suggests the following change to 9.9.3

If such increases are implemented over the Plan period, it may be possible to justify the release of waste sites without capacity re-provision if it can be demonstrated that there is sufficient capacity available elsewhere in London at appropriate sites over the Plan period. In such cases, sites could be released for other land uses.

Paragraph 9.8.7 under SI8 states “*Plans or agreements safeguarding waste sites should take a flexible approach.*” This appears to contradict Policy SI9 which requires boroughs to identify and safeguard all existing waste sites and retain them in waste use and should therefore either be deleted or cross referenced to SI9 to ensure a consistent approach.

15 Agent of change

LWPF supports the application of this principle (in 9.8.17) when sensitive uses are located near existing waste site and recommend it goes into the policy SI9. It is in policy D12 and is referred to in SIL, wharves and sites policies amongst other references.

16 SI10 Aggregates

Policy SI10.A.4) Aggregates has a target of recycling 50% of CD&E waste as aggregates by 2020. It is not clear what the baseline recycling figure is and this will be required in order to monitor the effectiveness of the policy. Paragraph 9.10.3 references Policy SI7 and it is suggested that Policy SI10 is similarly referenced in paragraph 9.7.4.

17 Monitoring

No monitoring indicators are proposed for waste. The Mayor needs to commit to monitor waste management in London to see if the targets are being met. The Mayor needs to commit to monitor

- Arisings across major waste streams
- Achievement of waste targets set out in London Plan
- Imports and exports to and from London
- Net self-sufficiency and apportionment